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The Republic of Happiness: James Wilson, Political Thought, and the American Revolution

Kevin Diestelow

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The Republic of Happiness:
James Wilson, Political Thought, and the American Revolution

A thesis submitted in partial fulfillment of the requirement
for the degree of Bachelor of Arts in History from
The College of William and Mary

by Kevin Diestelow

Accepted for ___Highest Honors___
(Honors, High Honors, Highest Honors)

____Simon Middleton____
Professor Simon Middleton, Director
James P. Whittenburg

____Professor James Whittenburg

____John Lombardini____
Professor John Lombardini

Williamsburg, VA
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Introduction: James Wilson's World

The struggle to understand and define the American Revolution is as old as the nation it founded. Part of that struggle stems from the Revolution's momentous importance and its status as the primary organizing event around which we consider the purpose and promise of American life. Beyond the weight it holds in contemporary politics and national character, the Revolution's legacy is complicated by the sheer number of experiences it engendered. It impacted people across all levels of society, from enslaved individuals dreaming of freedom, to the King of Great Britain determined to maintain the empire he believed was his divine birthright. It was a military conflict, a political reorganization, an economic exercise and an intellectual exploration. Fields ranging from fashion to philosophy felt its impact. The challenge for historians studying the Revolution is to make sense of all of the different threads which comprise it.

Reflecting on the event in his retirement, John Adams offered a definitive view of what aspects of the Revolution carried import. "The Revolution," he wrote, "was effected before the War commenced. The Revolution was in the Minds and Hearts of the People."¹ To Adams, what was most important was its intellectual dimension: the change in expectations and feeling among citizens who envisioned new ways of thinking about society, about politics, about the very relationship between individuals and the world around them.² Had he lived long enough to offer a disinterested reflection on its meaning, it is likely that James Wilson, one of Adams'

¹ John Adams, "From John Adams to Hezekiah Niles, 13 February 1818," *Founders Online*, National Archives.

² In *Inventing the People*, Edmund Morgan argues that the success of government depends on the acceptance by the people of a fictitious set of values or beliefs which bind them to the polity. The Revolution successfully shifted the set of values accepted by the American people away from monarchical right and instead emphasized the innate power of the people. Adam's emphasis on intellectual transformation highlights this way of conceptualizing the Revolution. See: Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America*, (New York: Norton, 1988).

contemporaries, would have agreed with him on the importance of the Revolution's intellectual dimension.

James Wilson is an understudied yet intriguing member of the founding generation. Born, raised, and educated in Scotland, he was one of the eight signers of the Declaration of Independence from outside the colonies and one of two who hailed from Scotland. Physically, he was reported to be quite striking. Like George Washington, he was taller than the average person and as noted by his biographer Charles Page Smith, "inclin[ed] a little to stoutness," which made him a commanding presence upon entering a room.³ Hopelessly nearsighted, he wore a distinctive set of thick spectacles which, perched upon a perfectly coiffed white wig, make him easily recognizable in portraits from the era. Most who commented on his personality mentioned his erudition and rhetorical skill, with John Adams even remarking in a letter to his wife Abigail that his first impressions of Wilson were of his "Fortitude, Rectitude, and Abilities."⁴ Speaking of him at the Constitutional Convention, fellow delegate William Pierce noted Wilson's "fine genius" and the fact that he was "well acquainted with man and...the passions that interest him." Pierce also noted his aptitude in government while claiming Wilson to be "no great Orator." Instead, "He draws the attention not by the charm of his eloquence, but by the force of his reasoning."⁵ Another commentator also found Wilson to be "'haughty' and 'aristocratic.'" Even

³ Charles Page Smith, *James Wilson, Founding Father, 1742-1798*, (Chapel Hill: UNC Press, 1956), 202.

⁴ "John Adams to Abigail Adams, 23 July 1775," *Founders Online*, National Archives. This letter was written after Wilson first arrived at the Continental Congress as a member of the Pennsylvania Delegation. Interestingly enough, Adams' praise of Wilson was written in comparison to John Dickinson, who taught Wilson the law. Adams' dig towards Dickinson suggests that even at this early date he was already frustrated by Dickinson's characteristic moderation.

⁵ William Pierce, "Notes of Major William Pierce (Georgia) in the Federal Convention of 1787", from the Avalon Project, https://avalon.law.yale.edu/18th_century/pierce.asp. By drawing attention to Wilson's connection of man's nature and moral reasoning to political reasoning, Pierce correctly summarized the motivating forces behind Wilson's unique approach to political thought.

so, that writer still labeled him as “intrepid, energetic, eloquent, profound, and artful.”⁶ James Wilson was all of these things. Across his career, he was recognized as a man of both prodigious skill and great intellect who gained influence through the force of his ideas.

Throughout his life, Wilson held a variety of public offices. He began as a lawyer and then revolutionary organizer on the Pennsylvania Frontier and ended as a Supreme Court Justice. In between he was a representative to the Continental Congress, a signer of the Declaration of Independence, France’s Advocate-General in the United States, and perhaps most importantly, a delegate to the Constitutional Convention.⁷ Wilson also grew to be considered one of the elite members of Pennsylvania society, holding memberships in many of Philadelphia’s most prestigious social organizations and clubs. He also acquired a vast fortune through landholding and speculation although these habits ultimately led to his downfall: Wilson died disgraced and on the run from creditors in 1798.

Wilson’s life is best characterized using the words chosen by Page Smith in his biography: “a life of the mind.”⁸ Wilson was educated in Scotland at the Universities of St. Andrews and Glasgow during the height of the so-called Scottish Enlightenment, making him one of the best-educated men in the founding generation. He thought deeply about political issues and commented not only on the pressing issues of the day but also on wider intellectual frameworks and thought patterns. Although eighteenth-century intellectual life was not segmented into the disciplines we now take for granted, Wilson made meaningful contributions to what would become political science, law, moral philosophy, and the political economy.

⁶ Max Farrand, ed., *The Records of the Federal Convention of 1787*, vol. 3, (New Haven: Yale University Press, 1911), 236.

⁷ Wilson also briefly served as a commissioned militia colonel in Cumberland County militia regiment, although he never saw service or led his troops in any meaningful way.

⁸ Charles Page Smith, *James Wilson, Founding Father*, 205.

Despite his importance to revolutionary thought, historians have given him little attention, especially when compared to his more celebrated contemporaries. The only full-length biography of Wilson was written by Page Smith in the 1950s. Although it contains a thorough treatment of his life events, its dated writing style and sparse analysis limit its utility to modern scholars. At its best, it is a useful starting point for understanding Wilson and for filling in narrative gaps. In place of full treatments, the scholarship on Wilson is defined by a series of articles and chapters which generally only deal with specific elements of his thought including topics like his place in American memory, his use of metaphor as a philosophic device, or his theory of revolution.⁹ Although these articles are each interesting in their own right, they limit our ability to draw comprehensive characterizations of Wilson across his long and varied career.

As a result, scholarly consensus on Wilson's thought is remarkably uneven. The fundamental problem is the gap between Wilson's historical reputation and the actual reality of his recorded thought. As a wealthy gentleman and member of the political elite, Wilson moved within the highest circles of Philadelphia Society — leading to charges of anti-democratic and even aristocratic behavior. His closest associate, Robert Morris, was renowned for his opposition to popular democracy and during the tumultuous period in Pennsylvania following Independence, Wilson often found himself in opposition to popular actors and sentiments. As a result, many glancing accounts of Wilson's life and work in less specialized treatments characterize him as both conservative and anti-democratic.¹⁰ Contrary to this record, however, a

⁹ See for example: Nicholas Pedersen, "The Lost Founder: James Wilson in American Memory." *Yale Journal of Law & the Humanities* 22, no. 2 (2010): 257-337.; Stephen A. Conrad, "Metaphor and Imagination in James Wilson's Theory of Federal Union." *Law & Social Inquiry* 13, no. 1 (1988): 1-70.; and George M. Dennison, "The 'Revolution Principle': Ideology and Constitutionalism in the Thought of James Wilson," *The Review of Politics* 39, no. 2 (1977): 157-91.

¹⁰ See for example: Terry Bouton, *Taming Democracy: 'the People', the Founders, and the Troubled Ending of the American Revolution*, (Oxford: Oxford University Press, 2009).

careful reading of his thought reveals an inherent “radical democratic streak” that runs in opposition to his historiographical reputation.¹¹ Those who move beyond the superficiality of his position in society have identified several key traits which shed light on the peculiarities and potential problems at the core of Wilsonian thought.

First, Wilson was uniquely optimistic as a thinker when compared to other prominent members of the Founding Generation. Whereas John Adams possessed a dark dyspeptic outlook on humanity that colored his views of government, Wilson never doubted that humanity was at its heart good and that the human experience trended towards improvement and positivity.¹² This philosophical outlook also separated him from someone like James Madison, a contemporary often compared to Wilson due to their combined influence at the Constitutional Convention. At its heart, Madisonianism carries with it the assumption that different societal interests are irreconcilable and in opposition. Madisonian thought revolves around the careful control and mitigation of those interests through careful institutional design.¹³ Wilson rejected that kind of division of society. Instead, in keeping with a characteristically optimistic outlook, he believed in the power of societal improvement to promote virtue, limit vice, and solve the issues that Madison addressed in his own thought.¹⁴

The philosophical approaches which undergirded Wilson’s thought also differed dramatically from many of his contemporaries. It has been said by one modern commentator that

¹¹ Aaron T. Knapp, “Law’s Revolutionary: James Wilson and the Birth of American Jurisprudence,” *The Journal of Law & Politics* 29, no. 2 (2014): 190.

¹² For the most thorough treatment of the interaction between Adams’ pessimism and his political thought see: Nancy Isenberg, and Andrew Burstein, *The Problem of Democracy: The Presidents Adams Confront the Cult of Personality* (New York: Viking, 2019).

¹³ Madison’s philosophy of interests is best expressed in Federalist no. 10. See: James Madison, “Federalist No. 10,” in *The Federalist*, (New York: Barnes and Noble, 2006), 51-59.

¹⁴ Aaron T. Knapp, “Law’s Revolutionary,” 194-198.

the totality of American thought during the Revolution can be traced back to John Locke.¹⁵ While that may be true of certain members of the Founding Generation, it does not accurately reflect Wilson's philosophical origins. Wilson was heavily influenced by the Scottish common-sense school of philosophy and believed strongly that, as phrased by one historian, "a citizenry who have adopted philosophical skepticism will lose their political freedom."¹⁶ In place of philosophical skepticism, he believed that politics derived from moral precepts, and in keeping with the teachings of common sense philosophy, believed that the most important moral precepts could be traced back to first principles and the will of God. This outlook drove Wilson towards a heavy consideration of the power of natural law in political life that colored much of his thought. It also led him to consider the ways in which moral health intersected with political action, leading to what one historian referred to as "polite republicanism."¹⁷ Wilson always viewed politics as a way to fulfill the tenets of natural law through the cultivation of virtue.

Wilson also considered the individual to be the key object of political action. It is again useful to compare Wilson to Adams and Madison, contemporaries with whom he bears superficial similarities, in order to understand Wilson as a thinker. Adams emphasized balancing the three orders of society together through mixed government to ensure harmony and the protection of rights.¹⁸ Madison was primarily concerned with controlling and mitigating faction. By contrast, Wilson, in blending his fundamental optimism with common-sense teachings,

¹⁵ C. Bradley Thompson, *America's Revolutionary Mind*, (New York: Encounter, 2019), 32-34.

¹⁶ Roberta Bayer, "The Common Sense American Republic: The Political Philosophy of James Wilson (1742-1798)," *Studia Gilsoniana* 4, no. 3 (2015): 206.

¹⁷ Stephen A. Conrad, "Polite Foundation: Citizenship and Common Sense in James Wilson's Republican Theory," *The Supreme Court Review* (1984): 359-88.

¹⁸ The most thorough work analyzing Adams' political philosophy as a whole is Richard Alan Ryerson, *John Adams's Republic: The One, the Few, and the Many*, (Baltimore: Johns Hopkins University Press, 2016).

looked to the individual as the primary target of political action and his goal was always to promote individual advancement and improvement. This, he believed, would secure the benefits of republicanism while protecting the republic from the dangers of tyranny and internal collapse.

Part of the problem with understanding Wilson lies in the fact that he was not a particularly ideological thinker in a recognizable modern sense. Factionalism and the rise of party politics in the 1790s shifted political culture in a modern direction, making accounting for the movements of political actors prior to this point more difficult for modern historians.¹⁹ Although much work has been done by historians to excavate the ideological minds of early American thinkers, ideology often provides a poor foundation from which to analyze the nature of political discussion in the eighteenth century. The most important consideration we can make is that the seeds of what we now recognize as political science and political theory were planted firmly in the field of moral philosophy. Politics was a moral endeavor, and so to understand Wilson's thought we must approach it in terms of morality.²⁰

Several scholars have adopted a moral lens when studying Wilson. These sources add much to our consideration of his thought.²¹ They note that Wilson's adoption of common sense philosophy, strong belief in moral improvement and optimistic philosophical outlook provided

¹⁹ This tendency is one explanation for the gap between Wilson's action and reputation. Because he derived political beliefs from conceptions of morality and not ideological preferences, modern scholars studying ideology often see contradictions in his thought that could be better resolved by adopting a moral lens.

²⁰ C. Bradley Thompson has argued persuasively for the importance of morality in understanding eighteenth-century politics in *America's Revolutionary Mind*. His method utilizes the connection between moral reasoning, moral principle, motives, and actions to argue that shifts in moral reasoning occasioned shifts in action during the Revolution. Wilson's thought exemplifies his argument.

²¹ See for example: James R. Zink, and Michelle Schwarze, "James Wilson's Science of Politics and the Moral Psychology of American Constitutionalism," *American Political Thought* 7, no. 4 (2018): 588-613.; Stephen A. Conrad, "Polite Foundation"; Eduardo A. Velásquez, "Rethinking America's Modernity: Natural Law, Natural Rights and the Character of James Wilson's Liberal Republicanism," *Polity* 29, no. 2 (1996): 193-220; and Roberta Bayer, "The Common Sense American Republic."

critical structure to his politics.²² One of the most perceptive critiques of how moral philosophy shaped Wilson's thought is offered by Eduardo A. Velásquez, who argues that Wilson's combination of Hobbes' and Locke's emphasis on passion with Scottish notions of sociability led him to create a modern liberal theory of republicanism predicated on the moral health of individuals. The result of this, Velásquez argues, "is a view of the liberal republic as an arena for the activation and expansion of the moral sentiments, not merely as a mechanism for the balancing of interests."²³ Velásquez correctly surmises that Wilson's view of the self differed significantly from his contemporaries, and in accounting for that difference, our understanding of the character and nature of the American republic changes.²⁴ Attention to Wilson reveals the ways in which the American project was above all else a moral project founded in a strident understanding of natural law. Velásquez's analysis is rooted primarily in Wilson's natural law teachings, which provide an important foundation for understanding him as a moral thinker. By extending this contention to cover Wilson's actions and thoughts across his career, we can gain a stronger understanding of the way moral quantities shaped Wilson's approach to politics. And, above all others, the moral quantity which mattered most to Wilson was happiness.

Happiness was an oft-used term in eighteenth-century thought, so much so that it is often difficult to track exactly what a writer meant when invoking the term because its use required little explication for contemporary readers. Its most famous usage during the period, at least to present-day readers, came in the Declaration of Independence which labeled its pursuit an unalienable right alongside life and liberty.²⁵ But Jefferson was not the only writer to invoke the

²² James R. Zink, and Michelle Schwarze, "James Wilson's Science of Politics," 592-598.

²³ Eduardo A. Velásquez, "Rethinking America's Modernity," 193.

²⁴ Eduardo A. Velásquez, "Rethinking America's Modernity," 194-197.

²⁵ Although many scholars have conflated Jefferson's pursuit of happiness with Lockean notions of property, this is inappropriate. See for example: William B. Scott, *In Pursuit of Happiness: American Perceptions of*

term. It has been argued persuasively that rather than being characterized as ‘the age of reason’ the eighteenth-century intellectual world ought to be characterized as the ‘age of happiness,’ given its centrality to thought at the time.²⁶ Rather than being primarily concerned with abstract rationality, thinkers were concerned with the improvement of the human condition. “The pursuit of happiness,” one historian writes, “was the overriding purpose of enlightened thought.”²⁷ Through happiness, enlightened eighteenth century thinkers hoped to craft a better world.

In modern terms, happiness usually refers to a glancing or temporary feeling of emotional contentment. When eighteenth-century thinkers invoked the term, they referred to several conjoined ideals that carried a much deeper meaning. First, philosophically the idea of happiness was tied closely to natural law and the pursuit of virtue.²⁸ It was widely accepted that God, in creating humans, made “happiness” the chief end of their existence and that to be happy meant one was living in accordance with the will of God. Said the famed English jurist William Blackstone, “[the Creator] has...so inseparably interwoven the laws of eternal justice with the happiness of each individual, that the latter cannot be attained but by observing the former.”²⁹ To be happy was to be at peace with one’s surroundings through the sound application of virtuous conduct. As the century progressed, natural law philosophers extended this contention to make

Property from the Seventeenth to the Twentieth Century, (Bloomington: Indiana Press, 1977). Scott argues that Jefferson used happiness to largely mean property, but that he substituted happiness to add a moral dimension to the discussion, largely as a response to slavery. While property plays an important role in happiness, eighteenth-century understandings of the term did not reduce it to only property. Jefferson’s use of the more expansive “happiness” in place of a term like property with a more restrictive definition challenges us to consider its meaning in a much wider context.

²⁶ Ritchie Robertson, *The Enlightenment: The Pursuit of Happiness 1680 – 1790*, (New York: Harper, 2021), Preface and Chapter I.

²⁷ Ritchie Robertson, *The Enlightenment*, xvii.

²⁸ See Carli N. Conklin, *The Pursuit of Happiness in the Founding Era*, (Columbia: University of Missouri Press, 2019).

²⁹ William Blackstone, quoted in Carli N. Conklin, *The Pursuit of Happiness*, 13.

critiques about the relationship between government and society, arguing that attaining happiness necessitated the alignment of government action with natural law.

Happiness also had more physical meanings as well and encompassed both mental contentment and material prosperity. When one was happy, they possessed the “security, stability, and peace” needed to prosper. To prosper on an individual level was to possess “serenely balanced intellectual moral faculties,” “to advance in the earthly realm” (meaning to achieve material success or achievement), and to “experience happiness around the domestic hearth.” In short, for eighteenth-century beings, earthly happiness was nothing less than “a glimpse of the eternal happiness of heaven.”³⁰ In less optimistic terms, happiness’ physical dimension could be tied to the pursuit of individual interest. As developed by historian David Wootton, one of the primary hallmarks of enlightenment thought was the progressive subjectivizing of previously rigid terms like happiness.³¹ Wootton argues that happiness began to be associated purely with the real experience of pleasure. This stands in contrast to the classical understanding of happiness, closely associated with the Greek concept of *Eudaimonia*, which associated pleasure with virtue. In practice, this meant that people began to define happiness not along abstract notions but rather along what interested them.³² Thus, happiness could take a variety of forms according to one’s tastes, ranging from the hedonistic accumulation of wealth for the merchant to virtuous poverty for the religious ascetic.

³⁰ Caroline Winterer, *American Enlightenments: Pursuing Happiness in the Age of Reason*, (New Haven and London: Yale University Press, 2016), Introduction.

³¹ David Wootton, *Power, Pleasure, and Profit: Insatiable Appetites from Machiavelli to Madison*, (Cambridge: Belknap, 2018).

³² David Wootton, *Power, Pleasure, and Profit*, Chapter 3-4. Wootton argues that this shift correlated with the logic of capitalistic markets to imbue the spirit of competition and endless pursuit into understandings of happiness.

Conceptions of happiness also intersected with the unique development of a republican political culture and economy. It has been persuasively argued that the evolution of economic concerns as a result of the commercial revolution helped drive a wedge between Britain and the colonies.³³ Part of that process involved the development of a distinct approach to political economic concerns which fused enlightened beliefs in the power of commerce to reform manners and promote virtue with the need for virtue to sustain a republican polity.³⁴ Although much emphasis has been placed on Jeffersonian republicanism in this context, Wilson's thought illustrates how active government could be made to support the cultivation of manners in the citizenry of a commercial republic. In the intellectual world of the eighteenth century, economic concerns were considered as moral issues. Happiness, as an intellectual quantity existed at this intersection point and provides an innovative way to consider the republic the founders struggled to create.

Wilson engaged with happiness in all of these fashions albeit with unequal weight. Like other eighteenth century political theorists, Wilson subscribed to the idea that happiness was both the end of government and the end of society more generally.³⁵ He believed strongly that

³³ T. H. Breen, *The Marketplace of Revolution: How Consumer Politics Shaped American Independence*, (New York: Oxford University Press, 2004).

³⁴ Drew R. McCoy, *The Elusive Republic: Political Economy in Jeffersonian America*, (Chapel Hill: University of North Carolina Press, 1980). The commercialization of society engendered strong responses from eighteenth century intellectuals ranging in extremes from denunciations of its degrading effects to strong assertions of support which eroded the distinction between vice, virtue, and morality. See for example: François Fénelon, *Telemachus* (1699), Patrick Riley ed., (Cambridge: Cambridge University Press, 1994).; and Bernard Mandeville, *Fable of the Bees* (1723), F.B. Kaye ed., (Oxford: Clarendon Press, 1924; repr. Indianapolis, 1988). In the American context, the founders largely chartered a middle ground, recognizing the necessity of commercial society and the benefits it could provide, while also taking steps to ensure that the constitutional structure they devised would limit its pernicious effects. This was certainly true of Wilson's thought. For an example of this kind of approach see: Adam Ferguson, *An Essay on the History of Civil Society* (1767), F. Oz-Salzberger, ed. (Cambridge: Cambridge University Press, 1995).

