

A Genealogy of Revolt:
The Regulator Tradition of Revolt and its Significance

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Introduction

When the general public thinks of civil unrest and revolt in the late eighteenth century in what is today the United States, they typically think of the American Revolution. However, this focus on the history of the Revolution overshadows two other instances of armed popular revolt in the period, both with a great deal of significance in their own right: The Regulator Rebellion and Shays's Rebellion. Although both of these agrarian revolts were microscopic in scale when compared to the great conflagration that temporally separated them, they each exerted a large amount of influence on their contemporary social and political environments. This thesis will examine both movements; in particular, it will examine how both movements are connected in ways that are not necessarily examined closely by historical studies.

The Regulator Rebellion was an agrarian revolt that occurred in the western region of North Carolina (called the Piedmont) between 1765 and 1771.¹ It was motivated by a variety of grievances, most notably issues related to corrupt government officials and unfair taxation and debtor laws. Initially taking the form of local associations to resolve the rebels' concerns, the movement became steadily more violent and radical, culminating in the Battle of Alamance in 1771. Various leaders led and supported the movement, the most famous of whom was a man named Herman Husband. Husband had radical Whig and Protestant views that ideologically motivated him to become an organizer and advocate for the Regulator cause. Despite leadership from men such as Husband, the Regulators lost the Battle of Alamance against a governor-led militia, putting an end to the movement.

1. It is worth noting that a Regulator movement in South Carolina existed roughly between 1767 and 1769. However, that movement will not be examined in this paper as doing so would go beyond the scope of this paper, and in doing so, greatly lengthen it and dilute the main argument.

Shays's Rebellion was another agrarian revolt, but this one appeared in Massachusetts in the years 1786 to 1787. It occurred in the midst of great economic hardship as the fledgling United States recovered from the Revolutionary War. Both the federal and state governments took on a massive amount of debt in order to finance the war, and consequently, the post-war state governments needed to raise taxes in order to finance that debt. The constitution of the new nation, the Articles of Confederation, did not give the federal government the ability to tax, but only to requisition the states for money when it thought that it needed it. The end result of this is that state taxes were high in order to pay off not just the debts of the states, but also those of the federal government. In addition, many wealthy members of society had taken to bond speculation, a practice that less prosperous citizens viewed as unfair and exploitative. These grievances manifested themselves with riots and the closure of courthouses in many towns in western Massachusetts. Soon, leaders of the movement arose, including Daniel Shays, from whom the rebellion gets its name, and Luke Day. These men were former Continental Army officers, and as such, were experienced with military matters and had a strong ideological commitment to the ideals of the American Revolution. These men led their militias against the Springfield armory, only to be repulsed by state forces under the leadership of General Benjamin Lincoln. After several more weeks of scattered fighting, this revolt too was defeated.

The participants in both of these revolts referred to themselves as "Regulators." Both were rural revolts based on similar grievances against what the participants perceived to be unjust and corrupt governments. In their attempts to address these grievances, both revolts utilized similar tactics and practices of contentious collective action. The Shaysites, in order to establish their movement as a legitimate one with a historical pedigree, used the same language and name for themselves as the earlier Regulators because doing so allowed them to frame their

grievances in a way that highlighted their injustice, while at the same time appealing to a larger number of people through the use of established themes and practices. In other words, the North Carolina revolt established a set of symbols, identities, and practices of contentious politics that were then utilized by the participants in Shays's Rebellion. The phrase "tradition of revolt" is used throughout this thesis to refer to the replication of symbols, identities, and practices of revolt (called repertoires of contention) by various later contentious political movements. The Shaysites employed the forms of Regulator-style revolt so as to establish legitimacy as a social movement. In addition, due to the nature of contentious politics as a social act, the behavior of revolt is learned and is therefore based on the imitation of past movements.