³⁵ This point was repeated constantly in Wilson's written works beginning when he was a young man and continuing through his law lectures, delivered near the end of his life when he was a Supreme Court justice and one of the most eminent jurists in the country.

happiness was derived from virtuous conduct and that to be happy one needed to cultivate their sense of morality. He also recognized that virtuous conduct resulting in happiness did not come naturally but could be instilled, refined, and improved by “habit and by frequent exercise.”³⁶ Although he emphasized the role cultivating virtue played in happiness, he did not hold that happiness referred exclusively to virtue. Instead, it can be said that Wilson viewed happiness in terms of individual improvement in all areas: to be happy was to continually strive to be better and more prosperous.³⁷ It is also clear that in his private life, as a merchant, politician, and leading citizen of Philadelphia, he exhibited the kind of worldly attention to the material that Wootton placed at the heart of happiness. Most importantly for our consideration, each of these feelings influenced the way he approached government and the development of republican society, and in following these strands, Wilson ascribed properly designed government a major role in promoting happiness. This relationship is crucial to any understanding of Wilson’s thought.

The goal of this thesis is to demonstrate the ways in which James Wilson’s understanding of happiness fundamentally shaped his political thought. As he placed happiness at the pinnacle of the human experience, it is not surprising that he developed his theories of political life to be in service to the pursuit of happiness. Chapter One will explore Wilson’s upbringing, education, and philosophical outlook on life in order to establish an understanding of his motivations and the basic underpinnings of his thought. Wilson’s Scottish education led him to a philosophical

³⁶ James Wilson, “Of the Law of Nature,” in *Collected Works of James Wilson*, Kermit L. Hall and Mark David Hall, ed. (Indianapolis, Ind.: Liberty Fund, 2007), 512. This belief drove Wilson to heavily consider the prospect of individual improvement as a part of republican government. Government was always intended to be in the service of individual citizens and that meant providing for their moral improvement.

³⁷ This vision of happiness shared much with Adam Ferguson’s view that happiness consisted of exerting one’s energy to achieve one’s full potential and aid one’s community. Adam Ferguson, *An Essay on the History of Civil Society* (1767), Section VII-VIII. See also: David Wootton, *Power, Pleasure, Profit*, 124-125.

outlook that differed from many of his colleagues and certainly diverges from popular understandings of revolutionary thought today. Any grappling with Wilson as a thinker must therefore begin at this basic level.

Chapter Two will apply Wilson's philosophical outlook to his work as a thinker and pamphleteer during the Imperial Crisis, illustrating that his attachment to happiness drove his personal theory of revolution. Much attention has been paid by scholars to the coming of the Revolution and many theories for why the event occurred have been offered.³⁸ By foregrounding happiness in Wilson's thought, I show that his motivation for revolution was driven not only by the violation of colonial rights by the British Government but also by the British Government's failure to actively promote colonial interests and development. In advocating for revolution, Wilson argued not for the negative restriction of government but rather for the positive advancement of a specific kind of government grounded in a unique republican approach to political economy and his own conception of happiness.

Chapter Three develops the lasting cornerstone of Wilson's career: his attention to constitutional theory. Beginning in Pennsylvania and then moving forward to the national stage, Wilson worked to translate the kind of government he had envisioned during the Revolution into reality. More than any other delegate save James Madison, the final Constitution bears Wilson's fingerprints.³⁹ Wilsonian constitutionalism, dedicated to the promotion of happiness, was

³⁸ These theories are generally ideological in nature and focus on the constitutional dispute over rights between colonists and mother country. More recent work has also incorporated politico-economic arguments as well, arguing that the revolution began largely as a specific critique of their place in the empire by American colonists. Wilson's attention to morality could easily be seen as a philosophic reflection of the critiques profiled by these imperial minded economic historians: what was important was not only that the British government was restricting their rights, but also that they were not doing enough to actively promote colonial interests.

³⁹ It should also be noted that since the ratification of the constitution both law and popular sentiment have moved away from Madison and towards Wilson especially on crucial matters like the direct election of senators and the election of the president through the Electoral College.

premised on individual consent, active government, and the ability of individuals to improve both their physical condition and mental capabilities through participation in republican government. Enshrined at the heart of the Constitution, yet underappreciated by scholars, is Wilson's devotion to a republic based on happiness.

Uncovering Wilson's "republic of happiness" allows for a reconsideration of the Revolution as a whole. Popular understanding of the Revolution often hinges on its supposed libertarian qualities: the shackling of government in order to promote the freedom of man. This was not Wilson's revolution. Rather than being devoted to limiting government, Wilson's revolution was devoted to empowering government in specific ways. Rather than seeking to liberate man through the promotion of the detached pursuit of self-interest, Wilson sought to improve man's condition by attaching him to the common good and to a common understanding of morality consistent with natural law. Attendance to James Wilson's political thought reveals the ways in which the founders envisaged that republican government would lift up the conditions of those who participated in it. Wilson believed that "peace and [the] order of society, can be obtained only by a system of government."⁴⁰ To reach these lofty aspirations, it was necessary that government be properly designed, and above all else, be devoted to "the final end of our existence": happiness.⁴¹

⁴⁰ James Wilson, "Of Government," in *Collected Works*, 690.

⁴¹ "For the Pennsylvania Chronicle. The Visitant" *Pennsylvania Chronicle*, February 1, 1768

Chapter One: Happiness' Foundation

James Wilson was born in the hamlet of Carskerdo in Fifeshire, Scotland in 1742 and remained there until 1765 when, aged 23, he departed for Pennsylvania and a new life in the colonies. During his time in Scotland, he came of age and through his education formed a hardened approach intellectual life. This worldview colored his thought long after he had emigrated to the colonies and attained prominence. While a student at the University of St. Andrews and then the University of Glasgow, Wilson gained access to the vibrant intellectual culture of the Scottish Enlightenment which fundamentally shaped his thought and work during the American Revolution. Understanding the intellectual world of James Wilson therefore requires an understanding of the Scottish world in which he was trained. The curriculum he encountered in Scotland gave Wilson a far different philosophical base than many of his contemporaries; one based in common sense philosophy, a particular conception of natural law, and above all, a belief in the power of happiness. Throughout his life, he remained devoted to these ideals and it is through them that Wilson's thought is best synthesized.

The most frequently cited account of Wilson's upbringing and education comes from Charles Page Smith's 1956 work. With descriptive language verging on the romantic, it emphasizes the religious element of Wilson's early life and erroneously claims that Wilson's only university training was at the University of St. Andrews.¹ According to Smith, Wilson's formal education was devoted to preparing for the ministry and he states that it was because of the death of his father that he ceased his religious studies and pursued an alternative employment

¹ Charles Page Smith, *James Wilson, Founding Father, 1742-1798*, (Chapel Hill: UNC Press, 1956.), Chapter 1. Smith's biography utilizes a style which is far heavier on narrative construction and embellishment of detail than it is on rigorous application of analytical historical methods. It also contains a false story that Wilson's father was a leader in a breakaway movement from the Scottish Kirk which Smith uses to make many of his assumptions about Wilson's faith.

path. Smith's account relies almost entirely on one source: a letter from Wilson's cousin Robert Annan which was sent to Wilson's son Bird in 1805.² Given that Annan described events which had transpired almost 60 years before and that he had departed for America before Wilson left St. Andrews, it is unsurprising that the letter contained inaccuracies. Recent scholarship has painted a far different picture of Wilson's life and education in Scotland.

Wilson's education was both more intensive and far-reaching than what was relayed in Smith's narrative, a fact which greatly impacts how scholars must consider Wilson as a thinker.³ More recently discovered evidence reveals that Wilson attended not only St. Andrews, but also the University of Glasgow before emigrating to the colonies.⁴ His background was also far more steeped in legal training and natural law philosophy than Smith's religious narrative portrayed. This previously unknown educational chapter of Wilson's life suggests he possessed a far more developed understanding of moral and natural law philosophy prior to his emigration to America.

The scholarly environment of Glasgow exposed Wilson to a broader range of professors and courses than he would have experienced at St. Andrews. While the full record of what he did as a student there remains unknown, it is clear that he took classes in divinity, the humanities, and natural philosophy.⁵ In particular, the books he is recorded as signing out suggest he studied two philosophical domains which influenced his later thought: Thomas Reid's *Common Sense*

² Robert Annan, "Letter to Bird Wilson", May 16, 1805, Benjamin Rush Papers, 43:133, Historical Society of Pennsylvania, Philadelphia.

³ Martin Claggett, "James Wilson—His Scottish Background: Corrections and Additions," *Pennsylvania History: A Journal of Mid-Atlantic Studies* 79, no. 2 (2012): 154-76.; and William Ewald, "James Wilson and the Scottish Enlightenment," *University of Pennsylvania Journal of Constitutional Law* 12, no. 4 (2010): 1053-1114.

⁴ Martin Claggett, "Scottish Background," 164-166. Claggett offers signature analysis of the University's library lending lists and stent rolls to show that Wilson attended classes in Glasgow from 1763 into 1765. Claggett also notes that it is likely that Wilson served as a clerk in an Edinburgh merchant house, which was also previously unknown.

⁵ Martin Claggett, "Scottish Background," 166-173. We do not know Wilson's exact course through Glasgow. After two years of study, students were entitled to attend any lectures free of charge. As a result, book receipts and examination fees become a less reliable way to track Wilson's movements after his second year.

school of moral philosophy and natural law philosophy. It is even possible that Wilson attended lectures given by Reid, who was on the faculty during a portion of his time at the university. Even if he did not attend classes with Reid, it is clear that the foremost thinkers of the Scottish Enlightenment weighed directly on Wilson's formative training.

The Scottish Enlightenment was one of many regional variations which comprised the general corpus of thought now commonly referred to as "the Enlightenment."⁶ More than other geographically segmented "enlightenments", the situation of Scotland in the early years of the eighteenth century greatly influenced the course of intellectual life in the country.⁷ Because of Scotland's poor geographic situation and because of its integration into Britain at the beginning of the century, Scottish thought had a strong practical bend to it. Thinkers were highly concerned with societal improvement and professionalization, particularly with regards to the political economy so as to maximize the prosperity of their country.⁸ In political economy, and in moral philosophy, historiography, religious study, and even geography, the progression of both individuals and of society was always Scottish thinkers' principle goal, something which is clearly reflected in the later work of James Wilson.

Wilson's training in moral philosophy exerted the greatest influence on his career. The dominant school taught in the Scottish universities was the Common Sense school advanced by Thomas Reid. Common Sense philosophy was derived from the "moral sense" philosophy of

⁶ Although historians in recent years have questioned the utility of using "the Enlightenment" as an encompassing term for a diverse range of philosophical opinions and approaches, I use it here for ease of reference and because I share the conviction that although the Enlightenment proceeded differently in different geographic localities, the overarching cosmopolitan nature of the 'republic of letters' warrants consideration under a single framework. See: Ritchie Robertson, *The Enlightenment: The Pursuit of Happiness 1680 – 1790*, (New York: Harper, 2021), xix; and 41. For a full contextualization of Scottish thought during the Enlightenment see: *The Cambridge Companion to the Scottish Enlightenment*, Alexander Broadie, ed., (Cambridge; New York: Cambridge University Press, 2003).

⁷ Alexander Broadie, "Introduction," in *Cambridge Companion*, 2-4.

⁸ Alexander Broadie, "Introduction," in *Cambridge Companion*, 3.

Francis Hutcheson. Drawing on a set of influences including the Earl of Shaftesbury and Lockean empiricism, Hutcheson argued that humans possess an innate moral sense (treated similarly to the physical senses) which allows one to feel pleasure from virtuous conduct.⁹ It is from this moral sense that human beings derive their ideas of virtues, rights, and even natural law. Although not strictly a Common or moral sense theorist, Adam Smith's system of morals based on sympathy shares a similar epistemological base to Hutcheson's moral sense and provided a social justification for the emergence of moral value. Smith established moral conduct as the result of a natural desire to "procur[e] pleasure and avoid pain" by "becoming the proper objects of...respect," in the eyes of contemporaries.¹⁰ Such esteem is best won through the virtue of prudence which leads to "health, fortune, rank, and reputation," and forms the basis of human happiness.¹¹ Given that he held the chair of Moral Philosophy for the first two years of Wilson's time in Glasgow, it is likely that Wilson was familiar with Smith's theories.

Thomas Reid, Smith's successor as the chair of Moral Philosophy, further developed Common Sense philosophy, and his body of thought highly influenced James Wilson. Common sense, according to Reid, referred to "certain principles...which the constitution of our nature leads us to believe and which we are under a necessity to take for granted in the common concerns of life."¹² Contrary to the skepticism of philosophers like Hume, Reid felt that reason

⁹ This characterization derives from Luigi Turco, "Moral Sense and the Foundation of Morals," in *Cambridge Companion*, 136-141.

¹⁰ Adam Smith, *The Theory of Moral Sentiments*, (Digireads, 2010), 146.

¹¹ Adam Smith, *The Theory of Moral Sentiments*, 147. Within this section, Smith also develops the idea that government needs to play a positive role in cultivating these conditions. This is a sentiment that would later be reflected in Wilson's own work.

¹² Thomas Reid, "An Inquiry into the Human Mind on the Principles of Common Sense," in Reid, Thomas, *Inquiry and Essays*, Ronald E. Beanblossom and Keith Lehrer, eds. (Indianapolis: Hackett, 1983), 20. One interesting element of Reid's philosophical method is that he rejects the elitism which normally underscored philosophic inquiry at that time. Instead, he argued that his "common sense" theories were how ordinary people (or "the vulgar") experienced philosophical concepts like reason and morality. This relative sympathy to non-elite actors would be reflected in Wilson's more permissive approach to direct democracy later in his career.

could build on these principles in order to acquire complex moral knowledge, provided that “all reasoning” remain consistent with “first principles.”¹³ “Morals like all other sciences,” Reid wrote, “must have first principles on which all moral reasoning is grounded.”¹⁴ Reid held that the first principles of morality are simple maxims, similar to self-evident mathematical postulates which are innately part of human nature and knowledge. In particular, he argued that these senses reflect both the will of God and natural law. “Our moral judgement,” stems “from an imperceptible seed planted by our Creator.”¹⁵ Furthermore, because moral understanding derives from God, it is moral, according to Reid to obey the law of nature as humans understand it.¹⁶ Thus, moral conduct should align human action with the law of nature and the intentions of the Divine in the long-run.

Reid developed his idea of virtuous conduct by drawing on his theory of common sense morality, as well as the connection of morality to God and natural law. He stated that virtue “consists in living in all good conscience that is, in using the best means in our power to know our duty, and acting accordingly.”¹⁷ “Duty” in his quote above refers to what most other philosophers might call “moral obligation,” which is again an innate part of our moral sense. To Reid then, moral action was a question of reasoning — conduct is judged as either right or wrong based on known common principles. That judgment precedes conduct and ultimately ties together moral agent and action in a simple system of morality.¹⁸ Because morality is a process

¹³ Thomas Reid, “An Inquiry,” 57.

¹⁴ Thomas Reid, “Of Morals,” in *Inquiry and Essays*, 351.

¹⁵ Thomas Reid, “Of Morals,” 358.

¹⁶ Thomas Reid, “An Inquiry,” 57.

¹⁷ Thomas Reid, “Of Morals,” as quoted in *Cambridge Companion*, 150.

¹⁸ Luigi Turco, “Moral Sense,” in *Cambridge Companion*, 150-152.

of reason, Reid also held that it “by use... gathers more strength and feels more vigour.”¹⁹ Like any other skill, it could be improved by instruction and exercise.²⁰ That morality could be learned and practiced provided an important part of differentiation — it implies that steps should be taken to help individuals master moral conduct. As seen in his later work, this drive for moral improvement strongly influenced the ways in which Wilson considered government and its purpose.

In addition to learning Reidian common sense, Wilson also absorbed the teachings of Jean-Jacques Burlamaqui and incorporated Burlamaqui’s notions of happiness and natural law into his own understanding of moral philosophy. Burlamaqui’s popularity in moral philosophy and natural law curricula at the time, along with Wilson’s frequent citation of him in even his earliest published works suggests that Wilson read him as part of his education. Burlamaqui thought deeply about the nature of happiness and afforded it a place of prominence in his system of moral reasoning. The enduring presence of Burlamaqui in Wilson’s references is a testament to the influence that the Swiss thinker had on Wilson’s thought.

In his *Principles of Natural and Politic Law*, a popularly assigned textbook at the time, Burlamaqui established “true and solid happiness” as the ultimate end of life on Earth.²¹ Although peons to happiness were commonplace in eighteenth century rhetoric, Burlamaqui’s emphatic placement of happiness as the pinnacle of the human condition elevated it within his thought to a place of even greater prominence: “everything [man] does is with a view of happiness.”²² Furthermore, the way in which he joined happiness together with natural law and

¹⁹ Thomas Reid, “Of Morals,” 359.

²⁰ Thomas Reid, “Of Morals,” 353.

²¹ Jean-Jacques Burlamaqui, *The Principles of Natural and Politic Law*, Petter Korman, ed. (Indianapolis: Liberty Fund, 2006), 31.

²² Jean-Jacques Burlamaqui, *Principles*, 65.

political action further differentiates him and makes him especially relevant when piecing together Wilson's own thoughts on these matters.

According to Burlamaqui, happiness referred to "internal satisfaction of the mind, arising from the possession of good [meaning] whatever is suitable or agreeable to man for his preservation, perfection, convenience, or pleasure."²³ From this definition, we can draw out several important elements. First, happiness, rather than being a fleeting emotional condition, is instead a more permanent state, defined by a sense of "internal satisfaction" or contentment. Second, that state of satisfaction is defined in moral terms drawn from the moral quantity "good." Based on the characteristics he associates with good, happiness can be split along different dimensions: one in more metaphysical terms based on the idea of moral perfection, and the other in more tangible terms associated with self-preservation and the pursuit of pleasure.²⁴ Thus, according to Burlamaqui, happiness remained both an individual moral quantity as well as a condition that could be fully realized in society only as society exists in the moment.²⁵

The way Burlamaqui believed individuals can achieve happiness drew on philosophical assumptions similar to those expressed in Reid's Common Sense theories. First, Burlamaqui recognized that as happiness is deemed by God to be man's ultimate end, the pursuit of happiness must be consistent with natural law, which he defines as "a law that God imposes on all men... [which they know] by the sole light of reason, and by attentively considering their

²³ Jean-Jacques Burlamaqui, *Principles*, 40. Unlike many other writers who referenced "happiness" without definition, Burlamaqui provides a succinct and direct definition of the term which is enormously useful in understanding its eighteenth-century usage.

²⁴ Burlamaqui gives room for the expression of self-love within his conceptions of pleasure and happiness. Although he does not take a full Mandevillian stance that self-love is an absolute good, he does avoid the harsh criticism often directed towards the concept by many eighteenth-century thinkers. Instead, he recognizes that self-love is imparted to man by the Creator and is thus incorporated into natural law. See: Jean-Jacques Burlamaqui, *Principles*, 66.

²⁵ Jean-Jacques Burlamaqui, *Principles*, 152.

state and nature.”²⁶ At the individual level, Burlamaquian natural law morality coincides with Reid’s general concept of morality. Like Reid, Burlamaqui believed man is equipped with an innate moral sense which “imprint[s] within us a sense or taste of virtue or justice.”²⁷ Reason exists as a further refinement of the moral sense that improves one’s ability to discern the true principles of natural law.²⁸ These principles of natural law, like common sense principles, should be “simple, clear, sufficient, and proper.”²⁹ Burlamaqui also advocated for the individual ability to increase their happiness through improved moral reasoning.³⁰ He felt that the most direct way for individuals to achieve lasting happiness was to align their actions with natural law as discovered through moral instinct and right reason.

Burlamaqui did, however, add a complicating element to this basic conceptualization of the moral quantity of happiness by noting that self-love plays an important role in securing individual happiness. Self-love, he wrote, “may serve for the first principle with regard to the duties which concern man himself.”³¹ While many eighteenth-century philosophers decried the corrosive force of self-love in society and only a small number cheered its influence, Burlamaqui’s position is shaded with subtlety; self-love can play an important role in securing happiness, but only to the degree that “it is directed by right reason, according to...our nature and state.”³² The need for preservation and pleasure necessitates some degree of self-interest in human conduct and also introduces the possibility that societal gain (understood largely through

²⁶ Jean-Jacques Burlamaqui, *Principles*, 123.

²⁷ Jean-Jacques Burlamaqui, *Principles*, 140.

²⁸ Jean-Jacques Burlamaqui, *Principles*, 142.

²⁹ Jean-Jacques Burlamaqui, *Principles*, 145.

³⁰ Jean-Jacques Burlamaqui, *Principles*, 151.

³¹ Jean-Jacques Burlamaqui, *Principles*, 150.

³² Jean-Jacques Burlamaqui, *Principles*, 150-151.

the accumulation of property) plays a role in the continuation of happiness. This only holds, however, for as long as self-interest does not conflict the established tenants of natural law.

In Burlamaqui's system, society also played an important role in the realization of man's happiness. He began by demonstrating the ways in which man's nature is necessarily suited to living in a society. As a result of this natural dependence, "out of society [man] could neither preserve his life, nor display and perfect his faculties and talents, nor attain any real and solid happiness."³³ In order to obtain happiness then, man must act with the virtues of "sociability," or "benevolence towards our fellow creatures."³⁴ The collective nature of happiness is often overlooked when considering the topic. In order to fulfill the tenants of natural law and achieve the status of mind that Burlamaqui considered "happy," one must "never pursue their private advantage to the prejudice of the public." Instead, "the public good should be the supreme rule of their conduct."³⁵ Man must act in a benevolent way which benefits the common good, so long as doing so does not harm his immediate self. Doing so is the key to lasting happiness.

Burlamaqui thought deeply about how society and government should interact to support man's happiness. According to him, government existed to give structure to the law of nature and societal happiness formed the root of political obligation.³⁶ A superior can govern, he said, "only in order to render [their subjects] happy."³⁷ Without that dedication to happiness, no lasting obligation can be formed. Although much attention is given to the role of liberty in eighteenth century political thought, especially with regards to the American Revolution,

³³ Jean-Jacques Burlamaqui, *Principles*, 152.

³⁴ Jean-Jacques Burlamaqui, *Principles*, 155.

³⁵ Jean-Jacques Burlamaqui, *Principles*, 156.

³⁶ Jean-Jacques Burlamaqui, *Principles*, 193-200.

³⁷ Jean-Jacques Burlamaqui, *Principles*, 158.

Burlamaqui establishes liberty as a means and not as an end: “the maintenance and security of the liberty of mankind,” is beneficial because it allows man to “enjoy a solid happiness.”³⁸

Given that Burlamaqui had formulated the concept of happiness in moral terms, his declaration that the end of politics must be happiness suggests that politics should be understood in moral terms. And, just as individuals should strive to improve their moral reasoning, and as society should strive to fully support individuals’ moral fitness, so too should politics be a force for moral improvement.