The historiography for both the Regulators and Shays's Rebellion has tended to look at each movement in isolation or in association with a significant event that occurred afterwards. For example, scholars studying the Regulators have typically looked at that movement's relationship to the American Revolution. In Marjoleine Kars's history of the Regulators, *Breaking Loose Together*, she discusses the possible influence that they had on the Sons of Liberty.² She also discusses the legacy of the Regulators in relation to nineteenth-century agrarian populist movements.³ While she does note the similarities between the North Carolina Regulators and the Shaysites, it is not the focus of her work, nor is it even a part of the main text, but is instead relegated to a footnote.⁴ As for Shays's Rebellion, it is often studied in light of its influence on the Constitutional Convention. Historians David Szatmary and Leonard Richards both discuss the influence that the rebellion had on the politics in early America and the calls for

2. Marjoleine Kars, *Breaking Loose Together: The Regulator Rebellion in Pre-Revolutionary North Carolina* (Chapel Hill: University of North Carolina Press, 2002), 208-209.

3. Kars, *Breaking Loose Together*, 217-218.

4. Kars, *Breaking Loose Together*, 219.

a more centralized system of government. While both authors do note the terminological connection between the Regulators and the Shaysites, it is not discussed in great detail, nor is it the main focus of their respective works.

Sydney Tarrow's theory of contentious politics illuminates the connection between the Regulators and the Shaysites by providing a framework through which similarities between their repertoires of contention, organization, symbols, and grievance framings become apparent. Tarrow's theory is a relatively new theory of social movements in political science, an example of what is currently referred to as a "fourth generation" theory. By examining the Regulator Rebellion and Shays's Rebellion in terms of his theory, the developments that the Regulators made to existing English traditions of agrarian insurrection become clear, as well as the influence that they had on later popular insurrections in the early United States.

This thesis takes a novel interdisciplinary approach by employing political science theories of contentious politics to look at both movements in their relationship to one another as contentious socio-political movements. Although Shays's Rebellion is generally recognized by historians for the impact that it had on the form of American political institutions, the significance of the Regulators is more often overlooked or, if it is recognized, it is generally done so in the light of the Revolutionary War. This thesis will argue that the Regulators are historically significant in a new way by examining the various ways in which they influenced the Shaysites. By influencing the course of Shays's Rebellion, the Regulators had an indirect, but perceptible, effect on the framing of the United States Constitution, and in so doing, greatly impacted the course of American history.

Chapter 1: Origins and Grievances

Introduction

Today, when we think of the term “regulator” the image that most likely comes to mind is a government bureaucrat, sitting in a musty office, looking over mountains of forms, and making sure that they are complete and filed properly. One may even think of an inspector touring a facility with the aim of determining if the business in question conforms to some standard. Overall, the word most likely brings to mind some sort of authoritarian, top-down control over some aspect of life, be that for good or ill. However, in the late eighteenth century a very different connotation may have been brought to mind with the utterance of the title of “Regulator.”

When examining the Regulator Tradition and its significance for the story of the creation of American political institutions, it is necessary to understand the history of the word itself. Where did it come from? How did its meaning change over time? What were the denotations and connotations of it in the minds of English colonists, and later, American citizens? The aim of this first chapter is to outline the general history of the word “Regulator” as it was used politically in the English Empire and how it changed from a term with reactionary and authoritarian connotations to one with connotations associated with populism and early liberalism. It will also examine how this shift in the usage of this word was driven by grievances on the part of North Carolina farmers. It was these common grievances, in addition to its legitimizing effect, that were the main factors in causing the participants in Shays’s Rebellion in 1786 to use the name “Regulator” for themselves.

Origins of Regulation

The English word “regulator” was borrowed from Latin in the fourteenth century where it was given the definition that is still commonly used today, “a person or thing which regulates or controls.”⁵ It did not necessarily have a political connotation, although it could have been used in this way, and still is today. However, in 1687, “regulator” acquired a new meaning in the realm of English monarchical politics. That year, King James II of England established a commission of men whose task was to remove from office members of Parliament who were unfavorable to the king.⁶ Leonard L. Richards characterized them as “men who sought to revise borough constitutions and thus gain more control over parliamentary election and their elected leaders.”⁷ However, this description of of James’s “Regulators” is not complete. Richards’s definition makes it sound as if these men were independent agents acting according to their own interests, when in reality they were agents of the king who wanted to weaken his opposition in Parliament. James II was Catholic in an officially Protestant kingdom, and as such, faced a great deal of opposition for the policies that he sought to impose, particularly with regards to religion. One of these was to repeal the Test Acts, a series of laws that required officeholders to be Anglican. James II wanted to pack Parliament with his supporters so that it would repeal these laws, and thus increase the influence of Catholicism in England.⁸ Therefore, it can be argued that James’s “Regulators” were not actually a populist or libertarian force, but rather an elitist and

5. “regulator, n,” OED Online, accessed December 14, 2019, <https://www-oed-com.colorado.idm.oclc.org/view/Entry/161429?redirectedFrom=regulator#eid>.