Over the course of his education, Wilson gained access to some of the most relevant intellectual work available and developed a specific intellectual approach which married together general Enlightenment principles with the specific concepts of common-sense moral reasoning and natural law theory as exemplified by thinkers like Thomas Reid and Jean-Jacques Burlamaqui. Emphasizing this philosophical basis provides a more innovative framework for considering Wilson’s later work beyond commonly cited works often associated with the political theory of the American Revolution and theories of American Constitutionalism. Wilsonian politics, with common sense philosophy and natural rights jurisprudence at its core, centered on the advancement of individuals as the prime goal of political life. Wilson saw politics as a force for moral improvement and believed that a carefully crafted republic would best support the individual pursuit of happiness. His devotion to this specific formulation of politics is evident in his published works as well as in his actions as both a revolutionary and a framer of governments throughout the 1770s and 80s.

Wilson’s first published pieces, the “Visitant Essays,” provide a fascinating insight into

³⁸ Jean-Jacques Burlamaqui, *Principles*, 283-284.

how his education shaped his worldview.³⁹ Written for the *Pennsylvania Chronicle* in 1768, the essays can be stylistically compared to more popular works like Addison's *Spectator* essays and even Franklin's "Silence Doogood Letters." They are presented from the point of view of the eponymous "Visitant" character offering advice and proffering views to readers, and touch on subjects ranging from morality, law, and politics to sociability and gender.⁴⁰ Wilson-as-the-Visitant is a fundamentally optimistic figure, "inclined," in his own words, "to view everything in the most agreeable light."⁴¹ Like others who wrote similar columns, Wilson relied heavily on a particular constructed notion of gentility, composed of "an agreeable mixture of sense and delicacy" when crafting his character. At times playful (such as when he claims to "prefer the conversation of a fine woman to that of a philosopher") and at other times scholarly, the Visitant essays bear the mark of a man still seeking to define himself in the world — possessing the intellect and ambition of a serious thinker yet still touched with the enjoyment and worldly fascination of youth.

Although the subject matter of the essays vacillates between lighthearted reflections on life and more serious scholarly explorations, Wilson established a view of man and of morality which fundamentally mirrored his education. In the first essay, published on February 1, 1768,

³⁹ Wilson co-authored the essays with his friend William White. As it is accepted that they wrote the pieces cooperatively and there is no way to distinguish either's individual contributions, I will largely refer to the ideas of the essays as "Wilson's" to maintain ease of style.

⁴⁰ Wilson's treatment of gender in the Visitant essays is particularly interesting. In general, he is far more supportive of the "Fair Sex," than his contemporaries, and noted that they are a source of "great improvement, as well as pleasure" for society. These sentiments have even led one scholar to suggest Wilson was a "feminist," although the infancy of that term leads him to decline to label Wilson explicitly. (See: Nicholas Pedersen, "The Lost Founder: James Wilson in American Memory," *Yale Journal of Law & the Humanities* 22, no. 2 (2010): 259.) While this is likely an overblown assertion (Wilson shared many common stereotypes of the time which denigrated women) his relatively liberal stance on gender issues points to his liberal and optimistic approach to human nature in general. For Wilson's own views see "For the Pennsylvania Chronicle. The Visitant" *Pennsylvania Chronicle*, February 15, 1768.

⁴¹ "For the Pennsylvania Chronicle. The Visitant" *Pennsylvania Chronicle*, February 1, 1768.

the Visitant established “happiness,” as “the final end of our existence.”⁴² Like Reid and Burlamaqui, the Visitant equated happiness with morality and virtue discovered through “the conduct and sentiments of a good man.”⁴³ Although not expressed in as detailed a manner, this phrasing mirrored Burlamaqui’s own assertion that happiness is equated with “living good” as directed by natural law. The Visitant’s approach to moral reasoning, and thus happiness and natural law, remained Reidian in outlook — although he held that many moral truths are complex facts only arrived at through a less than perfect process of reasoning, he maintained that “the *most important* moral truths are discovered not by *reasoning*, but by that act of the mind which I have called perception,” meaning Reid’s common moral sense.⁴⁴ At a basic level, the Visitant’s view of moral philosophy hewed closely to the values Wilson learned in Scotland.

In developing a specific theory of virtue, he further clarified the moral conduct at the heart of happiness. The Visitant defined virtue as socially constructed, and to him, the arch-virtue was “politeness,” or “*the natural and grateful expression of the social virtues.*” By politeness, he referred to a combination of agreeable traits including modesty, discretion, honesty, and sympathy.⁴⁵ In crafting the relationship between politeness, society, and happiness, he drew on both Burlamaqui and Adam Smith’s notions of human nature. “Men are not naturally wolves to men,” he insisted and, paralleling Smith’s idea of sympathy, he claimed “they were made to assist...one another.”⁴⁶ Moral conduct, according to the Visitant, consisted of a pattern

⁴² “For the Pennsylvania Chronicle. The Visitant” *Pennsylvania Chronicle*, February 1, 1768.

⁴³ “For the Pennsylvania Chronicle. The Visitant” *Pennsylvania Chronicle*, February 1, 1768.

⁴⁴ “For the Pennsylvania Chronicle. The Visitant” *Pennsylvania Chronicle*, April 25, 1768.

⁴⁵ “For the Pennsylvania Chronicle. The Visitant” *Pennsylvania Chronicle*, February 22, 1768. Together these traits comprise a particular notion of gentility. The Visitant rejects the idea of mere fashion as gentility and instead states that gentility is related to moral quality and action: “when a fashion is used by people of quality, we think it genteel.”

⁴⁶ “For the Pennsylvania Chronicle. The Visitant” *Pennsylvania Chronicle*, February 22, 1768.

of action towards fellow men; a recognition and fellow-feeling for the shared sentiments of others coupled with discrete social interactions meant to express empathy for those conditions. By acting with sympathy toward one another, human being's "enjoyments might be multiplied; and the pleasure which arises from them, might be increased."⁴⁷ Here, Wilson identified a connection between virtuous conduct and the enjoyment of human happiness: it is natural, he wrote, for human nature to be "formed for society." Therefore, human pleasures must be realized through society.⁴⁸

Wilson's essays reveal how he applied the values of his education to the society he lived in as well as how those values related to wider intellectual movements during the eighteenth century. He shared much with eighteenth-century sentimentalists who constructed an understanding of the world based on perception, the sympathetic self, and the intertwinement of reasoning and emotion.⁴⁹ In the *Visitant*, Wilson acknowledged that happiness (through moral knowledge) "cannot be obtained without being acquainted with...sentiments and affections" while "insensibility degrades [human] nature, by preventing the exertion of some of [humanity's] best affections."⁵⁰ Wilson's thought evoked the arguments made by a class of eighteenth century thinkers identified as "sentimentalists." During the Revolution, sentimentalists utilized their

⁴⁷ "For the Pennsylvania Chronicle. The Visitant" *Pennsylvania Chronicle*, February 22, 1768.

⁴⁸ In one sense, Wilson follows the tradition of thinkers like Mandeville who cast human society as the arena in which happiness could be realized. However, Wilson differs sharply from the Mandevillean approach by recognizing empathy between persons as well as the impact society could and should have on individual virtue. These positions kept Wilson from articulating a vision of happiness entirely predicated on self-interest.

⁴⁹ Sarah Knott, *Sensibility and the American Revolution*, (Chapel Hill: UNC Press, 2008), 5. Knott argues that sentimental thinkers utilized the Imperial Crisis to make arguments for societal reformation in order to better serve the self. Although far more political than the sentimentalists tracked by Knott, Wilson shared a similar outlook on the potential of the Revolution for crafting newly improved patterns of self-refinement.

⁵⁰ "For the Pennsylvania Chronicle. The Visitant" *Pennsylvania Chronicle*, February 1, 1768.; "For the Pennsylvania Chronicle. The Visitant" *Pennsylvania Chronicle*, April 18, 1768.

particular sense of the self to argue for societal reform.⁵¹ The overarching goal of sentimental thought was to respond to the pressures of commercial society in the eighteenth century in order to improve mankind's sociability and sense of virtue. Although the essays do not directly advocate those positions, Wilson adopted sentimentalist outlooks and language and shared their thirst for human improvement. Throughout his career, his approach to politics and the law mirrored this vision of moral improvement through the cultivation of the individual.

While the ideas present in the *Visitant* series are somewhat unrefined, Wilson's construction of a system of moral reasoning illustrates how he approached the nature of man, morality, and society. It is clear that he fully adopted much of what he was taught in Scotland; sharing key assumptions about the nature of moral philosophy from the common-sense school as well as from Burlamaqui's marriage of morality, happiness, and natural law. He was fundamentally optimistic in outlook, believing man to be generally good and capable of moral improvement. By locating virtue in societal action through the concept of politeness, Wilson suggested that virtue and by extension happiness are realized as part of a societal process. These concepts are not politicized in the essays, and in fact Wilson and White make little mention of politics throughout them. However, they do provide a foundational understanding of the world which Wilson politicized during the Revolution through a particular skein of republicanism devoted to the promotion of individual moral improvement and happiness. In the *Visitant* essays, Wilson's intellectual devotion to happiness is clearly evident.

If the *Visitant* essays illustrate the ways in which Wilson's education immediately shaped his interactions with the world, then his law lectures, which represent the culmination of his intellectual work, are illustrative of the ways in which his education molded his intellectual

⁵¹ Sarah Knott, *Sensibility and the American Revolution*, 15-22.

approach across his career.⁵² The lectures were designed by Wilson to be published as a foundational exploration of American law, in order to make him an “American Blackstone.”⁵³ To facilitate their publication, Wilson edited and compiled final drafts of each lecture after he delivered them to his students.⁵⁴ The lectures touched on a variety of subjects, including moral philosophy and natural law, criminal and civil law, and a comparative history of American constitutionalism. Although they were not published until after his death, Wilson’s law lectures represent the most comprehensive articulation of his thought, providing us with a clear picture of how his understanding of happiness and moral philosophy remained foundational to his work.

As with the *Visitant* essays, the philosophical approach evident in the law lectures clearly bears the mark of his education in Scotland. Both Reid and Burlamaqui are cited heavily throughout the sections on the nature of man and natural law respectively and, moreover, Wilson continued to adopt their fundamental approaches in his own exploration of related issues. This is not to say that Wilson offers nothing original, but rather acknowledging this relationship grounds our understanding of Wilson’s work in the wider context of his education and the ideas he adopted from it so as to fully appreciate the web of influence he operated in.

Common Sense philosophy continued to influence his thought. During his lecture on natural law, he instructed his students that moral philosophy stems from an innate moral sense “capable of culture and improvement by habit, and by frequent and extensive exercise.”⁵⁵ From

⁵² Wilson’s law lectures were delivered beginning in 1790 at the College of Philadelphia (today’s University of Pennsylvania) while Wilson served on the Supreme Court.

⁵³ Mark David Hall, “Bibliographical Essay History of James Wilson’s Law Lectures,” in *Collected Works of James Wilson*, Kermit L. Hall and Mark David Hall, ed. (Indianapolis, Ind.: Liberty Fund, 2007), 401. Despite his hopes for their reception, Wilson’s ignominious death combined with the decline of Federalist politics blunted any hope for their impact. They were published quietly in 1804 by Wilson’s son Bird.

⁵⁴ Mark David Hall, “Bibliographical Essay,” in *Collected Works*, 401-413.

⁵⁵ James Wilson, “Of the Law of Nature,” in *Collected Works*, 512.

this moral sense, “first principles, which derive not their evidence from any antecedent principles” are isolated to form the basis of moral conduct. The entire process, he said, is more analogous “to the perceptions of sense than to the conclusions of reasoning.”⁵⁶ These were fundamentally Reidian notions. However, as evidenced by the specific lecture in which Wilson delivered these sentiments, he follows Burlamaqui and ties moral philosophy to man’s God-given nature and thus identifies moral conduct with natural law.⁵⁷ Wilson felt that natural law was the clearest source of obligation that humanity must obey.⁵⁸ Thus, political obligation and laws made by men must always be made in accordance with natural law. By equating moral philosophy with the natural law, he suggests that political institutions must be in accordance with the tenets of morality and must share their end. That prime end of both moral reasoning and human life is, of course, the pursuit and realization of human happiness.

Throughout the law lectures, Wilson dealt more forcefully with the idea of happiness, which while clearly important to his philosophical beliefs (given that he cites it as man’s ultimate end) received glancing coverage in the *Visitant* essays. Wilson primarily accounted for individuals realizing their own happiness through actions taken in society — “take away society, and you destroy the basis, on which the preservation and happiness of human life are laid.”⁵⁹ This basis is generally provided by the “mutual services and sympathetic pleasures,” generated by society, which give man the security and peace needed for further refinement and

⁵⁶ James Wilson, “Of the Law of Nature,” in *Collected Works*, 513.

⁵⁷ James Wilson, “Of the Law of Nature,” in *Collected Works*, 517.

⁵⁸ James Wilson, “Of the Law of Nature,” in *Collected Works*, 500.

⁵⁹ James Wilson, “Of Man, As a Member of Society,” in *Collected Works*, 631.

perfection.⁶⁰ Private happiness was, for Wilson, primarily about internalizing these virtues. To be happy was to live a life according to these first principles of virtue.

Wilson acknowledged both private and public forms of happiness tied to virtue and individual character. Private happiness resulted from acting with character and cultivating a strong sense of virtue at the individual level. Public happiness was the result of a government founded on virtue, fostering virtue in individuals, and giving individuals the needed freedom and latitude to pursue virtuous living. To be happy in the mind of James Wilson was to live in accordance with natural law which would ultimately lead to prosperity in life. The “glorious destiny of man” says Wilson, “is to be always [progressing]” towards this perfection.⁶¹ The progressive nature imbued into his thought by the implications of natural law as a theoretical term is typical of the enlightenment spirit and gives meaning to the “pursuit” of happiness well outside the bounds of self-interest often cited by historians when addressing that phrase.

He also interacted more directly with moral philosophy and happiness as politicized concepts than he did in the *Visitant* essays. In order for society to exist and fulfill its purposes, he noted, government is required. Although Wilson believed society to be antecedent to government, he also believed government played an important role in the success of society.⁶² Government primarily exists to provide a framework to support the conditions needed for society to successfully function. Because the primary end of society is happiness, “the promotion of publick happiness [was] the end originally proposed by the people” for government.⁶³ “Without

⁶⁰ James Wilson, “Of Man, As a Member of Society,” in *Collected Works*, 630-633. This phrase also implicitly reveals much about what Wilson cast as the purpose of government. Existing in a state of security and peace were the most basic ingredients of the pursuit of happiness. Thus, for government to ensure individual happiness, government needed to provide security and peace.

⁶¹ James Wilson, “Of the Law of Nature,” in *Collected Works*, 524.

⁶² James Wilson, “Of Government,” in *Collected Works*, 690-717.

⁶³ James Wilson, “Of Government,” in *Collected Works*, 692.

government,” Wilson determined, “society in the present state of things, cannot flourish, far less can it reach perfection,” meaning that experiencing happiness is heavily linked to government.⁶⁴

The politicization of happiness, by ascribing the success or failure of happiness in society to government, shaped the way Wilson approached political problems. If societal happiness could not exist without government, and if societal happiness depended on the cultivation of individual virtues, then government must be designed to cultivate virtue within individual citizens in order to survive. The reverse of this process, that degeneracy in government would lead to a “consequent degeneracy of the people,” highlights the profound relationship Wilson developed between governmental form and happiness and the reciprocal relationship between good government and public happiness.⁶⁵ Wilson thought deeply about politics and that thought was profoundly shaped by his conception of happiness. An understanding of Wilsonian political theory must stem from an understanding of happiness as he conceptualized it.

Perhaps because of its importance to his thought, Wilson recognized that the situation of happiness was precarious. He knew that the blessings of good government could easily be destroyed by lack of “education, by prejudice, by interest, by ambition.”⁶⁶ However, Wilson also remained optimistic for the American future. As a lawyer and legal theorist heavily trained in the natural law, Wilson adopted a conception of happiness closely linked with natural law.⁶⁷ He believed universal first principles of morality derived from natural law and when acted upon, stimulated happiness. Virtuous conduct resulting in happiness did not come naturally but could

⁶⁴ James Wilson, “Of Government,” in *Collected Works*, 690.

⁶⁵ James Wilson, “Of Government,” in *Collected Works*, 692.

⁶⁶ James Wilson, “Of Government,” in *Collected Works*, 692.

⁶⁷ For more on this specific relationship in the eighteenth century, see: Carli N. Conklin, *The Pursuit of Happiness in the Founding Era*, (Columbia: University of Missouri Press, 2019).

be instilled, refined, and improved through moral conduct and education.⁶⁸ Most importantly, these conditions would result from a properly devised republican government giving men the freedom “to pursue [their] own perfection and happiness”⁶⁹ Because of the blessings of republican government, he saw reason to think that each of the threats to happiness could be surmounted and that the American republic would provide the platform for the continued progression of happiness.

To say that Wilson believed the support of happiness was the supreme purpose of government suggests that republican government should be centered on individual improvement and perfection. In keeping with his adherence to common sense philosophy, happiness and morality were treated by Wilson as objective quantities with defined meanings. These meanings provided the baseline for what government should be and do. Utilizing these baselines, and understanding government as predicated on happiness leads to far different conclusions about government than if the baselines of libertarian sensibilities of freedom or the safeguarding of liberty through the expulsion of corruption are adopted.

James Wilson’s education was primarily grounded in moral philosophy and the study of natural law. Through his study at the University of St. Andrews and the University of Glasgow, he was exposed to influential ideas including Thomas Reid’s theories of common sense and Jean-Jacques Burlamaqui’s conception of natural law. These ideas continued to provide a foundation to Wilson’s writing throughout his life. As a result, it is important to consider his later work in the Revolution within this lens of influence. Foregrounding happiness as a political virtue allows us to see a different path for the intellectual elements of the Revolution not

⁶⁸ James Wilson, “Of the Law of Nature,” in *Collected Works*, 512.

⁶⁹ James Wilson, “Of the Law of Nature,” in *Collected Works*, 503.

captured by traditional approaches. This new path is replete with different goals and definitions of success. Following it gives us a better appreciation for what it means to be citizens within a republic. It provides a different context of understanding for political aspirations and outcomes than those so often associated with the American experience: uncontrolled individual freedom, rampant individualism, and the self-interested pursuit of near limitless property. At its heart, Wilsonian republicanism, through happiness, is centered on the improvement and advancement of the individual so as to live in harmony with the laws of nature.

Chapter Two: Happiness' Revolution

James Wilson emigrated to America in the fall of 1765. In the ten years following his arrival, he grew from new immigrant and humble law student to become one of the leading spokespersons for the American cause. Although he served as a revolutionary organizer, delegate to the Continental Congress, and even for a brief time as a militia colonel in Cumberland County, he was most successful as a rhetorician and political and legal theorist.¹ As one of the best educated and most scholarly-inclined members of the Founding generation, Wilson thought deeply about the political changes occurring around him and the philosophy of revolution he offered in response to those changes provides considerable insight into both his own mindset and to the Revolution more generally.

At a fundamental level, his work during the Imperial Crisis and Revolution was grounded in the intellectual framework he had developed in Scotland. His theory of revolution and expectations for government were developed in accordance with his thoughts on natural law and human society. Both were dictated by his understanding of happiness. To comprehend why James Wilson became a revolutionary, one must incorporate his understandings of happiness into his political writings. Doing so adds new context to his writings and challenges certain interpretations of both his work at an individual level and of the Revolution more generally.

Wilson's role in the Revolution is understudied and underappreciated. In less specialized works, Wilson appears as the "great footdragger" of independence" — referring to his late support of Independence without considering the theoretical underpinnings of that decision.² Of

¹ Like most major world events, the Revolution proceeded along a number of dimensions including economic, societal, and intellectual. This chapter, because of Wilson's own focus, considers the evolution of political thought as the locus of revolutionary activity.

² Pauline Maier, *American Scripture: Making the Declaration of Independence*, (New York: Vintage, 1998), 27. This kind of coverage parallels Wilson's undeserved historiographical reputation as an anti-democratic

the frameworks formed from specific facets of Wilson's thought, only one, developed by George Dennison, directly tackles Wilson's conception of "revolution" as a theoretical concept. The article notes the importance that revolutionary theory held in Wilson's intellectual world, while arguing that his notion of "consent" drove his intellectual approach to revolution. The logic behind this relationship stems from his conception of man and society: society and government are formed for man's benefit. When they do not meet that purpose (and thus people do not consent to them), people have a right to overthrow that government and institute new forms.³ Dennison argues that this theory holds the key to understanding Wilsonian thought throughout the Revolutionary period.

While this framework has merit, substituting the concept of happiness raises questions regarding its more legalistic conclusions. Within Wilsonian political thought, happiness provides the most effective window through which to understand the intellectual outcomes of the American Revolution. Thus, understanding connections between revolution and securing happiness has considerable import when analyzing the American struggle for independence and shifts attention from the limiting language of protection of rights to a more expansive consideration of the ways in which government can positively influence its citizens' lives.⁴ This relationship provides a new avenue for understanding not only the causes of the Revolution, but also its ultimate outcomes and purpose.

conservative. The pattern of thought which underlay his decisions in Congress leading up to the vote on independence will be covered in the latter portion of this chapter.

³ George M. Dennison, "The 'Revolution Principle': Ideology and Constitutionalism in the Thought of James Wilson," *The Review of Politics* 39, no. 2 (1977): 157-91.

⁴ While certainly important, the concept of liberty and the protection of personal freedoms have received almost monopolistic coverage in revolutionary historiography, particularly in more popular accounts. This has been a detriment to both understandings of other elements of the revolutionary experience and to understandings of the event as a whole.

Questions of causality remain at the heart of Revolutionary historiography. Much of that intellectual work has utilized the approach found in Bernard Bailyn's *Ideological Origins of the American Revolution* and the "republican synthesis" that it engendered.⁵ Bailyn's revisionary treatment drew upon earlier consensus histories and sought to return to the world of ideas by carefully reading Revolutionary rhetoric and taking it as a genuine statement of colonial beliefs.⁶ In doing so, Bailyn came to see the Revolution as "above all else, an ideological, constitutional, political struggle and not primarily a controversy between social groups."⁷ The concept of ideology was crucial to Bailyn's analysis and he defines ideology as the matrix through which ideas are given meaning.⁸ According to Bailyn, it was colonial development of ideologies divergent from those found in Britain which drove the revolution.

Those who utilize an ideological lens generally cite two competing ideologies, classical republicanism and liberalism, as defining Revolutionary-era thought. The contours of classical republicanism in its American context were laid out by Bailyn and developed by other associated

⁵ For works representative of the "republican synthesis" see: Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain, 1765-1776*, (New York: Knopf, 1972).; Robert E. Shalhope, "Toward a Republican Synthesis: The Emergence of an Understanding of Republicanism in American Historiography." *The William and Mary Quarterly* 29, no. 1 (1972): 49-80.; and Gordon S. Wood, *The Creation of the American Republic, 1776-1787*, (Chapel Hill: University of North Carolina Press, 1969.)

⁶ For a full discussion of the American Revolution's historiography, see Michael Hattem, "The American Revolution's Historiography," *Journal of the American Revolution*, August 27, 2013. As he notes, consensus historians, writing within the context of the Cold War, generally reacted negatively to the conflict-driven style of earlier progressive historians. Instead, they looked for points of agreement among the revolutionary generation. One particularly relevant contribution from the consensus era is the emphasis placed on the political philosophy of John Locke. See: Louis Hartz, *The Liberal Tradition in America: An Interpretation of American Political Thought Since the Revolution*, (New York: Harcourt, Brace, and World, 1955). For examples of progressive-style arguments see: Charles A. Beard, *An Economic Interpretation of the Constitution of the United States*, (New York: Macmillan Co., 1913).; and Arthur M. Schlesinger, *The Colonial Merchants and the American Revolution*, (New York: Longmans, Green, and Company, 1917).

⁷ Bernard Bailyn, *The Ideological Origins of the American Revolution*, 50th Anniversary ed., (Cambridge: Belknap, 2017), xxviii.

⁸ Bailyn's definition of ideology largely followed that articulated by anthropologist Clifford Geertz. See: Clifford Geertz, "Ideology as a Cultural System," in David Apter, ed. *Ideology and Discontent* (Free Press, 1964), 47-56.

historians.⁹ They argue that above all, the revolution was driven by classically inspired fears that corruption and conspiracy in Britain were eroding the moral health of the American body politic in order to “enslave” the colonies and deprive them of their liberty. In contrast, liberalism, as developed by historians like Joyce Appleby, is described largely as an ideological outgrowth of the formation of capitalist economic structures. This development created a “disjuncture in colonial life in the second half of the eighteenth century” which gave rise to a “frenzied apprehensiveness to Parliamentary efforts to enforce imperial controls, and [also explains] why liberalism with its core affirmation of the individual's claim upon society to protect his natural rights could so easily have displaced the devotion to order which animated colonial life a half century earlier.”¹⁰ In contrast to republicanism, those who argued that the Revolution was primarily liberal in character cited a desire to protect individual liberties as well as a move towards democratic capitalist society as its primary features.

The intellectual debate between republicanism and liberalism ended in a soft consensus. Classical republican notions persisted into the supposedly liberal Early Republic and nascent liberal thought lived happily in the classical republican world of the seventeenth and early eighteenth century. Given that both ideologies existed at the time, and were available for use by thinkers, the idea of a hard distinction between republicanism and liberalism can no longer be maintained. Rather than conceptualizing ideology as a series of discrete categories, it is better to utilize a “sliding scale model,” which recognizes that individual thinkers adopted elements of both traditions into their philosophical visions. In recent years, some historians have declared

⁹ Although Bailyn was the first to heavily apply these ideas to the American situation, he himself drew on the work of a number of other scholars who studied Early Modern Britain and Europe. See: Robert Shalhope, “Toward a Republican Synthesis,” 51-56.

¹⁰ Joyce Appleby, “Liberalism and the American Revolution,” *The New England Quarterly* 49, no. 1 (1976), 7. See also: Joyce Appleby, *Liberalism and Republicanism in the Historical Imagination*, (Cambridge: Harvard University Press, 1992).

republicanism and liberalism “dead” as useful terms for analysis of the Revolution.¹¹ While this position is overstated, it does point to problems with the republicanism-liberalism split and suggests a need for new frameworks to understand the true causes of the Revolution.

More recent works that explore the intellectual dimension of the Revolution provide these new insights and a much-needed intervention into the dominant ideological interpretation by focusing on how understandings of morality shaped the Revolutionary process.¹² As noted by C. Bradley Thompson, “the history of human events is, for better or worse, the history of men and women acting according to a conception of what they think is good, right, just, and true.”¹³ To fully understand what drove people to act during the Revolution, it is critical that one understands not only their ideals and political allegiances but also the moral principles and world views which spawned them. The argument Thompson makes is deceptively simple yet satisfyingly complex: at an intellectual level, the American Revolution was moral in character and moral reasoning and principles like happiness were an essential factor in its progression. Colonists, Thompson argues, evolved a particular sense of morality, (heavily influenced by the Enlightenment and, according to Thompson, especially John Locke) centered around the ideas of equality and natural rights.¹⁴ This new conception of morality then became a yardstick against which British conduct was judged during the imperial crisis and an ideal around which the

¹¹ Max M. Edling, *A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State* (New York: Oxford University Press, 2003), 39.

¹² See: C. Bradley Thompson, *America's Revolutionary Mind: A Moral History of the American Revolution and the Declaration That Defined It*, (New York: Encounter Books, 2019), Craig Bruce Smith, *American Honor: The Creation of the Nation's Ideals during the Revolutionary Era*, (Chapel Hill: University of North Carolina Press, 2018).; and Sarah Knott, *Sensibility and the American Revolution*, (Chapel Hill: UNC Press, 2008). Smith and Knott, while making important contributions, fail to offer a unified theory for revolutionary behavior. Instead, they illustrate how specific patterns of thought (honor and sentimentalism) developed during the Revolution and how those patterns of thought contributed to particular facets of the revolutionary experience.

¹³ C. Bradley Thompson, *America's Revolutionary Mind*, 8.

¹⁴ C. Bradley Thompson, *America's Revolutionary Mind*, various, see esp.: Chapter 1: 11-14 and 32-34.

founders structured the New Republic.¹⁵ As they continued to find that Britain's conduct clashed with their new conceptions of morality, nascent revolutionaries agitated for reform and then finally for separation from Britain. To evaluate this process, Thompson utilizes what he calls the "new moral history" method which centers discussion on intellectual development from moral reasoning to moral principles, to motives, and finally, to action.¹⁶ He argues that this chain of intellectual output to tangible outcomes is essential to understanding the wider contours of the period. Where Thompson errs, however, is in his insistence that this revolutionary mind was singularly devoted to the protection of individual rights through the limitation of government power. In limiting the Enlightenment mind to Locke, Thompson minimalizes the numerous ways in which thought was devoted to human improvement.¹⁷ By supplementing Thompson's argument with a careful reading of Wilson's thought it can be shown that the "moral revolution" could also be used to support an active government — one which acted and intervened to aid the individual pursuit of happiness.

This new moral lens does not fully contradict the work of scholars like Bailyn. Understanding ideological forces and the language Bailyn uncovered is still a critical part of evaluating political phenomena. However, the moral approach to the Revolution does open new avenues for study and offers new insights into the intellectual aspects of the Revolution. It shifts our focus from the strong neo-Whig emphasis on classical virtue and deep-seated fears of conspiracy to a more universalized discussion of man, nature, their relationship, and the laws that

¹⁵ C. Bradley Thompson, *America's Revolutionary Mind*, xi-9; 80-83.

¹⁶ C. Bradley Thompson. "The American Revolution and the New Moral History." *American Political Thought* (Chicago, Ill.) 8, no. 2 (2019): 175-201.

¹⁷ It has been argued persuasively by Ritchie Robertson that happiness provides the best overarching metric for evaluating the Enlightenment. See: Ritchie Robertson, *The Enlightenment: The Pursuit of Happiness 1680 – 1790*, (New York: Harper, 2021), Preface and Chapter I.

held the entire system together. Such an approach offers historians an understanding of the Revolution's meaning which better connects the causes, course, and consequences of revolutionary activity. Following the idealistic strands inherent in the Revolution allows one to see the connective tissue between the descent into revolution in the 1760s and the emergence of a new republican society in the 1780s, 1790s, and beyond. In short, it makes a holistic evaluation of the Revolution's purpose and proceedings both easier and more meaningful.

Raised and educated in the crucible of the Scottish Enlightenment, James Wilson's theory of revolution is best understood utilizing this new moral paradigm rather than Bailyn's ideological lens. In fact, Wilson is an exemplar of the shortcomings of ideology as an analytic lens. The ideological tenor of his thought has often proved beguiling to those who have studied him. At different times, Wilson has been characterized as variously "nationalist or conservative or democrat...radical, moderate, liberal, aristocrat, pragmatist, realist, optimist, and combinations thereof."¹⁸ Part of this semantic confusion emanates from Wilson's varied career, which encompassed events in both local and national contexts and stretched across the majority of the revolutionary period. However, such facts also describe the careers of many of the founders — John Adams and Thomas Jefferson are excellent exemplars — who can be more reliably labeled on an ideological axis. Wilson's thought reads as from a lost intellectual world, one where politics was still considered to be a moral science and one where thinkers still sought to uncover the hand of God in the universe by uncovering universal principles and systems. In order to fully understand him, one must move beyond ideology and instead consider the world as

¹⁸ Morton M. Rosenburg, "In Search of James Wilson" in *Pennsylvania History: A Journal of Mid-Atlantic Studies*, Vol. 55, No. 3 (July, 1988), 108.

James Wilson was taught to: in moral terms. Doing so opens new approaches to synthesizing his work in a meaningful way.

The years following Wilson's arrival in the colonies were some of the most pivotal in all of American history. In 1763, two years before Wilson arrived, the end of the Seven Years War ushered in a new era of British imperial organization wherein its government sought to exert greater direct control over colonial policy in order to generate increased revenues for a depleted imperial treasury.¹⁹ Just prior to Wilson's arrival in 1765, news of the Stamp Act arrived in the colonies, igniting a torrent of debate and calls for imperial reform from the colonies.²⁰ Although Parliament repealed the Stamp Act after a flurry of colonial protests, the decay of Anglo-American relations continued until the Declaration of Independence was passed in July 1776.²¹ Over that eleven-year period, subsequent pieces of legislation, including the Declaratory Act, the Townshend Duties, and the Coercive Acts, as well as events including the Boston Massacre, the burning of HMS *Gaspée*, and the Boston Tea Party inflamed tensions and drove the colonies further from Great Britain. As part of that process, colonists began discussing and reconsidering the constitutional nature of their place in the Empire as well as wider topics including man's natural rights and the role and purpose of revolution in public life.

¹⁹ Numerous histories have chronicled the events prior to the Revolution. For a particularly innovative study of the ways in which Britain reorganized its relationship to the colonies following the Seven Years War see: S. Max Edelson, *The New Map of Empire: How Britain Imagined America Before Independence*, (Cambridge: Harvard University Press, 2017). Edelson uses extant maps from the British Board of Trade to illustrate how Britain sought to reorient colonial organization to be more amenable to British needs and interests.

²⁰ See for example: Daniel Dulany, "Considerations on the Propriety of Raising Taxes in the British Colonies," in Jensen, Merrill, ed., *Tracts of the American Revolution, 1763-1776*, (Indianapolis, Indiana: Hackett, 2003), 94-107. Dulany's work was widely republished and discussed, even in England, where it was cited by William Pitt in debate over repeal of the Stamp Act.

²¹ This is not to say that this process was inevitable. There were numerous occasions when it is conceivable that the colonies and Britain could have been reconciled. Because no such reconciliation occurred, however, such speculation must remain hypothetical.

Wilson's first major contribution to those discussions came in the form of a pamphlet: "Considerations on the Nature and Extent of the Legislative Authority of the Parliament of Great Britain." Although published in 1774, the bulk of it was written six years earlier in 1768. The pamphlet was well received when published, but by that point the arguments it made were already generally agreed upon by many in the colonies. Had it been published at the time it was written, it would have been much more explosive and could have marked Wilson as one of the furthest-thinking advocates for America active at the time. Because of this potential, and because he was still in a precarious societal position working to establish himself as a lawyer, Wilson followed the advice of those he asked to read the piece and decided against immediately publishing it.²² Even so, its emergence in 1774 brought Wilson renown as a rhetorician and built his status within patriot circles.

As the title suggests, Wilson set out to understand whether Parliament had any claim of authority within the colonies and if it did, to mark the extent of that authority. He began by laying out an overarching organizing principle: government power must support the ultimate ends of government action. If power "would, in any instance, destroy instead of promoting, that end, it ought, in that instance, to be rejected."²³ This simple maxim provided the motivation for his theory of revolution: "all lawful government is founded on the consent of those who are subject to it," and people are free to withdraw their consent when government is not fulfilling its purpose.²⁴ Although this logic could theoretically support a fairly unlimited theory of revolution,

²² William White, "Letter to James Wilson," November 27, 1768, Gratz Collection, Historical Society of Pennsylvania.

²³ James Wilson, "Considerations on the Nature and Extent of the Legislative Authority of the Parliament of Great Britain," in *Collected Works of James Wilson*, Kermit L. Hall and Mark David Hall, ed. (Indianapolis, Ind.: Liberty Fund, 2007), 4.

²⁴ James Wilson, "Considerations," in *Collected Works*, 4.

Wilson bounded it by carefully expounding on the ends of government. “Such consent to form government,” he noted, “was given with a view to ensure and increase the happiness of the governed.” Wilson generalized even further: “the happiness of the society is the first law of every government.”²⁵ From the beginning, therefore, Wilson established happiness as the ultimate arbiter for revolutionary action in his thought.

According to Wilson, happiness represented the values at the core of good government. The rule of happiness is “founded on the law of nature” and “it must control every political maxim: it must regulate the legislature itself.” Where defenders of parliament pointed to the principles of parliamentary sovereignty at the heart of the British constitution as the fount of political power, Wilson, drawing on his previous training, reached for a higher power enshrined within natural law and moral philosophy. All political power, he declared, must be “attended with a right of insisting upon [government] making good use of their authority...with a moral security that this right will have its effect.”²⁶ The presence of this moral security, of happiness, as promised in natural law creates civil liberty. Without it, a population is reduced to slavery.²⁷

Wilson evaluated the legitimacy of the British government in the colonies by asking a simple question: does “it ensure and increase the happiness of the American colonies, that the parliament of Great Britain should possess a supreme irresistible, uncontrolled authority over them?”²⁸ Within his theory of revolution, happiness was the yardstick by which the events of the

²⁵ James Wilson, “Considerations,” in *Collected Works*, 5.

²⁶ James Wilson, “Considerations,” in *Collected Works*, 5.

²⁷ Like most others at the time, Wilson referred to slavery as a political state wherein one is dependent on the will of another. Like most others, he made reference to the potential enslavement of the colonies with little to no acknowledgement of the enslaved individuals living and working in the colonies. Wilson’s engagement with the issue was complex — he enslaved one individual (who he freed in 1794) while also speaking out against slavery in a limited fashion. His full views on slavery will be discussed in Chapter Three.

²⁸ James Wilson, “Considerations,” in *Collected Works of James Wilson*, 5.

Imperial Crisis were judged. Although Wilson certainly expressed belief in the grand conspiracy against American liberties cited by Bailyn and others, the placement of happiness within his system makes it clear that maximizing happiness was Wilson's ultimate aspirational goal. The subjugation of American liberty was important to him because it influenced Americans' pursuit of happiness. Given that evaluative function of happiness, it is important to push forward and understand the specific judgments Wilson made about British actions. These judgments ground our understanding of how he conceptualized happiness in the context of the events he lived through and also better inform our comprehension of what the Revolution meant to him.

Wilson engaged in theoretical discussion under the assumption that "colonists are entitled to all the privileges of Britons," for colonists "have committed no crimes to forfeit them."²⁹ The first privilege he noted is the right to participate in elections and thus consent to government. Such consent is an essential element of free government "justly deemed the strongest bulwark of the British liberties."³⁰ Without the power of consent, a dependency is created, for if colonists "are not capable of exercising [their] will," then they must fundamentally depend on the will of another akin to a state of slavery. Wilson went on to detail the ways in which elections, the renewal of parliaments, and freedom to consent to government are enshrined as the "first principles...of perpetuating the liberties of a state."³¹ Such a conclusion draws from his basic definition of natural law: "that all power is derived from the people — that their happiness is the end of government."³²

²⁹ James Wilson, "Considerations," in *Collected Works*, 6.

³⁰ James Wilson, "Considerations," in *Collected Works*, 6.

³¹ James Wilson, "Considerations," in *Collected Works*, 7-9.

³² James Wilson, "Considerations," in *Collected Works*, 9.

Wilson then connected the theoretical to the tangible: “are the representatives of the commons of Great Britain the representatives of the Americans? Are they elected by the Americans? ... [Do they] pursue the interest of the Americans?”³³ On a basic level, he assumed, the answer must be no. The electoral power of the British commons did not extend to American colonies and as such, “those who embark freemen in Great Britain disembark slaves in America.”³⁴ Such a situation placed “those rights ‘which every man is entitled to enjoy,’” (meaning the natural rights of mankind), on tenuous ground in America.³⁵ The lack of “that check which interest puts upon the members of parliament” then made it likely that “it may become popular and reputable at home to oppress us.”³⁶ Without a proper voice in government, Wilson reasoned, rights were not secure, and without secure rights, there could be no true liberty. Without liberty, the ends of government, the promotion of happiness, could not be fulfilled.

This discussion led Wilson to his conclusion regarding the status of British authority in the colonies. As he notes, “parliamentary authority is derived solely from representation.”³⁷ The active consent of the people is the only true foundation of governmental authority and political obligation. Thus, “if a person is bound only because he is represented it must certainly follow that wherever he is not represented he is not bound.”³⁸ This formed the heart of colonial complaints against Britain. Because they could not express their interests in any official capacity, they had no safeguard with which to protect their rights. As a result, they could not claim liberty or happiness. This state contradicted Wilson’s first maxim of government and led him to

³³ James Wilson, “Considerations,” in *Collected Works*, 15.

³⁴ James Wilson, “Considerations,” in *Collected Works*, 16.

³⁵ James Wilson, “Considerations,” in *Collected Works*, 15.

³⁶ James Wilson, “Considerations,” in *Collected Works*, 17.

³⁷ James Wilson, “Considerations,” in *Collected Works*, 19.

³⁸ James Wilson, “Considerations,” in *Collected Works*, 20.

conclude that, in order to protect their happiness, the people were justified in seeking a new form of government through revolution.

Even as he denied that parliament holds any authority in the colonies, which when written in 1768 was a radical claim, Wilson did not advocate for a complete separation from Britain.³⁹ “A denial of the legislative authority,” he maintained, “is by no means inconsistent with that connection which ought to subsist between the mother country and her colonies.”⁴⁰ He endeavored to show throughout that the colonists maintain the “warmest sentiments of loyalty to their sovereign.”⁴¹ Wilson drew a meaningful distinction between allegiance to George III and allegiance to parliament. In part, this distinction stemmed from his notions of consent and political autonomy which makes the pursuit of happiness possible. Colonial connections to the monarchy derived from historical precedent; as a result of the constitutional reform of the 17th century, Wilson argued that a properly structured relationship between King and colonies should not have threatened their fundamental rights. Their relationship with parliament, however, was fundamentally different and created “a dependence...slavish and unaccountable, or accounted for only by principles that are false and inapplicable” precisely because a parliament unaccountable to colonial control had the power to degrade colonists’ fundamental rights.⁴² A revolution against this power was, according to Wilson, fully warranted by the principles of good government and

³⁹ For an example of the radicalness of this claim, consider that Dickinson’s celebrated *Letters from a Farmer in Pennsylvania*, written around the same time as Wilson’s first draft in 1768 only denied Parliament’s taxing power. It was not until 1774, the same year that Wilson published, that celebrated writers like Jefferson (in *A Summary View*) adopted the idea that Parliament had no authority at all in the colonies.

⁴⁰ James Wilson, “Considerations,” in *Collected Works*, 25.

⁴¹ James Wilson, “Considerations,” in *Collected Works*, 24.

⁴² James Wilson, “Considerations,” in *Collected Works*, 28.

natural law. In drawing that distinction, Wilson maintained a theory of revolution “founded upon the principles of reason, of liberty, and of law.”⁴³

The base assumptions and structure of Wilson’s argument in this pamphlet illustrate how philosophical notions of happiness intersect with revolutionary theory. Happiness in the revolutionary context begins with political autonomy. At this level, happiness intertwines with liberty and the two are mutually supportive. In order to support happiness, government must support citizens’ rights and citizens must have a say in how they are governed. When these conditions are not met, political revolution is justified and government must be reformed to better support its ultimate purpose.

The response to this pamphlet increased Wilson’s reputation both as a theorist and as a political actor and he soon became a leading figure in Pennsylvania’s revolutionary movement. A short time later, in January 1775 at a convention held in Philadelphia, Wilson was chosen to give an oration on the colonial cause to the delegates, which reflects his increased standing. This speech gave Wilson the opportunity to expand on the theory of revolution he had begun to develop in his first pamphlet. Within this address he was far more concrete than in his pamphlet, offering a running narrative of the various events that had defined imperial-colonial relations since 1763. Wilson was also far more indignant in this speech than he was in his pamphlet which parallels the marked decline in the possibility of reconciliation after 1774.⁴⁴ Even so, he maintained that the actions of the colonists consisted of “virtuous opposition” which betrayed

⁴³ James Wilson, “Considerations,” in *Collected Works*, 28.