6. OED Online, “regulator, n.”

7. Leonard L. Richards, *Shays’s Rebellion: The American Revolution’s Final Battle* (Philadelphia: University of Pennsylvania Press, 2002), 63.

8. J. R. Jones, *The Revolution of 1688 in England* (New York: Norton, 1973), 132.

authoritarian one created by those in power, with the goal of increasing the power of the king relative to Parliament.

Despite this initial development of the name of “Regulator” as an elitist and reactionary term, by the middle of the eighteenth century in the American colonies it had completely reversed its definition. Rather than denoting a group created by authority with the goal of increasing the power of that authority relative to the representative institutions of government, it came to mean populist movements that sought to counter governmental abuses of power.⁹ The way the word began to be used shifted it from a conservative, Tory or Jacobite, term to one with connections to the proto-liberal ideology of the Whigs. Contrary to what one might think at first, the Regulators in North Carolina were not an anti-authoritarian movement (in the sense of wanting to overthrow all authority, not in the sense of desiring to preserve liberty), but rather a movement that sought to bring the colonial government back under the control of free, white, landholders. The notion that rebellion could be legitimate has its roots in the seventeenth-century thought of English social contract theorists, such as John Locke. John Locke, in his *Second Treatise of Government*, describes how government is established through a “social contract” where the people agree to have their natural liberty curtailed by the state in exchange for the state protecting their natural rights of life, liberty, and property. Unlike the earlier social contract theorist Thomas Hobbes, who argued that the social contract was unbreakable (even when the king was tyrannical), Locke believed that the social contract implied a “right to revolution” that applied when the government failed to perform its duty of protecting the natural rights of the people and became tyrannical, self-serving, and corrupt.¹⁰

9. OED Online, “regulator, n.”

10. John Locke, *Second Treatise of Government* (Indianapolis: Hackett Publishing Company, 1980), 123.

This classical liberal, or Whig, political stance can be seen in the way that the Regulators used their name to describe their ideology and goals. Regulators wanted to govern their own communities and maintain law and order themselves. By using this term, they were signifying that the people had the right to bring government under control if it failed to hold-up its end of the social contract. They could run their society without corrupt sheriffs, judges, and tax collectors by replacing them with just ones. By mobilizing, the Regulators were applying Whig ideas about government, its purpose, and its legitimacy.

A second implication of the name also has to do with the Whig-inspired goals of the Regulators. Revolt in the eighteenth-century British Empire was not necessarily motivated by a desire to overthrow authority, but rather often intended to elicit a paternalistic response from government. Mobs and rioters “used extralegal means to implement official demands or to enforce laws not otherwise enforceable” or to “extend the laws in urgent situations beyond its technical limits.”¹¹ Thus, by calling themselves Regulators, the backcountry movements in North Carolina that began in 1765 were not only signaling their ability to achieve collective action within their own communities, but they were also saying that they could be the restorers of just government. Rather than being a movement that sought to overthrow and do away with state authority, the Regulators wanted to restore what they saw as true, just authority to the colony of North Carolina by forcing it out of the hands of a corrupt elite and back into the hands of “the People” (that is, free white landholders). Thus, by the middle of the eighteenth century, the label of “Regulator” had moved from a term denoting monarchical control over representative

11. Pauline Maier, “Popular Uprisings and Civil Authority in Eighteenth-Century America,” *William and Mary Quarterly* 27, no. 1 (January 1970): 4.

institutions to one rooted in populist and Whig ideals about the role of government and how the people who lived under that government could respond to perceived injustices.