⁴⁴ Mary Beth Norton, *1774: The Long Year of Revolution*, (New York: Knopf, 2020). Norton argues persuasively that the “Long 1774” was the critical year for the Revolution in which a final ossification of political identities occurred.

neither “want of loyalty to our sovereign,” nor “want of affection to our brethren in Britain.”⁴⁵ Despite the earnest nature of colonial resistance, Wilson noted, the colonies still faced a “scheme depriving us of our property without our consent” which justified the extralegal measures taken to safeguard their “freedom and [their] safety.”⁴⁶

Whereas “Considerations” engaged with government at a theoretical level, using its supreme purpose as a way to structure a conversation on natural rights, his speech at the convention grounded conversation squarely within the realm of the political economy.⁴⁷ By discussing the efforts of the British “ministry...to enslave and to ruin us,” Wilson debated the place of the colonies in the British empire.⁴⁸ Throughout his speech he raised concerns about issues ranging from the protection of property, to trade regulation, to the duty of higher political powers to only exercise those powers for their subjects’ benefit. Concerns like these have led scholars to argue that inherent in colonial protest rhetoric was a positive articulation of government power through empire and not solely a negative reaction against government power.⁴⁹ What mattered most to colonists was the government met their interests; had colonists judged that British power was acting to promote their interests following the Seven Years’ War, a strong critique of that power may have never materialized. In political economic terms,

⁴⁵ James Wilson, “Speech Delivered in the Convention for the Province of Pennsylvania, Held at Philadelphia in January 1775” in *Collected Works*, 33.

⁴⁶ James Wilson, “PA Convention Speech,” in *Collected Works*, 33-34.

⁴⁷ James Wilson, “PA Convention Speech,” in *Collected Works*, 33.

⁴⁸ James Wilson, “PA Convention Speech,” in *Collected Works*, 34.

⁴⁹ This interpretation stems from: Steven C. A. Pincus, *The Heart of the Declaration: The Founders’ Case for an Activist Government*, (New Haven: Yale University Press, 2016).; and Justin A. Du Rivage, *Revolution Against Empire: Taxes, Politics, and the Origins of American Independence*, (New Haven: Yale University Press, 2017). This interpretation reminds us that not only were the members of provincial conventions and the Continental Congress the intellectual elite of their societies, but they were also members of the economic elite who were concerned about the organization of the economy as well. As such it is important to consider the ways in which the intellectual melds with the economic. “Happiness” as a metric provides an ideal paradigm through which to approach that intersection.

historians argue that colonial protestors heavily criticized the authoritarian reform of the British Empire and instead advocated for a “radical Whig” notion of political economy centered on the public good and the development of consumer interests.⁵⁰ Wilson’s revolutionary critiques, grounded in the promotion of happiness exemplify this approach to economic reform. Although this focus on material interest seems at odds with other intellectual approaches to the Revolution, Wilson’s foregrounding of happiness provides an avenue through which the two strands of revolutionary motivation can be unified.

Focusing on this material side of happiness also points to the ways in which the beginnings of the Revolution and the revolutionary theory developed at that time are tied to its tangible outcomes. Even before the colonies fully separated from Britain, forward-thinking patriots envisioned a new future for society organized around new principles of human life. James Wilson clearly had this future in mind as he spoke, prefacing the rhetorical climax of his address with the disclaimer that “the fate of us, the fate of millions now alive, the fate of millions yet unborn,” would be determined by the actions of the revolutionaries.⁵¹ Eventually that vision would manifest itself in Wilson’s constitutional vision which sought to enshrine philosophical happiness both as a means for individual moral improvement and for individual material prosperity within the very fabric of government. The fact that the structure of government as it existed for colonists in the 1770s could not deliver those ends is what ultimately alienated men like Wilson from the status quo and drove them towards revolutionary activity.

Following the Pennsylvania Convention, Wilson continued to gain fame as a politician, orator, and advocate for America. In May 1775, Wilson joined the Pennsylvania delegation to

⁵⁰ Justin Du Rivage, *Revolution Against Empire*, Chapter One.

⁵¹ James Wilson, “PA Convention Speech,” in *Collected Works*, 39.

the Second Continental Congress. Wilson soon distinguished himself as a delegate and was appointed to a series of key committees, first to answer a call from Massachusetts for greater national support, then to deal with problems related to currency supply, and then to handle Indian affairs.⁵² This committee work was generally well-received, and gained Wilson esteem in the chamber. In January of 1776, however, Wilson angered radical delegates when he made a motion for Congress to disavow the King's claim that the revolutionary movement sought total independence. To do so, Wilson called for a committee to draft a statement to Congress's "Constituents and the World" to make their intentions clear. When the plan was approved, Wilson was appointed to the committee and tasked with drafting the statement.⁵³

Wilson's prior published pieces on the crisis were either in line with or ahead of public opinion. "An Address to the Inhabitants of the Colonies" however was a conservative document designed to build sentiment for independence without fully advocating for separation. Within it, Wilson offered a rearguard defense of colonial action. He asked those judging the Congress's actions to consider a simple question:

When the forms of our Government are, by those entrusted with the Direction of them, perverted from their original Design; ought we to submit to this Perversion? Ought we to sacrifice the *Forms*, when the Sacrifice becomes necessary for preserving the *Spirit* of our Constitution? Or ought we to neglect and neglecting, to lose the Spirit by a superstitious Veneration for the Forms?⁵⁴

Wilson, of course, answered in the negative. "We regard those Forms," he wrote, "and wish to preserve them as long as we can consistently with higher objects."⁵⁵ The higher objects Wilson cited here refer to the operations of natural law. Such principles extend beyond the reach of

⁵² Charles Page Smith, *James Wilson, Founding Father*, 65-67.

⁵³ Charles Page Smith, *James Wilson, Founding Father*, 74-75.

⁵⁴ James Wilson, "An Address to the Inhabitants of the Colonies," in *Collected Works*, 52.

⁵⁵ James Wilson, "An Address to the Inhabitants of the Colonies," in *Collected Works*, 52.

statute legislation and the authority of the British Constitution. When coupled “*with the sacred Authority of the people, from WHOM all LEGITIMATE AUTHORITY flows,*” the principles of natural law gave Congress the right to “have exercised legislative, executive, and judicial powers.” This was done “for [the] Safety and Happiness [of the colonists.]” rather than “for the Purpose of establishing an independent Empire.”⁵⁶ The purpose was always “*the Defence and the Re-establishment of the constitutional rights of the Colonies*” and, implicitly, the restoration of their happiness.⁵⁷

This argument, coupled with the development of individual liberty and property rights in his previous works, represents the progression of the moral revolution in the mind of James Wilson. Fidelity to moral principle and natural law drove his convictions. Such principles were antecedent to politics yet entered political discussion as the criterion by which government’s ends should be determined and evaluated. At each turn, he cited philosophical notions of happiness as the key reason for the divide between Great Britain and her colonies. While he was fully cognizant of the material “Advantages which have resulted to the Colonies... from the Connexion which has hithero subsisted,” he downplayed the role in which material concerns played into colonial-imperial relations. Instead, mutual benefit should be seen as deriving from a broader array of concerns including: “Religion, Laws, Manners, Customs and Habits.” These principles were threatened by the “Arbitrary Exertions of Power on the Part of Britain.” which meant by extension that “the Freedom, Happiness, and Glory,” of all citizens of the British Empire were threatened.⁵⁸ Wilson argued that this problem could be solved by restoring “to both countries those important Benefits that Nature seems to have intended them.” Doing so would

⁵⁶ James Wilson, “An Address to the Inhabitants of the Colonies,” in *Collected Works*, 53.

⁵⁷ James Wilson, “An Address to the Inhabitants of the Colonies,” in *Collected Works*, 53.

⁵⁸ James Wilson, “An Address to the Inhabitants of the Colonies,” in *Collected Works*, 56.

“secure the Continuance and the Encrease of those Benefits to numerous succeeding Generations.”⁵⁹ In short, Wilson believed the Revolution to be for nothing short of the moral and physical prosperity, or happiness, of the colonists. The intellectual world of the eighteenth century was uniquely moral, and so it is fitting that Wilson cast the Revolution in moral terms.

Before Wilson’s “Address” could be published, the context of events made it irrelevant. When Wilson had introduced his motion in December of 1775, it could have reasonably been argued that public sentiment was undecided regarding the question of independence. As Wilson wrote his address however, sentiment dramatically changed. First, the continued evolution of events out of doors, especially regarding the armed conflict in Boston, effected a de facto separation between Britain and the colonies. Second, and most importantly, in January of 1776, Thomas Paine published the pamphlet *Common Sense*. Compared to the lawyerly precision and restrained opulence of Wilson’s prose, *Common Sense* struck like a lightning bolt, energizing the cause for independence and severing “the last psychological and constitutional connection” between England and America.⁶⁰ In place of Wilson’s carefully constructed attempts to salvage “the venerable Model of British Liberty” through reasoned reform, Paine offered Americans the “power to begin the world over again.”⁶¹ This is not to say that Wilson was not fully devoted to the American cause — he carefully maintained that Congress’s “first [desire] is that America may be Free” — but Paine’s polemic resonated in a way Wilson’s argument did not, and he advanced arguments that Wilson, writing in an official capacity, could not.⁶² Wilson’s “Address”

⁵⁹ James Wilson, “An Address to the Inhabitants of the Colonies,” in *Collected Works*, 57.

⁶⁰ C. Bradley Thompson, *America’s Revolutionary Mind*, 313.

⁶¹ James Wilson, “An Address to the Inhabitants of the Colonies,” in *Collected Works*, 46. Thomas Paine, “Common Sense,” in *Rights of Man, Common Sense, and Other Political Writings*, (Oxford: Oxford University Press), 53.

⁶² James Wilson, “An Address to the Inhabitants of the Colonies,” in *Collected Works*, 58.

was entered into the journal of proceedings and then ““Ordered to lie on the table.””⁶³ Despite the fact that it was never published, the “Address” still represents the culmination of Wilson’s pre-Independence theoretical work and conveys the way in which, working within the confines of the actions of the British government and patriots outside of doors, he constructed a theory of revolution devoted to the principles of natural law and the moral condition of happiness.

In the spring of 1776, attention within Congress turned towards independence. Though more radically minded delegates like the Adamses of Massachusetts had been advocating for independence for some time, Congress consistently avoided the issue to placate moderate and conservative-minded delegates. Public opinion shifting vocally towards independence coupled with the impending invasion of New York by a large British fleet made this strategy impossible. Pennsylvania’s delegation was split on independence. At least initially, Wilson followed the lead of his former law tutor John Dickinson, and voted against independence. In the final vote, however, Wilson switched his vote in order to deliver Pennsylvania for the side of independence. Historians have often pointed towards this seeming ambivalence towards independence along with his standing as one of the most influential Federalists during the drafting and ratification of the Constitution to argue that there is an inherently conservative and anti-democratic streak within Wilson’s political philosophy. However, this does not conform to a close reading of his theoretical work. Instead, coupling his political action on the question of independence with the theory of revolution detailed in his pre-Independence public works further elucidates the mechanisms of that theory as well as the set of values at its heart.

⁶³ Worthington Chauncey Ford, ed., *Journals of Continental Congress, Edited from Original Records in Library of Congress*, vol. 4, (Washington: GPO, 1906), 146.

Understanding the context of the vote for independence is crucial.⁶⁴ Throughout 1775 and 1776, the political situation in Pennsylvania shifted dramatically as the old provincial order slowly collapsed. During that time, a series of ad-hoc committees began to supplant the colony's Assembly as the main source of political power. Even as this occurred, the elected assembly was still responsible for selecting and directing the delegates to Congress. The instructions they gave "enjoined" the delegates to "utterly reject any propositions...that may cause or lead to a separation from our Mother Country, or a change in the form of this Government."⁶⁵ Because the Assembly was a generally conservative body it was highly unlikely that those instructions would be changed in the absence of a wholesale overhaul of Pennsylvania's political structure.

Regardless of his personal feelings towards independence, Wilson was generally skeptical of radical efforts to completely overturn the political balance in the colony. Within Congress he took steps to both delay the vote on independence and delay issuing instructions to the colonies to replace their old colonial governments with new republican forms.⁶⁶ It is likely that Wilson hoped that impending elections, coupled with an expansion of seats in the more radical Western portions of the colony would deliver a pro-independence majority in the Assembly and solve the problem through regular order. This did not occur and under radical pressure, business in the assembly ground to a halt. One of the few acts they were able to pass during this time did amend the instructions to the delegates in Congress, giving them open-ended

⁶⁴ The overarching story is covered in a variety of diverse sources far better than I could offer, so here I will only cover the essentials as pertains to Wilson. For a more detailed narrative see: Pauline Maier, *American Scripture*, Chapter I.

⁶⁵ Peter Force, ed., *American Archives*, vol. 4, (Washington D.C.: M. St. Clair Clarke and P. Force, 1843), 1793.

⁶⁶ These efforts engendered a firestorm of criticism of Wilson which labeled him as an enemy of independence and of popular sentiment more generally. This criticism was virulent enough that the Congress issued a declaration supporting his conduct and conscience, entitled, "Defense of Wilson," signed by many of the staunchest advocates for independence including John Hancock, Thomas Jefferson, and both John and Samuel Adams.

instructions to “promot[e] the liberty, safety, and interests of America.”⁶⁷ After an extra-legal convention replaced the provincial government with a new Assembly elected by a much wider segment of the population, those instructions were further amended to allow the delegates to vote to support independence.⁶⁸ Thus freed, Wilson became a swing vote for independence in the Pennsylvania Delegation. When the final vote was taken on July 2nd, Wilson’s vote delivered the state in favor of independence.

His conduct throughout this process tells us several things. First, labeling Wilson as a cautious political actor is entirely appropriate. He hesitated when presented with radical crowd-generated solutions to political problems and instead favored moderate solutions that preserved as much regular order as possible.⁶⁹ It is irresponsible, however, to read that predilection as blanket conservatism. Instead, the theoretical framework of revolution Wilson developed throughout his treatises and speeches provides a more grounded explanation for his conduct.

His theory of revolution hinges on two related suppositions: first, that the formation, continuation, and abolition of government must only stem from the consent of those governed, and second, that government’s end must be the happiness and prosperity of its citizens or subjects. When government does not meet that end, citizens have a right to withdraw consent from the government and formulate a new one which better serves their happiness.⁷⁰ This belief helps to explain Wilson’s hesitancy to support efforts to replace the elected assembly. While he

⁶⁷ Peter Force, *American Archives*, vol. 4, 755.

⁶⁸ Charles Page Smith, *James Wilson, Founding Father*, 87.

⁶⁹ His actions also support the idea, present in both contemporary and modern depictions of Wilson, that he was a highly academic and rigid thinker.

⁷⁰ This theory of government and revolution was shared by many in the Revolutionary generation, albeit with different emphases. For example, while I argue that enlightened notions of happiness best explain Wilson’s revolutionary theory, both Adams and Jefferson shared a similar conceptual framework, Adams emphasized virtue and Jefferson favored individual liberty. The most famous expression of consent-based revolution and reformation of government is found in the Declaration of Independence.

readily criticized Britain's government for suppressing colonist's rights, and proclaimed that a failure to reform would engender a separation from that government, he likely felt differently about Pennsylvania's assembly.⁷¹ During the colonial period, Pennsylvania was regarded to be one of "the freest, most ethnically diverse, religiously open societies" earning it the moniker "the best poor man's country" in the world.⁷² It is generally felt that Pennsylvania's government acted in the interest of its citizens during much of the Imperial Crisis until colonial-imperial relations truly broke down in the mid 1770s.⁷³ Wilson therefore questioned whether it was necessary to completely overthrow this government. Was it threatening the happiness of its citizens? Perhaps, but not to the degree that the system could not be reformed. For much of the conflict, Wilson looked to reform rather than complete overthrow of the established order of power in order to make government more representative

Second, the emphasis on consent in Wilson's revolutionary theory explains a deeper problem he had during discussions over independence. The most recent instructions offered to Wilson by the elected representatives who sent him to Philadelphia as a delegate ordered him to oppose separation from Britain. Although sentiment out-of-doors had clearly evolved, for an institutionally-minded and formally rigid thinker like Wilson, the instructions remained the clearest and only valid way to interpret popular sentiment because it was the only way public opinion could be translated through institutional means into a mandate. Without a change in

⁷¹ Wilson's criticism of Britain's government and warning of the consequences should there be no reform can be found, usually at the conclusion, of each of his three major early works.

⁷² Richard Beeman, *The Varieties of Political Experience in 18th century America*, (Philadelphia: University of Pennsylvania Press, 2004), 205.; The term "best poor man's country" is derived from James T. Lemon, *The Best Poor Man's Country a Geographical Study of Early Southeastern Pennsylvania*, (Baltimore: Johns Hopkins Press, 1972). The democratic character of Pennsylvania's colonial government has long been noted with Richard Ryerson referring to it as "the most vibrant participatory democracy in the world." Richard Alan Ryerson, *The Revolution is Now Begun: The Radical Committees of Philadelphia, 1765-1776*. (Philadelphia: University of Pennsylvania, 1978), 5.

⁷³ Richard Beeman, *Varieties of Political Experience*, Chapter 8.

those instructions, Wilson likely felt bound to oppose the question. Wilson's colleagues shared this view in the "Defense of Wilson" memorial, writing that:

Mr. Wilson...believed a majority of the people of Pennsylvania were in favor of independence, but that the sense of the Assembly (the only representative body then existing in the Province) as delivered to him by their instructions, was against the proposition, that he wished the question to be postponed, because he had reason to believe the people of Pennsylvania would soon have an opportunity to express their sentiments upon this point, and he thought the people ought to have an opportunity given them to signify their opinion in a regular way upon a matter of such importance.⁷⁴

That he shifted his support for independence as the instructions changed corroborates the idea that he personally supported independence but was waiting for the people to voice similar approval through official mechanisms. Independence was a weighty question, and even after the change in instructions, had he personally opposed independence, he could have recused himself for the vote. This was done by both his former mentor John Dickinson and his friend and future business partner Robert Morris.⁷⁵ That Wilson did not follow their lead and instead offered his positive support for independence suggests that by the spring and summer of 1776 he personally supported independence and awaited positive confirmation that the people did too before acting. Rather than illustrating conservative anti-democratical thought, it illustrates his theory of revolution, predicated on a government of happiness via consent, translated into practice.

Surveying the whole of his intellectual and political work prior to July of 1776, what can we say of Wilson's approach to revolution? First, his formal training in the context of the

⁷⁴ "A Defense of Wilson" as quoted in Burton Alva Konkle, "James Wilson and the Constitution" (Philadelphia, 1907).

⁷⁵ Despite the fact that Wilson broke with both Dickinson and Morris here, Wilson's political identity is often retrospectively assumed to be dominated by Dickinson and Morris. This is repeated in a diverse set of sources ranging from the musical "1776," which depicted Wilson as Dickinson's dithering disciple, to academic treatments of Wilson. See for example: Terry Bouton, *Taming Democracy: 'the People', the Founders, and the Troubled Ending of the American Revolution*. (Oxford: Oxford University Press), 2009, Chapter 3. Bouton refers to the combination of political interests among men like Wilson and Morris as "the gospel of moneyed men" and of Wilson notes only that he was a "lawyer suspected of wartime profiteering and aiding the British."

Scottish Enlightenment clearly grounded his approach. While he certainly engaged with the series of events unfolding in America and the wider Atlantic world during the late 1760s and 1770s, he did so within the context of a formalized framework of thought. That framework structured his theories and motivated his political actions. Wilson evaluated government through this framework, utilizing happiness as a metric. According to Wilson, happiness, which encompassed an individual's moral and material wellbeing, was government's great end. In order to secure happiness, the people, as the source of political power, must actively consent to a government which represents their interests. When government did not represent their interests and threatened their happiness, people had a right to revolution via withdrawing consent and instituting new forms of government to better meet their needs. In total, these principles put human life in accordance with the precepts of natural law in order to support human flourishing.

Foregrounding the idea of happiness in the political thought of James Wilson offers a new avenue for understanding the Revolution. It shifts our attention away from the constraint of power and the deification of individual freedoms and instead demands that government ought to play a positive role in ensuring individual well-being of citizens. The common belief of the period is often summarized using a quote from Thomas Paine's *Common Sense*: "Society is produced by our wants, and government by our wickedness; the former promotes our happiness POSITIVELY by uniting our affections, the latter NEGATIVELY by restraining our vices."⁷⁶ Wilson offers a different wisdom. He believed that government should promote societal happiness as well as protect societal interests. "Without government," Wilson wrote in the law lectures he delivered in the 1790s, "society in the present state of things, cannot flourish; far less

⁷⁶ Thomas Paine, "Common Sense," in *Rights of Man, Common Sense, and Other Political Writings*, 5. Paine's divergence from Wilson can be clearly seen in this passage, wherein he cites "security" as the "true design and end of government."

can it reach perfection.”⁷⁷ That belief was clearly reflected in his theory of revolution. Once independence was declared, however, attention turned to translating these philosophical ideals into reality in order to support a republic of happiness. As the Revolution continued, Wilson sought to enshrine his vision of happiness as exemplified in his theory of revolution into a tangible system of government. In doing so, he built on the logic that led him to revolution in the first place: that government ought to be designed to promote individual happiness and foster individual moral improvement.

⁷⁷ James Wilson, “Of Government,” in “Lectures on Law, Chapter X” in *Collected Works*, 690.

Chapter Three: Happiness' Constitution

James Wilson's most lasting contribution to American political thought was to constitutional theory. Throughout the late 1770s, 1780s, and 1790s, Wilson devoted himself to solidifying the laws and institutions of the nascent United States through constitutional design and interpretation. First as a citizen of Pennsylvania, and then as a delegate to the Constitutional Convention and Federalist leader during Ratification, he became an authority on constitutional theory and made invaluable contributions to the development of a unique American constitutional vision. He was heavily involved in the drafting of three constitutions: Pennsylvania's first state constitution in 1776, the Federal Constitution in 1787 and the second Pennsylvania state constitution in 1790. This chapter compares the first Pennsylvania state constitution with the federal constitution in order to craft an understanding of Wilson's approach to constitutional design.¹

Wilson's thought is often cited as an example of high Federalism because of his embrace of a strong centralized national government. Categorizing Wilson as a Federalist is accurate; he valued preserving the federal union and he was a consistent advocate for government power. In this sense, Wilson's thought is consistent with scholars who argue that at the Convention, Federalists attempted to craft the United States into a modern fiscal-military state.² However, while Wilson certainly favored institutions like a central bank cited by these scholars, by utilizing happiness to frame his constitutional thought, we can better understand not only the specific constitutional provisions Wilson advocated for, but also of the reasoning behind his

¹ The second state constitution is generally regarded to be an extension of the principles of the Federal Constitution and so does not provide as vivid a contrast as the first two constitutions Wilson engaged with.