The Regulator Tradition

However, the North Carolina Regulators were not the only activists to adopt this title. In 1766, food riots erupted in England. In one incident on September 26, a group of rioters referring to themselves as Regulators confronted a man named John Lyford and threatened to take his wheat by force if it was not given to them voluntarily.¹² This incident reinforces the idea that Regulation was about a community taking matters into their own hands during desperate circumstances. This incident also demonstrates that the notion of Regulation had started to become a style of revolt and a linguistic symbol with larger scope than the Carolina backcountry. When the Shaysites rose up in rural Massachusetts in 1786, they also chose to call themselves Regulators, even though their opponents (the Friends of Government) referred to them by various names, such as “insurgents” in order to reduce their legitimacy.¹³

Why would the Shaysites resurrect the name “Regulator” from its use decades earlier and in another region of North America? In political science, politics that occurs outside of the normal institutional bounds is called contentious politics. There are numerous theoretical models that attempt to model contentious politics, but the most recent theoretical models are what are referred to as “Fourth Generation Theories.” Sidney G. Tarrow makes the case that three factors need to be present in order for a contentious political movement (such as the Regulators) to take place: organization, symbols, and a perceived greater chance of success than failure.¹⁴ When the

12. George F. E. Rudé, *The Crowd in History: A Study of Popular Disturbances in France and England, 1730-1848* (New York: Wiley, 1964), 42.

13. *Massachusetts Spy*, December 7, 1796, 15.

14. Sidney G. Tarrow, *Power in Movement: Social Movements and Contentious Politics*, 3rd. ed. (New York: Cambridge University Press, 2011), 33.

Shaysites called themselves Regulators, they were rallying around a commonly recognized Anglo-American linguistic signifier that united the participants in the rebellion around a common identity as well as, they hoped, frame their aims in such a way that it would earn them legitimacy from the general populace. The legitimacy of the term “Regulator” lay in its ideological roots and the commonalities between the grievances of both the North Carolina Regulators and the Shaysites. I would argue that, because the Shayites were directly harkening back to an earlier movement, they recognized the Regulators in North Carolina as having established a “tradition” of revolt, that is, they believed them to have adapted the English tradition of agrarian revolt to uniquely North American conditions in such a way that they could replicate it. The English tradition of revolt primarily focused on issues related to food security and land access, issues that were of little concern to Anglo-American colonists. The Regulators were the first major instance of a revolt of this type in the colonies, except that it dealt with economic and political grievances. The Shaysites saw this sort of movement as similar to their own, thus causing them to refer to themselves by a similar name.

Grievances

In order to establish that Shays’s Rebellion was part of the same tradition as the North Carolina Regulators, it is not enough to demonstrate that both movements shared a common name. It is possible that the Shaysites simply used the name as a way to give themselves legitimacy without actually having any real similarity to the North Carolina Regulators whatsoever. In order to establish that both movements were a part of the same tradition of revolt, there must be evidence that confirms the existence of points of similarity between both movements. Grievances will be the first examined aspect of these revolts due to the intimate link

between the grievances which people have that, in their view, cannot be solved through normal institutional means and thus require the creation of extra-institutional political movements.

In 1755, Herman Husband, who would soon become one of the most prominent leaders of the North Carolina Regulators, wrote a letter to Lord Granville, the English owner of the land in the northern section of the colony. His main complaint had to do with the inability of the newly arrived immigrants to gain land grants in this part of the colony. He complained that many of the settlers in the Piedmont region, out of logistical and financial burdens, settled and worked on Granville's land with the expectation that they would apply for a grant of ownership, only to be denied the grant. This especially outraged Husband because in many cases the families that moved on to that land had increased its value due to labor, but were not allowed to keep it because someone else was given the formal claim.¹⁵

The Regulators also protested the practice of land speculation in the backcountry. The wealthy tended to buy land at cheap prices in the western regions with the expectation that over time, people would settle in the area, pay rents to the landlord, and improve the land. In so doing, land values would increase. The speculators could then sell the land at a price greater than when they bought it and make a handsome profit. Settlers resented this behavior since they saw it as exploitative and unfair. Settlers viewed the speculators as taking advantage of the necessity for land by selling them that land at a greater price than what the speculator themselves paid. The settlers also viewed it as a way of earning a profit without contributing creating anything of economic value, since the speculators did not actually improve the land with their own labor. Furthermore, many settlers claimed that they should have right to land by virtue of working on it, a practice called "squatters' rights." Many settlers would settle on land that was legally owned by