² Max M. Edling, *A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State* (New York: Oxford University Press, 2003).

advocacy and the promise he saw for the new nation. Wilson favored a strong government because he believed government ought to play an important role in supporting individual advancement on both material and moral levels. Without “energy” in government, he noted at the Pennsylvania Ratification Convention, “the advantages of society [would be] lost.”³ He supported constitutional provisions like “the necessary and proper clause” which would give government the necessary latitude to act in favor of its citizens so that government could fulfill its role as a support for happiness.⁴ He advocated for provisions like the direct election of senators and the president because he believed that direct participation in republican government would craft citizen’s moral sensibilities and virtues.⁵ His overarching devotion to happiness therefore provides the conceptual key to understanding the whole of his constitutional vision.

Wilson’s first engagement with constitutional theory occurred at the state level in Pennsylvania. Although generally used to paint Wilson as anti-democratic, Wilson’s objections to the 1776 constitution demonstrate the ways in which his basic approach to government drove his constitutional vision. He would eventually apply the theories he developed in 1776 at the Federal Convention in 1787. As such, to understand his work on the federal constitution, it is

³ James Wilson, “Remarks of James Wilson in the Pennsylvania Convention to Ratify the Constitution of the United States, 1787,” in *Collected Works of James Wilson*, Kermit L. Hall and Mark David Hall, ed. (Indianapolis, Ind.: Liberty Fund, 2007), 252.

⁴ This provision grew directly out of his revolutionary critiques of imperial policy — by giving Congress wide latitude to act, he hoped to empower the new national government to directly support citizen’s in a way that the British empire failed to in the 1760s and 1770s.

⁵ James R. Zink and Michelle Schwarze note the importance of moral philosophy to understanding Wilson’s view of institutions in their article on his constitutional thought. They argue that Wilson’s thought represents a synthesis of Madisonian and Jeffersonian notions of republicanism through the combination of Jefferson’s belief that institutions reflect and shape people’s principles with Madison’s structure of institutional checks and balances. Where their analysis falls short is in its failure to fully consider Wilson’s thought as its own unique strand and their contention that Wilson fully adopted Madison’s belief that the primary purpose of government was to regulate people’s negative tendencies. By utilizing happiness as a metric to ground Wilson’s political thought we can see both how Wilson developed innovative constitutional theories and how he developed a specific positive role for government within those theories. See: James R. Zink, and Michelle Schwarze, “James Wilson’s Science of Politics and the Moral Psychology of American Constitutionalism.” *American Political Thought* 7, no. 4 (2018): 588-613.

critical to first understand his critique of the 1776 Pennsylvania constitution. Written soon after independence was declared, it embraced the democratic egalitarianism of Thomas Paine's *Common Sense*.⁶ Under the new constitution, Pennsylvania's government consisted of a single unicameral legislature, a pluralistic executive council elected by that legislature, and a judiciary appointed for a fixed term. The constitution removed property requirements for voting and gave the franchise to all taxable male inhabitants over the age of 21, provided that they signed a loyalty oath to the new government. Finally, the Constitution provided for its own amendment via a "council of censors" which would meet every seven years to assess and update the provisions of the constitution.⁷ Pennsylvania's new constitution translated the furthest reaching elements of revolutionary rhetoric into reality, making good on revolutionary appeals to man's inherent equality as well as the virtue of simplistic government in what one scholar has labeled, "a radical experiment in politics."⁸

Wilson soon became one of the active leaders of a group of prominent citizens who vehemently opposed the new constitution. Branding themselves first as "anti-constitutionalists" and then as "the Republican Society," members tended to be wealthy and well-connected, but it should be noted that there were exceptions to this rule and the Republican Society's membership did represent something of a cross-section of Philadelphia's middling and upper strata.⁹ Critics of

⁶ Although Paine's plan contains only the most basic sketch of a government, it was influential in Constitutional thought. It included such features as annually elected state assemblies and a Continental Congress with a presiding officer chosen by lot requiring 3/5 of states to agree in order to pass legislation. Thomas Paine, "Common Sense," in Merrill Jensen, ed., *Tracts of the American Revolution, 1763-1776* (Indianapolis, Indiana: Hackett Publishing Company, 2003), 432-433.

⁷ *Pennsylvania Constitution of 1776*, from The Avalon Project. http://avalon.law.yale.edu/18th_century/pa08.asp.

⁸ Gordon Wood, *Creation of the American Republic*, (Chapel Hill: University of North Carolina Press, 1969), 226.

⁹ For an analysis of membership in the Republican and Constitutional Societies, see: A. Kristen Foster, *Moral Visions and Material Ambitions*, (Lanham: Lexington Books, 2004), 116-121.; and Steven Rosswurm, *Arms*,

this organized opposition often deride their work as anti-democratic conservatism.¹⁰ Because of the preponderance of merchants amongst the members, it is often assumed that they acted out of pure economic interest or that their desire was to install themselves as a new American aristocracy. Treating his opposition as an expression of blanket conservatism or naked self-interest does a disservice to Wilson's more nuanced thought. Attention to his arguments elucidates his concerns regarding the document: they stemmed from his conception of government and his own hope for the promise of republicanism in America.

On March 24, 1779, the *Pennsylvania Gazette* featured a proclamation "To the Citizens of Pennsylvania" which detailed Wilson's thinking.¹¹ The missive outlined the philosophical lines along which Wilson judged the document. Unsurprisingly, Wilson stated that the supreme purpose of the Republican society was to support "the liberty and happiness of Pennsylvania."¹² The basic argument he made against the constitution stems from this desire: rather than protecting the freedoms gained from separating from English tyranny, the new constitution's "general tendency and operation will be to join the qualities of the different extremes of bad government" and "introduce the same monster, so destructive of humanity, among ourselves."¹³

Moving point by point through the Constitution, Wilson contended that its strictures would cede Revolutionary gains. He first took issue with the idea of a unicameral legislature.

Country, and Class: The Philadelphia Militia and "Lower Sort" During the American Revolution, 1775-1783, (New Brunswick NJ: Rutgers University Press 1987), 176-177.

¹⁰ This is true of Wilson's contemporaries and modern historians. See for example: Robert L. Brunhouse, *The Counter-revolution in Pennsylvania, 1776-1790*. (Harrisburg: Pennsylvania Historical Commission, 1942).; and Terry Bouton, *Taming Democracy: 'the People', the Founders, and the Troubled Ending of the American Revolution*, (Oxford: Oxford University Press, 2009).

¹¹ Although signed jointly, authorship of this document was attributed to Wilson by Charles Page Smith based on its style as well as a contemporary attribution from Timothy Matlack. Charles Page Smith, *James Wilson, Founding Father, 1742-1798*, (Chapel Hill: UNC Press, 1956), 400.

¹² *The Pennsylvania Gazette*, "To the Citizens of Pennsylvania," March 24, 1779.

¹³ *The Pennsylvania Gazette*, "To the Citizens of Pennsylvania," March 24, 1779.

Such a body, he wrote, possesses a “natural tendency towards despotism” because “there is no power that can confine it within its proper bounds” should the legislature act tyrannically.¹⁴ Wilson’s solution, intuitively enough, was to install an upper chamber in the legislature as a stronger check to halt tyranny. Anticipating a common critique of that system, that supporters of an upper house were only interested in installing an American aristocracy, Wilson argued that a senate would not lead to aristocracy because elections would retain the people as “the fountain of all [political] authority.”¹⁵ The argument that rigorous application of popular sovereignty would ensure republican efficacy, once refined, would become the heart of Wilsonian constitutionalism. At the national convention in 1787, Wilson expanded this idea across the full system of government. In 1776, however, he used it simply to defend the contention that a more complex governmental structure could still foster republican values.

Wilson also heavily criticized the loyalty oaths citizens were required to take in order to “exercise the first right of freemen — choosing their legislators.”¹⁶ A mixture of freedom of conscience with popular sovereignty played a vital role in Wilson’s constitutional theory and in his overarching theory of government and happiness. Because of this, Wilson found loyalty oaths to be especially repugnant. Wilson’s critiques are underrepresented in critical appraisals of the 1776 constitution. In a rush to confirm the document as a paragon of democracy, supporters (both past and present) elide the disenfranchisement of a diverse group of citizens including Tories, Quakers, and even men like Wilson, who while fully supportive of the American cause, did not believe in the new constitution and would not sign the loyalty oaths required to vote. As noted by Robert F. Williams, the 1776 constitution assumed a homogeneity of opinion within the

¹⁴ *The Pennsylvania Gazette*, “To the Citizens of Pennsylvania,” March 24, 1779.

¹⁵ *The Pennsylvania Gazette*, “To the Citizens of Pennsylvania,” March 24, 1779.

¹⁶ *The Pennsylvania Gazette*, “To the Citizens of Pennsylvania,” March 24, 1779.

population not reflected in reality.¹⁷ Instead, the constitution disenfranchised some citizens while giving those who remained the chance for self-aggrandizement. Taken together, Wilson's critiques culminate in the argument that ultimately, "continuing the present constitution" would feed political actors with an "ambition to tyrannize over their fellow citizens" and could not be supported.¹⁸

Although the arguments advanced in "To the Citizens" were mainly theoretical, practical evidence also convinced Wilson that the state constitution did not support the happiness of Pennsylvanians. As he noted in "To the Citizens," "while the other States enjoy happiness and tranquility under the governments, Pennsylvania exhibits mournful scenes of weakness and distraction."¹⁹ Pennsylvania's post-independence position, beset by invasion, occupation, infighting, and economic catastrophe, did little to convince men like Wilson that their government was effective and deserving of support. The problems faced by the state, and especially the city of Philadelphia were complex and wound together constitutional, economic, and factional strife, to demonstrate the necessity of a strong constitutional structure for stability. While it's true that any government in power would have likely struggled to manage the crises, the weakly empowered state government provided for by the 1776 constitution was particularly ineffective, which convinced Wilson that the constitution was not meeting the needs of its citizens.

Runaway inflation and an inability to control the prices of essential goods was one of the most severe issues Pennsylvania faced. Exacerbated by British invasion and occupation through

¹⁷ Robert F. Williams. "The Influences of Pennsylvania's 1776 Constitution on American Constitutionalism during the Founding Decade" in *PMHB*, Vol. 112, No. 1 (January 1988), pp. 25-48.

¹⁸ *The Pennsylvania Gazette*. "To the Citizens of Pennsylvania," March 24, 1779.

¹⁹ *The Pennsylvania Gazette*. "To the Citizens of Pennsylvania," March 24, 1779.

1777 and 1778, by 1779 the problem ballooned into a general catastrophe.²⁰ To solve the problem, they enabled an ad-hoc committee to take charge of prices. That committee worked for most of the summer of 1779 while warning residents that the “rage for raising prices will, unless it be put a stop to, become the ruin both of those who contrived it, and those who follow it.”²¹ To solve the problem, however, they could do little more than issue notices and lean on the city’s merchant elite to lower prices themselves. Absent any real formal political power, they admitted defeat in September of 1779 and declared there to be “no eligible method but to endeavor to keep matters as they were, until the meeting of the Assembly, before whom we have laid the business.”²²

At the same time the committee offered ineffectual solutions, the situation in Philadelphia’s streets slowly deteriorated. In December of 1778, an anonymous letter published in the *Pennsylvania Packet*, titled “A Hint,” warned Philadelphia’s elite that “Hunger will break through stone walls, and the resentment excited by it may end in your destruction.” By late May 1779, the discord in the city made many citizens “apprehensive of a mob rising” and two days later residents were scared by the appearance of “threatening handbills.”²³ These broadsides, titled “For Our Country’s Good!” and signed “Come on Cooly,” highlighted the plight of the lower classes in Philadelphia and warned that “We have turned out against the enemy and we

²⁰ Pennsylvania’s economic problems were compounded by both the government’s inability to function properly, the general pressure placed on colonial currencies by separation from Britain, and by wartime invasion. From September of 1777 to June of 1778, Philadelphia and its surrounding environs were occupied by the British. For more, see: Paul Langston, ““A Fickle, and Confused Multitude”: War and Politics in Revolutionary Philadelphia, 1750-1783,” PhD diss., University of Colorado, 2013.

²¹ *Pennsylvania Packet*, June 29, 1779.

²² *Pennsylvania Packet*, September 24, 1779.

²³ Elizabeth Drinker. May 22, 1779 and May 24, 1779 in *The Diary of Elizabeth Drinker*, ed. Crane, Elaine Forman, (Boston: Northeastern University Press, 1991).

will not be eaten up by monopolizers and forestallers.”²⁴ At the end of August, a second broadside, signed “Come on Warmly” to reflect the escalation of tempers, was posted. In charged language, it called for the punishment of “overbearing Merchants,” the “swarm of Monopolizers and Speculators,” and the “infernal gang of Tories,” keeping prices high and working against the Constitution.²⁵ Continued crowd action threatened violence should their demands be unmet.

On October 4th, 1779, the tensions that had been building for most of the year exploded during an event now referred to as the Fort Wilson Riot.²⁶ That day, a large crowd gathered at a local tavern in order to drive several prominent Tories from the city. As their anger intensified, calls rang out to “get Wilson,” likely because of his merchant connections and defense of accused Tories at treason trials the previous Spring, and the crowd began to march towards Wilson’s house at the intersection of Third and Walnut Streets. Notified of the movements, Wilson and a group of other prominent citizens retreated inside the house. As the crowd demonstrated outside, a shot rang out and both sides began to trade volleys. The crowd attempted to force entry into the house until they were dispatched by Philadelphia’s City Light Cavalry, led by the President of Pennsylvania, Joseph Reed. When the smoke of the conflict cleared, one man

²⁴ “For Our Country’s good!” May 23, 1779, in Steven Rosswurm, *Arms, Country, and Class*, 178.

²⁵ “Gentlemen and Fellow Citizens,” August 29, 1779, in Steven Rosswurm, *Arms, Country, and Class*, 205-206.

²⁶ For the best descriptions of the “riot” see: detailed primary source accounts including: “Journal of Allen McLane,” in *The Spirit of Seventy-Six: The Story of the American Revolution as Told by Participants* vol. 2, Henry Steele Commager and Richard B. Morris, eds., (New York: Bobbs-Merrill, 1958). and Horace Edwin Hayden, ed., “The Reminiscences of David Hayfield Conyngham, 1750-1834.” in Wyoming Historical and Geological Society, *Proceedings and Collections*, vol. 8, 208-215. See also: John K. Alexander. “The Fort Wilson Incident of 1779: A Case Study of the Revolutionary Crowd,” *William and Mary Quarterly*, Volume 31 Number 4 (October 1974), 589-612.; C. Page Smith, “The Attack on Fort Wilson,” *Pennsylvania Magazine of History and Biography*, Vol. 78, No. 2 (April 1954), 177-188; A. Kristen Foster, *Moral Visions and Material Ambitions*, 121-124; and Steven Rosswurm, *Arms, Country, and Class*, Chapter 7, esp. 210-217.

inside the house and several outside were dead. Wilson fled the city and remained in hiding until the legislature and courts successfully resolved the conflict.²⁷

The Fort Wilson Riot vividly illustrated the importance of stability in republican governments as a prerequisite for the pursuit of happiness to Wilson. Whereas he had advocated revolution because the British government's actions negatively restrained the ability to pursue happiness, in Pennsylvania, the problem was reversed. In Wilson's opinion, Pennsylvania's government, weakly structured and wracked by partisan in-fighting, could not positively influence individual happiness, or in the case of Fort Wilson, even maintain a modicum of order. More than self-interest or a desire to limit democratic participation, higher aspirations for government drove Wilson's opposition to the state constitution. He utilized this experience to articulate a more rigorously designed constitutional framework to support happiness for the citizens of America. In 1787, he entered the federal convention as one of the most nationally-minded delegates and stridently advocated for policies consistent with his vision of happiness.

The Constitutional Convention, and the document it produced, are two of the most studied aspects of early American political history. Conventional literature heralds the convention as a uniquely "Madisonian Moment" and the Constitution is regarded as a uniquely Madisonian triumph.²⁸ This results in part because James Madison did play an essential role in the proceedings, but more importantly it is a reflection of the fact that Madison monopolized procedural information through his highly detailed notes on the convention.²⁹ He also dominates

²⁷ In March 1780, the Assembly issued a general pardon for all involved in the riot. They also introduced a slate of bills designed to mollify the crowd that marched against the Fort.

²⁸ Jack Rakove, *Original Meanings: Politics and Ideas in the Making of the Constitution*, (New York: Vintage 1996).

²⁹ Historians have recently argued that much of Madison's historiographical influence stems from his control of information both during the convention through his notes and during ratification through *The Federalist*.

historiographical interpretation of the document through the pages of *The Federalist*. From this stilted view, it is surmised that the primary concerns of the Constitution are the diffusion of power to protect liberty and the balancing of interests and protection of rights within an enlarged commercial republic.³⁰ Although these themes are certainly important, it is unfair to reduce the Constitution to only these purposes, and expanding our view of its creation to include figures like James Wilson reveals a far more diverse philosophical basis for consideration.

The convention was Wilson's professional apex and he likely played a bigger role than any delegate besides Madison in determining the final product. In contrast to Madison's more pessimistic focus on the balancing of interests, Wilsonian constitutionalism offers a more organic and positive approach to government.³¹ Whereas Madison privileged property and interests as fundamental political units, for Wilson, the individual human being remained the sole unit of politics.³² At the convention, Wilson's devotion to popular sovereignty and a more actively empowered government led him to make prescient arguments which presaged the great constitutional questions and developments which have influenced American thought since the passage of the constitution.³³ Each of these issues stem from his philosophical attachment to

See: Mary Sarah Bilder, *Madison's Hand: Revising the Constitutional Convention*, (Cambridge: Harvard University Press, 2015).

³⁰ This conception is developed extensively in numerous sources related to the Constitution but is most forcefully expressed in Rakove's *Original Meanings*. For further developments of Madisonian thought see for example two recent works: Jeff Broadwater, *Jefferson, Madison, and the Making of the Constitution*, (Chapel Hill: UNC Press, 2019) for a discussion on how Madison, in concert with Jefferson developed a consistent approach to republican thought in response to the crises of the 1780s.; and Thomas Ricks, *First Principles: What America's Founders Learned from the Greeks and Romans and How That Shaped Our Country*, (New York: Harper Collins, 2020), 193-216 for an exploration of how Madison engaged with classical thought to solve long standing problems with republican thought. Ricks argues that virtue as a political force played little influence in the final outcome of the convention, a contention which is rebutted by Wilson's thought.

³¹ William Ewald, "James Wilson and the Drafting of the Constitution," *University of Pennsylvania Journal of Constitutional Law* 10, no. 5 (2008), 916-925.

³² James Wilson, "Remarks in the Federal Convention of 1787," in *Collected Works*, 115. See also: William Ewald, "James Wilson and the Drafting of the Constitution," 978.

³³ William Ewald, "James Wilson and the Drafting of the Constitution." Ewald's analysis is replete with examples of Wilson's prescience, including on the popular election of U.S. Senators, the usage of the "necessary and

happiness as the supreme moral concept which grounds the human experience and provides meaning to human life. This catalog of thought is largely lost if one focuses only on Madison's influence. Following Wilson opens new avenues of interpretation for the Constitution and of understanding for the grand purpose of political action in the United States.

The idea that the people were the ultimate source of political power grounded Wilson's thought. Given his reputation in less-focused scholarly pieces as an anti-democratic conservative monopolizer, this dedication to democratic principle seems somewhat jarring but is consistent with his prior intellectual work and general approach to moral philosophy. The metaphor Wilson often used to capture his views was that of the pyramid. Like a pyramid, Wilson argued that the federal government needed "as broad a basis as possible" so as to raise it "to a considerable altitude."³⁴ Wilson remained committed to integrating the people into the structure of government, although as noted by William Ewald, the metaphor of the pyramid more accurately explains Madison's belief in the filtration of power through bodies like the Senate rather than Wilson's view of popular sovereignty.³⁵ In later speeches, Wilson compared the passage of power from people to government as that of water flowing in a stream, which better illustrates the nuances of his thought.³⁶ He also extended his belief in popular election to include both the Senate and the Executive and opposed any "unnecessary innovations" in restricting the franchise of electors.³⁷ Supporting direct election for the President and the Senate put Wilson outside of

proper" clause, and critiques of the electoral college and comparative strength of direct election. Whereas Wilson's vision of a national citizenship seemed unrealizable in his own time, historical development has brought American identity more in line with Wilson's vision than perhaps any other founder.

³⁴ James Wilson, "Remarks in the Federal Convention" in *Collected Works*, 82-83.

³⁵ William Ewald, "James Wilson and the Drafting of the U.S. Constitution," 942-944.

³⁶ See: James Wilson, "Remarks in the Pennsylvania Convention," in *Collected Works*, 193.

³⁷ James Wilson, "Remarks in the Federal Convention," in *Collected Works*, 85; and 139. Although Wilson did advocate for direct election of the President, he was also the architect of the electoral college which emerged as a key compromise measure later in the convention.

the mainstream at the convention considering both plans were rejected, however they aptly demonstrate his commitment to popular sovereignty and the integration of the people's voice into government.

This commitment is an extension and refinement of the core power he assigned to consent in his theory of revolution. Individual participation in government was the key to popular sovereignty, which Wilson saw as critical to the republican experiment. Allowing citizens a voice at all levels of government ensured that government itself “possessed the mind or sense of the people at large” and helped limit the possibility that the government would abuse its power.³⁸ More importantly, individual participation held the key to individual improvement, which Wilson identified as a key purpose of republican government. Countering Madisonian notions, Wilson denied that “property was the sole object...of government and society” arguing instead that “the cultivation and improvement of the human mind was [that] most noble object.”³⁹ As government, driven by the people's voice, sought the common good, the people's voice itself would be refined by participation in government. This relationship connected republican government and happiness — as people took steps like education and engagement needed to be active citizens in a republic, they would refine their morals, habits, and tastes, ultimately leading them to more moral, prosperous, and thus happy lives. These building blocks, sovereignty and improvement, provided the basis of the pursuit of happiness.

Wilson's work at the convention drew on his already developed notions of how government could aid citizens, which led him to also consistently advocate for an active and powerful national government that would form the American people into “one nation of

³⁸ James Wilson, “Remarks in the Federal Convention,” in *Collected Works*, 90.

³⁹ James Wilson, “Remarks in the Federal Convention,” in *Collected Works*, 115.

brethren.”⁴⁰ In contrast to more locally-minded delegates who believed a strong national government would be anathema to the needs and desires of American citizens, he argued that “A private citizen of a State is indifferent whether power be exercised by the Gen. or State legislatures provided it be exercised for his happiness.”⁴¹ Wilson recognized that ensuring that government power was directed toward the proper aim of providing for citizens’ happiness was as critical for good government as the institutional distribution of power.

Wilson also translated his plan for an active and empowered national government into the design of individual departments. In debate over the executive, it was Wilson, not Madison, who led the convention and first argued for a single executive empowered with a limited set of prerogatives. This proposition generated controversy given that many delegates were concerned that a single executive would inevitably become a monarch. Wilson held firm, responding that a single executive would give the “most energy dispatch and responsibility to the office” while avoiding the pitfalls of Britain through careful choice of which prerogatives to grant the executive.⁴² Wilson also advocated for direct election of the president before compromising with a proposal for an electoral college. His preferred mode of selection likely made him more willing to trust an empowered executive than other delegates — given that the people would choose the president, he had little fear that an executive could override the will of the people and grow tyrannical. By the end of the convention, Wilson’s essential vision remained intact and his mark is still evident on the office of the president. Where other delegates sought to dilute power behind layers of procedural constraints, Wilson sought to empower government officials like the president so that they had the latitude needed to act for the common good.

⁴⁰ James Wilson, “Remarks in the Federal Convention,” in *Collected Works*, 92.

⁴¹ James Wilson, “Remarks in the Federal Convention,” in *Collected Works*, 99.

⁴² James Wilson, “Remarks in the Federal Convention,” in *Collected Works*, 83-84.

By mid-July, the Convention had agreed to a series of propositions but had not yet agreed to any fully-fledged written framework. The job of crafting such a framework fell to the Committee of Detail, of which Wilson was a key member. Despite the importance of the Committee's task, it has not received sufficient coverage in academic explorations of the Constitution.⁴³ Although their instructions had been merely to compile the various motions and agreements the delegates had made into one document, the committee far exceeded that mandate and inserted new language, much of which made it into the final approved draft.⁴⁴ These provisions touched on the major issues dealt with in the convention, ranging from slavery to the scope and power of the federal government. In committee, Wilson worked to inject his own vision of government into each draft and thus through the Committee of Detail, he wielded unmatched influence over the final product of the Convention.

One of those provisions which Wilson inserted is perhaps one of the most important lines of constitutional text to be included in the final document: the necessary and proper clause. Although Southern members on the Committee had sought to limit the power of Congress by strictly enumerating what it could or could not legislate on, Wilson's added clause, stipulating that Congress had the power to "make all laws that shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested...in the government of the

⁴³ For a full narrative of the debates and discussions of the Committee of Detail, see William Ewald, "James Wilson and the Drafting of the U.S. Constitution."

⁴⁴ The earliest drafts produced by the Committee bear a strong southern influence and were likely produced by Edward Rutledge. These drafts contained tenets strictly enumerating powers for the legislature and several provisions which were pro-slavery including a prohibition on banning the slave trade. These provisions do not reflect Wilson's intentions or thought and they were likely included because Wilson achieved other concessions from the Southern bloc. William Ewald contends that Wilson likely acquiesced to these changes because they would allow him to gain concessions from the other members of the Committee while being unlikely to be approved by the full convention. This strategic calculus was rewarded when most of Wilson's changes were adopted into the final product while almost all of those made by Rutledge were rejected.; See: William Ewald, "James Wilson and the Drafting of the Constitution," 989-992.

United States” dramatically expanded the scope of subjects Congress could legislate on.⁴⁵ As far back as during the Imperial Crisis, Wilson expressed a belief that government ought to actively support the endeavors of citizens in order to foster their moral and material development. Later, in the 1780s, Wilson consistently advocated for institutions like a national bank, arguing that the economic impact provided by such institutions would ultimately be “highly advantageous” to the future growth of the United States.⁴⁶ Given his experiences in Pennsylvania, it is not surprising that Wilson took steps to give the national government a flexible array of powers.⁴⁷ In Wilson’s mind, activities like chartering a bank were essential to supporting the development of the country and its citizens. The “necessary and proper” clause represents one way in which he reversed constitutional wisdom that had previously plagued him by ensuring that government could react to diverse situations which might impact the happiness of its citizens.⁴⁸

Other sections added to the final draft delivered by the Committee of Detail support this outlook as well. Critical among these are a set of specific restrictions of state power as well as the Supremacy clause. Perhaps as an answer to the restriction of powers placed on the national legislature, in Article XIII of his draft, Wilson prevented states from actions like conducting foreign diplomacy and taxing imports without the consultation of the national legislature.⁴⁹ What

⁴⁵ James Wilson, “Reported by the Committee of Detail,” in *Collected Works*, 131.; See also: William Ewald, “James Wilson and the Drafting of the Constitution,” 990-992.

⁴⁶ James Wilson, “Considerations on the Bank of North America,” in *Collected Works*, 79.

⁴⁷ Wilson’s views reflect a wider intellectual debate over constitutionalism which defined American thought at that time: that between older British traditions of a flexible constitution and newer ideas of a fixed written constitution bound by the restrictions of text. Although Wilson was a master of constitutional text, it is also clear that he favored a broad interpretation of constitutional language so as to give governments much needed latitude to act. See also: Jonathan Gienapp, *The Second Creation: Fixing the American Constitution in the Founding Era*. (Cambridge: Harvard University Press, 2018).

⁴⁸ Based on his writings, Wilson would no doubt be proud that since the founding, the “necessary and proper” clause has been one of the chief legal means through which government has acted.

⁴⁹ James Wilson, “Reported by the Committee of Detail,” in *Collected Works*, 135.

would eventually become the “Supremacy Clause” asserted that acts of Congress made under the authority of the Constitution “shall be the supreme law of the several States...any thing in the Constitution or laws of the several States to the contrary notwithstanding.”⁵⁰ In effect, this clause was designed to bypass a large collection of state laws and provisions which Wilson found incompatible with good government.⁵¹ If the federal government could be designed properly and if that government could then be elevated above previous constitutional forms, then the benefits of good government would spread to all corners of the country. The changes Wilson inserted through committee work did much to establish fluidity of power in the national government in order to give the government the ability to support happiness. Wilson’s additions demonstrate how his philosophical attachment to happiness shaped his constitutional visions and together they show what a government devoted to the support of happiness would look like.

The most contentious issue facing the Committee was slavery.⁵² Slavery produced immense tension throughout the Convention and threatened to derail the proceedings at several points. Scholars have demonstrated the myriad ways in which the South was accommodated during the Convention and the myriad ways in which Constitutional provisions were used to support slavery following ratification.⁵³ This work should not be discounted and provides an essential window through which to view the Convention and political life in revolutionary America. However, this work falls short in evaluating the intentions and mindsets of those

⁵⁰ James Wilson, “Reported by the Committee of Detail,” in *Collected Works*, 132.

⁵¹ William Ewald, “James Wilson and the Drafting of the Constitution,” 991-992.

⁵² This is true of the period more generally as well. For the most influential work on slavery in the colonial and revolutionary period see: Edmund S. Morgan, *American Slavery, American Freedom*, (New York: Norton, 1975). Morgan argues that the development of freedom and slavery in the American colonies were mutually dependent.

⁵³ See especially: David Waldstreicher, *Slavery's Constitution: From Revolution to Ratification*, (New York: Hill and Wang, 2009).

framers who were opposed to slavery as they drafted the document. Intense focus on the ways in which the Constitution was utilized to uphold slavery after its adoption obscures the original intent of the framers with regard to the issue by substituting the actions of later actors for their own.

Certain historians have defended the document's anti-slavery credentials along these lines.⁵⁴ They contend that by the virtue of not explicitly recognizing "property in man," the Constitution was anti-slavery at heart and provided the platform for abolitionist activity in the Early Republic.⁵⁵ While this argument overstates the true anti-slavery sentiment present at the Convention, it does better capture the notion that many delegates did believe that they had set slavery on the path to extinction and thus the Constitution should not necessarily be viewed as pro-slavery at its core. Instead, its pro-slavery reputation is more a product of the politics of the Early Republic than the best intentions and hopes of the framers. This is an especially salient lens under which to consider Wilson.

No physical state could contradict Wilsonian visions of happiness more than that of chattel slavery. Throughout his career, however, Wilson left an ambiguous record on the issue. He advocated against slavery at various points but enslaved an individual, Thomas Purcell, for much of the Revolutionary period.⁵⁶ Like many founders, Wilson underwent an evolution of thought over the course of his career and his anti-slavery views hardened. In debate over the Articles of Confederation, he spoke about it as harmful to society and told delegates "it was their duty to lay every discouragement on the importation of slavery" to the nascent United States."

⁵⁴ Sean Wilentz, *No Property in Man: Slavery and Antislavery at the Nation's Founding*, (Cambridge: Harvard University Press, 2018).

⁵⁵ Sean Wilentz, *No Property in Man*, Introduction.

⁵⁶ Nicholas Pedersen, "The Lost Founder: James Wilson in American Memory." *Yale Journal of Law & the Humanities* 22, no. 2 (2010), 275.

During this speech, however, he spoke almost exclusively about its effect on white citizens rather than recognizing enslaved individuals.⁵⁷ In his law lectures in the 1790s, however, he offered a stronger repudiation of slavery, declaring it “repugnant to the principles of natural law, that such a state should subsist in any social system.” Furthermore, he found justifications for slavery “to be built upon a false foundation” because the law “protects all.”⁵⁸ By the end of his career, he recognized the legal humanity of the enslaved. Wilson freed Thomas Purcell in 1794, which is consistent with the stronger stance he took on slavery later in his career and helped belatedly align his actions more closely with his rhetoric.

Wilson’s work at the Convention was similarly mixed. Throughout the proceedings, he spoke against the pro-slavery bloc and sought to limit the power granted to it. In a speech on the 3/5 compromise, he argued if enslaved people were to be counted for representation as people then they must be “admitted on an equality with White Citizens” and if they were to be included as property then there was no sense in admitting enslaved individuals for the purposes of representation while not recognizing other forms of property as well.⁵⁹ This position shows that at least rhetorically, Wilson was willing to extend citizen-sovereignty to Black individuals: should representation be granted on their behalf, they ought to have the full rights of citizens. Later in the Convention, he helped limit the enforcement of the fugitive slave clause, expressed disapproval of the slave trade, argued against providing special benefits to slave traders and importers and noted that “the abolition of Slavery seemed to be going on in the U.S. [and] that

⁵⁷ Worthington Chauncey Ford, ed., *Journals of the Continental Congress, 1774-1789. Edited from the Original Records in the Library of Congress*, vol. 6, (Washington: GPO, 1906), 1100-1101. Nicholas Pedersen, “The Lost Founder,” 273.

⁵⁸ James Wilson, “Remarks in the Federal Convention,” in *Collected Works*, 1077.

⁵⁹ James Wilson, “Remarks in the Federal Convention,” in *Collected Works*, 113.

the good sense of the several States would probably by degrees compleat it.”⁶⁰ At least when expressing his own views, Wilson showed an unwillingness to accept the logic of enslavement and expressed a firm hope that slavery would soon be abolished.

Despite his personal opinions, Wilson helped broker critical compromises which sustained slavery. He valued the completion of the Constitution more than abolition. As the convention reached a conclusion, he “urged [it to] dispatch its business” and “leav[e] the [3/5] clause as it stands.” To achieve federal union, Wilson was willing to cede ground to Southern delegates.⁶¹ The sad irony was that Wilson was likely willing to compromise because he assumed that slavery would be a temporary nuisance which Congress would abolish soon after being empowered to do so. He argued at the Pennsylvania Ratifying Convention that the document provided “the foundation for banishing slavery out of this country.”⁶² It was clear that Wilson both hoped for the end of slavery and believed that it was in sight. Because of this, he felt that empowering the national government was more critical than proactively ending slavery. That Wilson and the other founders were wrong on this count and therefore their carefully laid compromises helped sustain slavery for the next 80 years, was one of the great tragedies of the Founding. Ultimately, Wilson’s interaction with slavery at the Convention reminds that the experience of happiness remained racially limited during the Founding Era.

Following the delivery of the Committee of Detail’s draft, the Convention’s activity was frantic. Delegates needed a quick conclusion to their work in order to maintain public confidence. This attitude helps explain the pinch Wilson expressed regarding compromise on

⁶⁰ James Wilson, “Remarks in the Federal Convention,” in *Collected Works*, 153.

⁶¹ James Wilson, “Remarks in the Federal Convention,” in *Collected Works*, 113; 153.

⁶² James Wilson, “Remarks of James Wilson in the Pennsylvania Convention” in *Collected Works*, 210. This speech further supports Wilson’s personal opposition to slavery.

slavery — that issue, along with a host of others, was dealt with in a flurry of action designed to conclude the deliberations as quickly as possible. Even so, by the end, there was much that Wilson could be proud of in the final product. The final design of the presidency reflected his vision for the executive branch and he also won key procedural victories regarding the composition of the legislative branch. More importantly, Wilson innovatively inserted his own key constitutional and political theory into the document. These insertions helped craft a government focused on the individual and individual happiness. It also ensured that government itself was sufficiently empowered to enact measures to promote that happiness. In doing so, Wilson adopted constitutional language which incorporated the philosophical training that grounded his worldview, the theory of revolution he developed in the 1760s and 1770s, and his experiences under the 1776 constitution into a cogent theory of government. By following Wilson and not Madison, one sees a republic founded not on the control of faction or balancing of interests but rather on the principles of happiness.

Wilson's constitutional vision continued to evolve following the signing of the Constitution on September 17, 1787. It is important to study his actions during the ratification debates because although the text of the Constitution was fixed in the Convention, the interpretation of that text was not.⁶³ Ratification provided a chance for men like Wilson to insert their own values into the meaning of the text. Moreover, the ratification process forced those in favor of adopting the Constitution to articulate and defend a coherent philosophical theory of government which is useful for determining Wilson's constitutional outlook. Wilson emerged as one of the most influential leaders championing support for ratification and his speeches delivered during this time present one of the clearest articulations of "federalism" as an ideology

⁶³ Jonathan Gienapp, *The Second Creation*, Introduction.

as well as of the wider meaning he ascribed to the Constitution.⁶⁴ Through his work following the convention, we gain a better understanding of Wilson's approach to the Constitution.

Gordon Wood's *Creation of the American Republic* offers the classic account of ideological Federalism.⁶⁵ He argues that it was primarily concerned with extending revolutionary debates regarding sovereignty and the familiar struggle between power and liberty. As part of their strategy to win support, Wood argues that Federalists transformed the idea of "imperium ad imperio" by emphasizing that the Constitution placed sovereignty in the great body of the people.⁶⁶ They also collapsed the opposition between power and liberty, arguing that in a government founded on the strength of the people, power in government protects liberty.⁶⁷ Wood argues that these arguments appropriated the Revolution's tradition of democratic radicalism to create a new strand of constitutional thought representing "the end of classical politics" and the rise of a new liberal political ethos in the American tradition.⁶⁸ Furthermore, he argues that the constitutional era as a whole should be considered as a fundamental struggle "between aristocracy and democracy."⁶⁹

However, if one adopts the criterion of happiness, then conclusions can be drawn outside of Wood's structured transition from classical republican to liberal. Wilson's arguments can be

⁶⁴ Gordon Wood, *Creation of the American Republic*, 530-531.

⁶⁵ Wood's account adds much to our understanding but is highly theoretical. For a more rounded approach to ratification, see: Pauline Maier, *Ratification: The People Debate the Constitution, 1787-1788*. (New York: Simon and Schuster, 2010).

⁶⁶ Imperium ad imperio, meaning a "government within a government" was a popularly held political idea that there could only be one supreme sovereign in a polity. This logic was used to criticize the Constitution.

⁶⁷ Gordon Wood, *Creation of the American Republic*, Chapter XIII.

⁶⁸ Gordon Wood, *Creation of the American Republic*, 606-615. Wood argues that the "American Science of Politics" defeated an age-old problem in republican thought by minimizing individual virtue as an essential element of republican stability. Interestingly enough, he uses a quote from Wilson to make this claim which I argue is a misreading of Wilson's emphasis, given his attention to the cultivation of the personal virtue of happiness.

⁶⁹ Gordon Wood, *Creation of the American Republic*, 485.

read not as part of a protoliberal corpus of work designed to separate individual interest from the common good, but rather as the culmination of a new moral republicanism centered on the pursuit of individual advancement and fulfillment. His devotion to popular sovereignty, which he reinforced during ratification, as a core tenet of government also rebuts Wood's claim regarding aristocracy. Although there were certainly Federalists who made aristocratic arguments, Wilson's peculiar approach to constitutional thought illustrates how the institutions favored by Federalists could be utilized for individual empowerment as much as aristocratic restraint.⁷⁰

Wilson delivered the first major argument in favor of ratification in a speech outside of the Pennsylvania Statehouse on October 6, 1787. The "State House Yard Speech," even more than the more famous and better studied *Federalist* papers, "captured most people's imaginations" and generated sentiment in favor of ratification.⁷¹ Although the speech is not as helpful for understanding the origins and peculiarities of Wilson's thought because he primarily responds to others' criticisms of the document, it does help to set a foundational understanding of his justifications for various provisions of the document. In the speech, Wilson categorized the Constitution as a grant of specific powers by the people to a new federal government empowered to meet the general interest of the people. "Everything that is not given" Wilson explained, "is reserved" to the people.⁷² This critique was designed to answer calls for a bill of rights as well as to justify the specific powers given to the government. Because each power was designed to meet and ensure the general interest, an overreach of power would be impossible. Similarly,

⁷⁰ Two notable examples of aristocratic speeches made by Federalists in the Convention were Alexander Hamilton's "Plan of Government" speech on June 18, and Gouverneur Morris' speech on the Senate delivered on July 2. See: Max Farrand, ed. *The Records of the Federal Convention of 1787*, vol. 1. (New Haven: Yale University Press, 1911), 282 – 293.; and 511-514.

⁷¹ James Wilson, "Remarks in Pennsylvania Convention," in *Collected Works*, 171.; Bernard Bailyn, *The Ideological Origins of the American Revolution*, 50th Anniversary ed., (Cambridge, Mass.: Belknap, 2017), 328.

⁷² James Wilson, "Remarks in Pennsylvania Convention," in *Collected Works*, 173.

although there was much concern that the Constitution's institutional design (particularly the Senate) would lead to the establishment of an aristocracy, Wilson felt this to be an impossibility because under the Constitution, all power is derived from the people. As such, any person seeking distinction or office needed to gain their support first.⁷³ Wilson's speech ended with a partial reflection on the potential offered by the Constitution: "It is the nature of man to pursue his own interest in preference to the public good," he opined, but through the Constitution, citizen's energies would "turn the stream of influence and emolument into... new channel[s]," offering new hope for a republican future. The Constitution may not be perfect in an absolute form, he closed, but it was the "best form of government which has ever been offered."⁷⁴ Although designed for a mass audience, Wilson's justification for ratification contained several hallmarks of his constitutional vision, including popular sovereignty, empowered government, and the transformational potential of republican political culture.

At the Pennsylvania Ratification Convention, Wilson had more space to fully expand on his views on government and the underlying logic behind them than he had in any previous forum. In this convention, Wilson was unparalleled in terms of education, reputation, and familiarity with the matters at hand. As one of the foremost architects of the system at the Federal Convention, it fell to him to do the heavy rhetorical lifting among the pro-ratification bloc of delegates. Although ratification was almost guaranteed by the convention's robust Federalist majority, Wilson not only ably defended the document against strident criticism from vocal Anti-Federalists, but also successfully built a strong case for it on its own merits.

⁷³ James Wilson, "Remarks in Pennsylvania Convention," in *Collected Works*, 174.

⁷⁴ James Wilson, "Remarks in Pennsylvania Convention," in *Collected Works*, 176-177.

In his first speech to the Convention he approached constitutional thought broadly. He reminded the delegates that the Constitution provided both for current citizens and the “myriads of the human race” yet to be born who would eventually spread across the American continent.⁷⁵ The American people, he said, possess a “warm and keen sense of freedom and independence” coupled with a “sound sense” for what would “best promote their freedom and happiness.”⁷⁶ It was the task of the delegates to the Federal Convention and also those in the hall listening to Wilson to ensure that government cultivated and improved that “sound sense” in order to best support their happiness. Wilson grounded discussion in his own dearly held principles which, to him, provided both justification and order to the new system. This is especially important because, as Wilson noted, this was the first historical moment where people were “assembling voluntarily, deliberating fully and deciding calmly concerning [their] system of government.”⁷⁷ Government was for the people and under the new system, power emanated like rays from the sun from the people to their government.⁷⁸

At the Federal Convention, the transactional nature of debates often limited both the scope and content of Wilson’s speeches and actions. At the Pennsylvania Convention, however, he had more latitude to connect constitutional provisions with fundamental principle, allowing for a better understanding of his motivations. Underlying all of it is a specific approach to human nature. “The nature of man is to live in a state of society” he noted, which in turn requires civil restraint to subsist. “Civil government is necessary to the perfection and happiness of man” and

⁷⁵ James Wilson, “Remarks in Pennsylvania Convention,” in *Collected Works*, 178. Wilson always possessed an expansionist view of the American future. Like other members of the Founding Generation, Wilson repeatedly minimized the presence of Native peoples in the Ohio Valley and West in order to rhetorically present America’s promising republican future.

⁷⁶ James Wilson, “Remarks in Pennsylvania Convention,” in *Collected Works*, 179.

⁷⁷ James Wilson, “Remarks in Pennsylvania Convention,” in *Collected Works*, 182.