15. Marjoleine Kars, *Breaking Loose Together*, 24.

a speculator or proprietor, but without any formal ownership or permission to live there, with the expectation that they would apply for ownership later. This was because the settlers often did not have the money to buy the land, and the distance between the colonies and the proprietor in Britain made the process of gaining a grant long and difficult.¹⁶ When the settlers found that their claims to the land were not granted, this angered them since they had lived on and improved the land, thus increasing its value.

These troubles were further compounded by the actions of corrupt local officials. Officials in charge of making deeds for farmers often took the fees for writing them, but would then not write the deed. In one such example, a deputy surveyor by the name of James Carter would tell people who tried to register their land with him that it was already owned by local elites with whom he was friends. He would then tell the farmers that his friends would be willing to sell their land for high prices. He was able to do this because he was the only official who knew which land was owned and which was not.¹⁷ A 1770 petition from some inhabitants in Orange County makes the demand “that all extortionate Officers, Lawyers and Clerks may be brought to fair Tryals,” as well as “that the Collectors of publick money” be “called to proper settlements of the accounts.”¹⁸ In a petition to Governor William Tryon in 1771, the Regulators described one of their main demands as “having roguish Officers discarded, had others more honest propagated in their stead; and Sheriffs and other officers in Power who have abused the Trust reposed in them, to be brought to clear, candid, and impartial Account for their past

16. Kars, *Breaking Loose Together*, 27.

17. Kars, *Breaking Loose Together*, 32.

18. “The Petition from the Inhabitants of Orange County, North Carolina,” in *Documenting American Violence: A Sourcebook*, ed. Christopher Waldrep and Michael Bellesiles (New York: Oxford University Press, 2006), 76.

conduct.”¹⁹ Not only were the yeomen of the backcountry forced to obey policies that they felt were deeply unfair, but they also felt that their local officials were taking advantage of their power for their own personal gain at the expense of the people.

The settlers in the Piedmont region of North Carolina also had problems related to debt, taxation, and costs imposed on them by local courts. During the Seven Years’ War, North Carolina issued paper money in order to fund the war effort. This situation changed with the Currency Act of 1764, which made it illegal to repay debts with paper money. In addition, taxes were increased drastically partly to pay-off war debt, and partly to take paper money out of circulation in North Carolina. However, unlike debts, taxes could be paid in either paper money or specie. Despite these legal obligations, specie, or hard money, was hard to find in the backcountry. Many of these taxes were also unequal and regressive, such as the poll tax, which imposed a sum on the people who owed it, regardless of their income.²⁰ In an economy that was lacking in specie, many farmers were unable to repay the debts that they owed. If they were unable to pay their taxes or debts, they were often sent to court in order to resolve the matter, further increasing the amount of money that they owed due to the imposition of court fees. An inability to pay taxes could have meant that the local sheriff would arrive and sell off their possessions so as to pay the debt. Debtors’ prison was also a possible punishment for not repaying debts.²¹ Faced with widespread economic hardship due to high taxes, widespread indebtedness, and a legal system which many saw as not working in their interests, many in the

19. "Article 9 -- no Title: ... before the Battle between our Troops and the Regulars Began, they Sent His Excellency the Following Petition," *The Connecticut Courant*, Jul 23, 1771.

20. Kars, *Breaking Loose Together*, 66-67.

21. Kars, *Breaking Loose Together*, 55-56.

Piedmont region began to resist the authorities who they thought had wronged them and failed to solve their problems.