⁷⁸ James Wilson, “Remarks in the Pennsylvania Convention,” in *Collected Works*, 180.

so man needed to institute government to fulfill their potential and purpose.⁷⁹ Of the options for government facing Americans, only one, the extended federal republic contained in the Constitution, could provide government with the power and flexibility needed to ensure citizens' happiness and society's tranquility while not sacrificing civil liberties.⁸⁰ Under an extended federal republic like that devised by the Federal Convention, he assured delegates that "liberty will reign triumphant" and freedom will be secured for coming generations.⁸¹

For this to succeed, however, sound general principles needed to guide government. For Wilson, of course, that meant first grounding the strength of government in popular sovereignty. He recognized it as inevitable that all governments must be ruled by a supreme and absolute power. The genius of the American republic, however, was that "the supreme absolute and uncontrollable power remains in the people."⁸² Although distinct "streams [running] in different directions," separated that power, the ultimate source remains the "one abundant fountain": the people.⁸³

This fact illustrates both the supreme advantage and the critical anxiety of Wilson's approach to government. In a government of the people, "there is a remedy for every distemper in government," so long as "the people are not wanting."⁸⁴ "For a people wanting to themselves," however, "there is no remedy."⁸⁵ For Wilson, government remained a project of self-reclamation. Although the people had the power to change and shape their government and could always

⁷⁹ James Wilson, "Remarks in the Pennsylvania Convention," in *Collected Works*, 186.

⁸⁰ James Wilson, "Remarks in the Pennsylvania Convention," in *Collected Works*, 185-188.

⁸¹ James Wilson, "Remarks in the Pennsylvania Convention," in *Collected Works*, 187.

⁸² James Wilson, "Remarks in the Pennsylvania Convention," in *Collected Works*, 191.

⁸³ James Wilson, "Remarks in the Pennsylvania Convention," in *Collected Works*, 193.

⁸⁴ James Wilson, "Remarks in the Pennsylvania Convention," in *Collected Works*, 192.

⁸⁵ James Wilson, "Remarks in the Pennsylvania Convention," in *Collected Works*, 192.

ensure that government served the national interest and promoted happiness, the ultimate success of government depended on the people aspiring to higher levels of moral reasoning and conduct.

Wilson extended this logic to cover pertinent issues raised by other delegates, including representation. He answered calls that representatives in Congress would not be tied closely enough to the needs of their constituents to ensure that corruption would not take hold. Wilson found this suggestion somewhat ludicrous. In the national government, he told delegates, the scope of representation was not critical as in state governments; national representatives would make decisions based on the general need to improve the happiness of all citizens.⁸⁶ It was their attention to these needs and not their attachment to their locality that would prevent corruption. Such a contention reveals that Wilson had high hopes for the moral character of future citizens. He fervently believed that through participation in the newly designed republican system, moral feeling would be elevated along with the general wellbeing of the population.

Throughout the ratification process, Wilson challenged others to see the Constitution as he did: as a complete system with a purpose larger than the sum of its individual statutes and collected language.⁸⁷ Wilson's continually expansive view of the task before him led him to see the Constitution as "a certain and solid foundation" for meeting the ends of society and ensuring prosperity.⁸⁸ This could only be done by giving attention to the principles of happiness realized through good government. His "closing argument" for ratification emphasized that fact: the ultimate interest and happiness of citizens, states, and the nation as a whole depended on the plan for union. "By adopting this system," the Constitution would insure America would shine as a

⁸⁶ James Wilson, "Remarks in the Pennsylvania Convention," in *Collected Works*, 200-201.

⁸⁷ James Wilson, "Remarks in the Pennsylvania Convention," in *Collected Works*, 208.

⁸⁸ James Wilson, "Remarks in the Pennsylvania Convention," in *Collected Works*, 215; 220.

“temple of liberty.”⁸⁹ The gift of good government would ensure the future of the American republic and guarantee for citizens “their improvement in knowledge and their advancement in happiness.”⁹⁰ Arguing for ratification, Wilson joined together his previous work at the Federal Convention with a more thought-out attachment to his philosophical understandings of humanity and of government, demonstrating how government as a science was ultimately tied to the empowerment and improvement of individual citizens.

Wilson’s constitutional vision developed first as he experienced new republican government as a citizen of Pennsylvania and then as he helped to craft a new national government. Too often, Wilson is assumed to be one of a faceless mass of federalists whose constitutional visions fell neatly in line with more famous figures like James Madison and Alexander Hamilton. As has been shown, however, Wilson developed his own theory of constitutional government derived from his experiences and philosophical viewpoints. That theory revolved around the idea of individual improvement so as to attain the realization of human happiness. Wilson’s belief that the end of society, government, and ultimately human life was the pursuit of lasting happiness shaped his view of government dramatically. His experiences in Pennsylvania, where decentralized and destabilized government illustrated the dangers weak government posed to the pursuit of happiness, convinced him of the merits of a more empowered, activist government.

Many scholars argue Wilson’s opposition to the state constitution was anti-democratic. Understanding his thought using happiness as a framework, however, reveals a far more satisfying explanation for his dissent. In contrast to his anti-democratic reputation, there was no

⁸⁹ James Wilson, “Remarks in Pennsylvania Convention,” in *Collected Works*, 284.

⁹⁰ James Wilson, “Remarks in Pennsylvania Convention,” in *Collected Works*, 284.

delegate at the Federal Convention who argued more stridently for the empowerment of the people than Wilson. The consent and active participation of the people formed the base of Wilson's "pyramid of government." Where other delegates, including Madison, developed institutional mechanisms to limit the ability of the people to interfere in government, Wilson advocated that the people should be responsible for electing candidates at all levels of the government. Because Wilson gave the people such an active role in government, he saw little danger in empowering government and instead ensured that the national government would be empowered to meet the needs of citizens. The purpose of republican government, according to Wilson, was to refine individual's moral and intellectual government to make them suited to pursue their own happiness. As a constitutional theorist, he worked from those principles to ensure that the United States' Constitution, grounded in the ideas of happiness, would ultimately ensure that the country would become a "republic of happiness."

Conclusion: The Republic of Happiness

The Fourth of July, 1788 provided supporters of the Constitution in Philadelphia a grand stage upon which to celebrate their achievements. Ten states had ratified the document which meant that according to Article VII, the Constitution would take effect. New Hampshire, the all-important ninth state, ratified on June 21. Virginia, critical because of its size and its projected importance in the new union, became the tenth state on June 25. On July 2, the Confederation Congress began plans to implement the new framework. For most federalists, James Wilson included, there was much to celebrate on that first Independence Day under the new Constitution. To do so, they planned a massive public spectacle emphasizing public support for the Constitution and the republican visions of its planners.¹

This was a critical project for the city's federalists because they knew that although the Constitution provided a static framework of government, it was up to citizens to fill that framework with their own values. The parade contained everything from imagery memorializing the Revolution to showcases of the city's artisan shops. One float heralded in gold letters the start of "A New Era" followed by lines of poetry: "*Peace o'er our land her olive wand extends. / And white rob'd Innocence from Heaven descends. / The crimes and frauds of Anarchy shall fail/ Returning Justice again lifts her scale.*"² The poetry was crude, but it conveyed the essential expectations Federalists had for the new republic: peace, prosperity, security and stability, and equal justice for citizens. The parade ended outside the city at the Bush Hill estate where James Wilson gave a grand speech in favor of the federal union. This performance is highly revealing and came at a point of inflection for Wilson. For the past twenty years, he had been at the center

¹ "Grand Federal Procession," *Pennsylvania Mercury, and Universal Advertiser*, July 9, 1787.

² "Grand Federal Procession," *Pennsylvania Mercury, and Universal Advertiser*, July 9, 1787.

of weighty political debates over the true nature and ends of government, the nature of rights and liberties, and the meaning of happiness. Secure in the knowledge that the Constitution had been ratified, the speech was a time for Wilson to take stock of the past, and more importantly, to project forward a unique vision of the republican future.

Wilson's analysis of the Constitution paralleled his conception of happiness. He began with the primary source of Constitutional power, the "whole people...performing an act of sovereignty original and unlimited."³ Through that act, the people ensured that America would experience "just government ... [and the] blessings that walk in its train."⁴ First among these was peace, "the mild and modest harbinger of felicity."⁵ Wilson's equation of peace and felicity, (which was used synonymously with happiness), with the Constitution's passage underscores his understanding of the intersection between happiness and government. In Wilson's conceptualization, government supported society, allowing for the full expression of societal virtue and potential. "Disentangled from the intrigues and jealousies of European politicks," the new American republic would allow for "the cultivation of all the arts of peace."⁶ The republic would increase American's material circumstance by providing for success and ingenuity in industry and prosperity in agriculture and commerce. It would provide benefits beyond the material by allowing for the cultivation of virtues, manners, and achievements at the individual level.⁷ Wilson believed strongly in the potential of republican government to reform societal

³ James Wilson, "Oration Delivered on the Fourth of the July," in *Collected Works of James Wilson*. Kermit L. Hall and Mark David Hall, ed. (Indianapolis, Ind.: Liberty Fund, 2007), 286.

⁴ James Wilson, "Oration," in *Collected Works*, 287.

⁵ James Wilson, "Oration," in *Collected Works*, 288.

⁶ James Wilson, "Oration," in *Collected Works*, 288.

⁷ James Wilson, "Oration," in *Collected Works*, 289-290. Drawing on his belief in the interconnected nature of government, society, and the individual, Wilson noted in his speech that "the constitution [of government] and our manners must mutually support and be supported."

structures and individual habits. It was his belief that under the new constitution, American society would flourish in unseen ways and that individuals would achieve new levels of moral and material prosperity. In short, “where good government prevails” one can find “the county of science and virtue,” and “under a good government, therefore we must look for the accomplished man.”⁸

Wilson ended his speech with characteristic optimism for the future. “A progressive state,” he opined, “is necessary to the happiness and perfection of man.” and the Constitution provided the framework for that state.⁹ From there, it was up to individuals to push themselves even further. Wilson’s mind was continually drawn to thoughts of the perpetual march of humanity — “whatever attainments are already reached, attainments still higher should be pursued.”¹⁰ “Let us,” he urged, “with fervent zeal, press forward, and make unceasing advances in every thing that can support, improve, refine, or embellish society.” In doing so, the reformed American under the auspices of the new constitution would ensure “peace walks serene and unalarmed over all the unmolested regions... [while] thy happiness [would] be perpetual.”¹¹ Such a closing conveys his profound belief in the frame of government that he had worked tirelessly to create.

Wilson continued to consider the nature and promise of the country he helped found throughout the 1790s. While by the end of the decade, the luster of the framers’ detached republican vision had faded, Wilson remained optimistic about the future and even laid out a

⁸ James Wilson, “Oration,” in *Collected Works*, 289.

⁹ James Wilson, “Oration,” in *Collected Works*, 292

¹⁰ James Wilson, “Oration,” in *Collected Works*, 292

¹¹ James Wilson, “Oration,” in *Collected Works*, 293.

grand plan for the “Improvement and Settlement of Lands in the United States.”¹² Wilson’s plan, predicated on the abundance of land in America and of labor in Europe, was designed to people the frontier with white settlers to increase the productivity and prosperity of America.¹³ His plan if adopted would have involved incredible government activity to carry it to fruition; Wilson called for new government departments to manage settlement, “capital inducements” either through land or other benefits to encourage investment, a new project of road building to connect western settlements to the coast, and even direct aid in the form of material and supplies to new settlers to help them establish farms.¹⁴ If adopted, it would have been an unprecedented example of government activity and management of economic expansion. What is most striking about it is how characteristically Wilsonian it was. He strongly believed in the possibility that human society could reach new heights and never doubted that the world around him could be improved through the application of sound reason and right principles. Through proper government action and form, Wilson believed that human happiness could be more perfectly achieved. The structure of his plan shows that he hoped to implement the principles of happiness at the heart of his

¹² James Wilson, “On the Improvement and Settlement of Lands in the United States,” in *Collected Works*, 372. Although this thesis has only dealt with Wilson’s political economic views in a cursory manner due to a lack of space and a need for focus, a targeted reading of that record illustrates how he translated his theoretical views into practice. This document, although undated, can be traced to the mid 1790s.

¹³ It is important to note that Wilson’s interest in this topic was not entirely disinterested or philosophical. His land speculation practices meant that he stood to gain a great deal of money from settling the frontier with white freeholders. He also wrote that “no expense...ought to be spared in *examining, surveying, and laying off* the Lands. The process of surveying was essential for speculators to gain control of the land. See: James Wilson, “On the Improvement and Settlement of Lands,” in *Collected Works*, 384.

It is also critical to note that, like many others in his generation, Wilson’s republican vision was built on a minimization of Native American agency and sovereignty. By crafting an image of vast unspoiled tracts of land for the American nation to expand to, Wilson denied the considerable presence of native tribes in the area. This attitude was pervasive among American republicans, evident in sources ranging from Jefferson’s *Notes on the State of Virginia*, to speeches from various delegates at the Constitutional Convention, to popular art and poetry at the time. For a particularly strong example which rhetorically linked Americans westward movement to the biblical conquest of Canaan see: Timothy Dwight, “The Conquest of Canaan: A Poem, In Eleven Books,” in Kornfeld, Eve, ed., *Creating An American Culture: 1775 – 1800*, (Boston: Bedford/St. Martin’s, 2001), 88-93.

¹⁴ James Wilson, “On the Improvement and Settlement of Lands,” in *Collected Works*, 383-384.

political thought as tangible actions in the New Republic and together, these two documents provide a final exemplification of how Wilson conceived of life in a republic founded on happiness.

Wilson's conception of the republic of happiness was grounded in the stimulating world of Enlightenment thought first exposed to him during his education in Scotland. At St. Andrews and then at Glasgow, he learned from some of the most active scholarly minds in Europe and he developed a particular worldview predicated on common sense philosophy and the natural law theories of jurisprudence developed by Jean Jacques Burlamaqui. Like Burlamaqui, Wilson foregrounded human happiness when evaluating political action. This idea remained more influential than any other throughout Wilson's career and his writings convey that he considered lasting happiness to be the highest virtue which humans should strive to achieve. Together, these two influences explain Wilson's optimism, his belief in the power of human improvement, and his belief in the role government played to support human happiness.

Wilson was not alone in seeking to perfect the society he lived in. One of the defining characteristics of Enlightenment thought, as has been illustrated vividly across Wilson's intellectual career, was the belief that the application of reason and action could make tangible improvements in human society.¹⁵ As the eighteenth century progressed, thinkers wondered about a new "utopia" — not in the religious sense first proposed by Thomas More — but rather a society guided by systematic knowledge of the mechanics by which societal problems could be minimized or eliminated.¹⁶ Especially prior to the French Revolution, there was hope for the

¹⁵ Ritchie Robertson, *The Enlightenment: The Pursuit of Happiness 1680 – 1790*, (New York: Harper, 2021).

¹⁶ Gareth Stedman Jones, *An End to Poverty?: A Historical Debate*, (New York: Columbia University Press, 2004), 1. Stedman Jones looks specifically at poverty but the pattern of thought can be universalized to encompass issues well beyond that.

transformative power of morally driven economic advancement.¹⁷ By the late eighteenth century, enlightenment thought combined with republican visions stimulated by the American Revolution occasioned a brief but critical turning point in the history of political thought.¹⁸ Wilson represents a version of that synthesis and it is as part of that synthesis that he is best understood. Although this synthesis was destroyed by reactions to the French Revolution, it is important to recapture its depth, both to better understand Wilson's world, and to better understand the true meaning and influence of his thought.

During the Revolution, Wilson utilized enlightenment ideals of happiness to structure his critique of the imperial relationship between Great Britain and the Colonies. Although often derided as an overly cautious thinker or even a closeted Tory, Wilson was a consistent advocate for the American cause and attention to his philosophical influences reveals a consistent theory of revolution grounded in the idea of happiness. Across a series of pamphlets and speeches written in the late 1760s and 1770s, Wilson critiqued British policy for not supporting colonist's happiness in a way that a government ought to. As the British government continued to neglect American interests, Wilson's critiques became more and more pointed until he finally determined separation was necessary as a delegate to the Second Continental Congress. Wilson was not a radical revolutionary by any definition of the word but he did believe that supporting individual happiness was the chief goal of any government. When governments failed to support that end and when citizens had exhausted any legal means of recourse, then Wilson believed they were fully justified in revolting.

¹⁷ Gareth Stedman Jones, *An End to Poverty*, 3-4.

¹⁸ Gareth Stedman Jones, *An End to Poverty*, 11-12.

Following Independence, Wilson worked tirelessly to translate his political thought into tangible systems of government at the state and federal level. In doing so, he became one of the foremost constitutional experts in the nascent republic and left an indelible mark on America's governing systems. Wilson advocated for a consolidated national government imbued with enough power to act decisively on issues of national importance. The policies he advocated for, including the necessary and proper clause, were informed both by his critique of Britain prior to the Revolution and of Pennsylvania in the years after Independence. By empowering government, he sought to give it the tools to support citizens' pursuits of happiness in a way prior governments never could. He also sought to involve people in government to the greatest degree possible and argued for the direct election of both senators and the chief executive. He did not fear government power because of the stock he placed in the consent of citizens — if citizens were intimately involved in choosing the officers of government, then the government could not operate against the interest of its citizens for very long. Encouraging citizen participation also helped accomplish Wilson's wider aim: that republican government would actively craft citizens' personal and material development. Through this combination, Wilson believed that America's constitution would be a positive force for realizing the greatest possible happiness for American citizens.

Wilson's thought also suggests ways to align revolutionary origins with revolutionary outcomes. Historians have long argued over whether there is a disconnect between revolutionary critiques in the 1760s and the passage of the Federal Constitution in 1787.¹⁹ When viewing the Imperial Crisis strictly through the lens of limited government, it is easy to draw a contrast with

¹⁹ See for example: Michael J. Klarman, *The Framers' Coup: The Making of the United States Constitution* (New York: Oxford University Press, 2016).

the powerful federal structure created at the Constitutional Convention. As has been shown, however, Wilson's critiques of the colonial relationship were more far ranging and driven by his belief that the British government was not fulfilling its purpose in supporting its subjects' happiness. He acted throughout the late 1770s and 1780s to craft a government that would be actively empowered to meet that purpose. Through the lens of the republic of happiness, historians can better connect colonial beliefs about the shortcomings of British government with revolutionaries' own efforts to craft a government.

The tragedy of James Wilson is that the intellectual dream he devoted his life to ultimately seeded his destruction. Throughout the period, Wilson heavily invested in western lands. Because of the complex process land speculation involved, there were often long delays between land purchase and the realization of profit. In between, speculators needed to continue making payments or their claims would be foreclosed. So long as a steady stream of capital could be maintained, the cycle of purchase, payment, and profit would continue seamlessly to the speculators' benefit. In the late 1790s, however, a capital crisis rocked the American economy and Wilson struggled to cover his debts. He spent time in a debtor's prison and then escaped south, nominally as part of his duties as a Supreme Court justice, to escape his creditors. He died in disgrace in North Carolina in August 1798. Had he lived, he likely would have been the first justice to face impeachment hearings due to the impossibility of his financial situation.²⁰ In his downfall as in his rise, Wilson displayed the same basic traits: enormous energy, a fundamental optimism, and a tremendous thirst for improvement. Even his ignoble end betrays his belief that the American Republic, through dedication to expansion and improvement, would promote the

²⁰ For a complete history of Wilson's final days, see: Charles Page Smith, *James Wilson, Founding Father, 1742-1798*, (Chapel Hill: UNC Press, 1956), Chapter XXV.

material and personal growth of its citizens in order to support their pursuit of happiness. While the pursuit crushed Wilson, that does not detract from the force of his dedication or the vividness of his dream.

The intellectual legacy of the American Revolution has enormous implications for how we consider the American political community. For much of the nearly two hundred and fifty years since America asserted its independence, the Revolution has largely been presented in a singular fashion. As summarized by one historian, “Americanism,” as an ideal is synonymous “with the self-evident truths of the Declaration of Independence.”²¹ By this he largely means freedom from tyranny and freedom to pursue one’s passions. Government, he writes, is necessary only to “protect individuals from force” and to “define a sphere of liberty” within which individuals can act according to their will.²² While this portrait of “ethical individualism,” as he terms it, is certainly represented in both the founding generation and in contemporary discourse, reducing the whole of American intellectual work to this idea does a disservice to the nuanced nature of revolutionary thought.

Careful study of James Wilson and his vision of the republic of happiness suggests new facets for what constitutes “Americanism,” ones which were not necessarily foregrounded throughout the progressive course of American history but which nevertheless were central to intellectual understandings during the American Revolution. First, Wilson thought government should play an active role in supporting society. This is evident in his philosophic reflections on the nature of man, society, and government, in his critiques of British power during the Imperial Crisis, and in the framework of government he advocated for at the Constitutional Convention.

²¹ C. Bradley Thompson, *America's Revolutionary Mind: A Moral History of the American Revolution and the Declaration That Defined It*, (New York: Encounter Books, 2019), 346.

²² C. Bradley Thompson, *America's Revolutionary Mind*, 346.

Wilson believed both that properly designing government and actively empowering it to accomplish certain ends would provide the best support for citizens' pursuits of happiness. I do not mean to advocate that Wilson's thought should be utilized to justify today's progressive agenda, which seeks to use the power of government to accomplish a number of policy aims, or that Wilson would necessarily agree with these uses of government power. To do so would be equally inappropriate and ahistorical. However, Wilson's thought does demonstrate that the lessons we pull from the Revolution should not be limited to the precepts of limited government and libertarian personal freedom.

More importantly, Wilson cast politics in moral terms, a quality too often ignored in the American political lexicon. He repeatedly asserted that the purpose of political action was the support of individual happiness. This connection drove his development of a unique republican approach wherein government was structured to aid individual's moral and material improvement. Living in a republic required a higher standard of moral conduct for citizens, but Wilson had high hopes for the republic he helped found, believing that a new republican culture would elevate citizen's moral sensibilities, align them more closely with natural law, and ultimately help citizens realize a more perfect happiness. Wilson's political language was that of virtue and the common good — naturally calling to mind qualities of republican simplicity, selflessness, and service to the community. It is not difficult to see how recapturing that moral language could provide important benefits to political culture in our contemporary world.

Centering James Wilson in the discussion of revolutionary thought challenges traditional interpretations of the Revolution and his republic of happiness points to a more optimistic outcome for the Revolution as a whole — one where citizens would be elevated to new heights and prosperity through the enlightening influence of the republic of happiness. Although the final

outcome of the Revolution did not reach the lofty goals that men like Wilson envisioned and the benefits of the government Wilson helped craft were denied to too many for too long, the philosophical underpinnings of Wilson's work remain an aspect of American heritage that can now be claimed by all. The pursuit of happiness provides the basis for the most aspirational of American ideals and through the work of James Wilson, happiness as an ideal was imbued in the very foundations of the American nation.

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