The feeling that a clash of two mutually incompatible cultures was about to take place in North Carolina in the 1760s was pervasive. One anonymous author writing under the pseudonym “Regulus” (possibly Herman Husband) dismissively described the settlers of the eastern sections of the colony as “those who *would not live in their own place*” (emphasis author’s). He also described the eastern regions, and the city of New Bern in particular, as places that served as “asylum for all such as fled from their Creditors, and from the hand of Justice, as such as would not live by working elsewhere. Men regardless of religion and all moral obligation.” Essentially, he accused the urban areas as places filled with dishonest criminals without any morals or faith. In contrast, Regulus presents the settlers of the backcountry regions, as “good industrious laboring Men; who knew the value of their property better than to let it go to enrich, Pettyfogging Lawyers, extortionate and griping publicans or tax gatherers, and such as delighted in building Palaces, at the expense of the honest Farmer, and Tradesman.”²² These descriptions demonstrate that, in addition to problems related to what were viewed as economic and political injustices, there were cultural divides which stoked the flames of rebellion. The people of the backcountry viewed themselves as yeomen farmers (either in actuality or aspiration), as communities with an ethic that prioritized virtue, land-ownership, and hard work. They also opposed the more commercial culture of the few urban areas in the colony, viewing it as leading to immorality and predatory behavior. This predatory and exploitative behavior could be found

22. Herman Husband, *A fan for Fanning, and a touch-stone to Tryon, containing an impartial account of the rise and progress of the so much talked of regulation in North-Carolina, by Regulus* (Boston, 1771), vi, America’s Historical Imprints.

in the actions of land speculators and in public officials, as well as the spirit of accumulation that dominated the market-oriented economies of the cities.

Massachusetts in the mid-1780s experienced many of the same economic and political problems as the rural settlers of North Carolina did. The first common grievances were high taxes and general indebtedness. After the Revolutionary War, the state governments of the new nation were massively in debt. According to George Minot, who wrote the first historical account of Shays's Rebellion, the "private state debt, when consolidated, amounted to upwards of 1,300,000 l. [pounds] besides 250,000 l. due to the officers and soldiers of their line in the army. Their proportion of the federal debt, was not less, by a moderate computation, [author's spelling] than one million and a half of the same money."²³ In order to repay that debt, the states imposed taxes on their populations that had to be paid in hard money. The federal government established by the Articles of Confederation could only requisition money from the states, but it had no taxation power itself, which is why the states imposed such taxes. Many of these taxes were regressive and hurt the farmers the most, with "one-third of the tax on polls and the remaining two-thirds on land."²⁴ In addition, indebtedness ran rampant as British merchants shut American merchants out of trade with the West Indies and stopped giving them credit, as well as demanded specie for imported goods. This demand caused many American merchants to demand hard money from the shopkeepers to whom they sold their products. These shopkeepers then demanded that farmers repay their debts in specie.²⁵ The inability of farmers to pay these large

23. George Richards Minot, *The History of the Insurrections, in Massachusetts, in the Year MDCCLXXXVI: And the Rebellion Consequent Thereon*, 1st. ed. (Worcester, Mass.: 1788), 6, Gale: Eighteenth Century Collections Online.

24. David P. Szatmary, *Shays' Rebellion: The Making of an Agrarian Insurrection* (Amherst: University of Massachusetts Press, 1980), 32.

25. Szatmary, *Shays' Rebellion*, 19.

debts and onerous taxes in specie during a postwar economic depression led to many farms getting foreclosed, which generated anger and resentment on the part of the farmers against the mercantile elite and their own legislatures. Many became fearful that they would be sentenced to debtor's prison for lack of debt payment.²⁶ There was also the issue of bond speculation. During the war, the Continental Congress issued bonds to fund the war effort. Many people sold their bonds to speculators at prices that were below the face value of the bond. The speculators expected that the bonds would eventually be redeemed at face value and they would be able to make a profit.²⁷ Seeing this as unfair because the high taxes that the average person paid went to these bond speculators, many started to call for the repayment of bonds, not at the face value, but at the price that it was bought for.²⁸

Overall, the rural farmers of Massachusetts began to see their state government as beholden to a small elite of speculators and merchants. As a consequence, rural sections of the state began to feel the influence of urban, mercantile values. Whereas the urban areas of the state tended to value production for profit, the rural areas still valued the ideal of self-sufficiency. The traditional self-sufficiency reflected a culture of independence and "self-mastery," but not of individualism. Family connections, neighbors, fellow church-goers, and friends were all central to the culture of the yeomanry.²⁹ This stood in contrast with the more commercial culture of the towns and cities. The culture of these places reflected the "drive for acquisition and accumulation and emphasized the individual over the community."³⁰ As this commercial culture

26. Szatmary, *Shays' Rebellion*, 33-34.

27. Woody Holton, *Unruly Americans and the Origins of the Constitution* (New York: Hill and Wang, 2007), 33.

28. Holton, *Unruly Americans*, 55.

29. Szatmary, *Shays' Rebellion*, 5-7.

30. Szatmary, *Shays' Rebellion*, 10.

began to encroach on the communal and self-sufficient culture of the rural population due to increased interaction which farmers had with the market, the incompatibility of the two created additional resentment and sectional conflict which contributed to the tensions that led to Shays's Rebellion.³¹

Conclusion

Both the North Carolina Regulators and Shaysites consisted of mainly free white yeomen farmers coping with postwar economic downturns. Consequently, both groups faced many of the same challenges, but in different contexts. The North Carolina backcountry was faced with problems related to taxation, indebtedness, a lack of specie, and the exploitative practices of colonial elites. The Shaysites faced many of the same problems related to taxation and debt, both of which were linked to the shortage of specie in post-revolutionary America. They were also concerned about elite interests within the Massachusetts government and the encroachment of a commercial culture into traditional rural life. Therefore, because both groups faced many of the same problems, which were not being solved by the established channels to their satisfaction, the Shaysites recalled the movement in North Carolina and referred to themselves by the same name. By calling themselves Regulators, they were establishing that they were a populist and rural movement that aimed to solve the economic and cultural issues that people like them faced and that their respective governments were not addressing. Shays's Rebellion was a movement that took inspiration from an earlier uprising because the rebels saw Regulation as a comparable framing of grievances and goals that would bring people into the movement so that it could better achieve its goals of achieving economic and political justice.

31. Szatmary, *Shays' Rebellion*, 17.

Chapter 2: Repertoires of Contention

Introduction

What else is necessary in order to establish that Shays's Rebellion took part in a tradition of revolt that was conceived by the Regulators? Although the Regulators obviously did not invent the concept of an agrarian insurrection, they were the first in the colonies to use the word "Regulator" to refer to themselves, and in so doing, give it a new political meaning connected to radical Whig thought. Simple congruence in the use of linguistic signifiers such as "Regulator" is not enough to prove this claim. It could be the case that the Shaysites simply used the word for its legitimizing effect and for its ability to rally people around a common identity without actually having been inspired by the revolts in the North Carolina Piedmont region. In order to demonstrate a link, it must also be demonstrated that both the Regulators and the Shaysites used similar methods of revolt with the aim of actualizing their political and social demands. This chapter will examine the movements of both the Regulators and the Shaysites from a political science perspective, specifically using Dr. Sydney Tarrow's use of the concept of "repertoires of contention" in his own theory of social movements. In so doing, it will argue that the Shaysites borrowed elements from the repertoires of the Regulators, thus further demonstrating the existence of a tradition of revolt linking both movements.

Repertoires of Contention

In Tarrow's book *Power in Movement: Social Movements and Contentious Politics*, he makes the case that social movements do not spontaneously develop their own methods of acting outside of the institutional bounds of normal politics. Instead, social movements act according to established and learned patterns of behavior that he calls "repertoires of contention."³² In other

32. Tarrow, *Power in Movement*, 39.

words, people in a social movement will “act out” how they believe an extra-institutional political movement should act. A relevant modern-day example of a repertoire would be a march in support of some cause, such as LGBT rights or environmentalism. This act, although legal, could be considered part of the repertoire of a social movement since it seeks to demonstrate some sort of grievance against the established order of things, which the normal routes of institutional politics are not able to satisfy. Marching is not a behavior that is inherent to social movements themselves, but is rather a learned behavior that people associate with low-intensity social movements. If marching were to become ineffective at affecting change in terms of resolving grievances, marching would fall out of use and be replaced by some new repertoire. This demonstrates that repertoires are not fixed, but can change depending on their effectiveness against established authorities. As Tarrow puts it, “change [of repertoires] depends on fluctuations in interests, opportunities, and organizations.”³³

According to Tarrow, significant changes in repertoires coincided with the rise of capitalism and the process of the creation of the modern state. In his model, early social movements tended to be parochial in the scope of their issues. They were also “segmented” in the sense that national or regional issues tended to be resolved at a more local level of government. These pre-modern movements also tended to be particular with respect to their grievances. As capitalism became more developed, creating demographic concentrations of people with similar grievances, and territories unified under the control of a single administrative state apparatus, the old repertoires and characteristics of social movements began to change. By the late eighteenth century, social movements became more cosmopolitan, modular, and autonomous. Because of the political and economic changes that European societies underwent

33. Tarrow, *Power in Movement*, 39.

in the early-modern period, movements became less centered in a single region and became more general and cosmopolitan. Tarrow uses the word “modular” to refer to repertoires that can be deployed in a multitude of places, in different situations, for different reasons. An example that Tarrow gives of a modular repertoire is the barricade as it was used in France during the 1848 Revolution.³⁴ He also describes them as becoming autonomous because they began “on the claimants’ own initiative and establishing direct contact between the claimants and nationally significant centers of power.”³⁵

Both the Regulators and the Shaysites utilized repertoires that bridge the gap between pre-modern and modern by Tarrow’s definition. The Regulator tradition exhibited the characteristics of parochialism in scope and particularity of grievance. However, both movements were modular in their repertoires, a modern characteristic. Both focused on resolving local issues faced by the rural yeomanry. They were not large-scale national movements, but were focused on local circumstances in North Carolina and Massachusetts respectively. They also had specific sets of grievances that they wanted resolved, mainly relating to debt, taxes, and perceived corrupt government control by the commercial and landed classes. These traits are pre-modern, but the modular nature of their repertoires reflected more modern style movements. This modularity is demonstrated by the similarities between the repertoires used by the Regulators and Shaysites despite being separated geographically by hundreds of miles and temporally by decades. Increased literacy rates and the proliferation of print media aided this process by making it easier to spread new political ideas and communicate. Print also had the additional

34. Tarrow, *Power in Movement*, 38.

35. Tarrow, *Power in Movement*, 41.

effect of creating new forms of association that helped build the necessary social networks for modern contentious politics to exist at all.³⁶

Modeling a Social Movement

Social movements come out of contentious collective action. Contentious collective action is a term for political collective action that is at least partly outside of the normal institutional bounds of politics. However, this does not mean that a social movement will entirely avoid institutional methods in order to resolve grievances, especially in the early stages when there is still a high expectation that grievances can be resolved peacefully. According to Tarrow, there are three main elements that must be met in order for a social movement to begin to coalesce. They are threats and opportunities, organization and social networks, and social cleavages and cultural frames.³⁷

Social cleavages occur when there is a significant portion of the population that is outside of power in institutions and they desire change and greater power to resolve grievances that they have. Cultural frames refer to the methods used to construct a collective identity that unites people for a common goal and that links actions by the group to the goal.³⁸ These two aspects of the Regulators and Shays's Rebellion were discussed in the last chapter. Both movements shared social cleavages and cultural frames. Shays's Rebellion, in particular, used a kind of framing called bricolage framing, which uses a combination of modern and traditional themes to legitimize the movement and mobilize people to join. An example of such a framing would be the Civil Rights Movement in the United States in the 1950s and 1960s. While the movement was modern and used many modern repertoires (sit-ins, boycotts, marches, etc.), it also appealed

36. Tarrow, *Power in Movement*, 59.

37. Tarrow, *Power in Movement*, 29.

38. Tarrow, *Power in Movement*, 144.

to traditional American values such as equality, freedom, and Christian morality. By calling themselves Regulators, the Shaysites attempted to legitimize their contentious collective action by mobilizing the shared cultural memory of the North Carolina movement and earlier English antecedents.

Threats refer to the costs of participating (or not participating) in a given social movement, while opportunities refer to the chance that the movement will succeed in its goals. A social movement will only last as long as it perceives threats are low and opportunities are high. Organization and social networks are the aspects of Tarrow's model that have to deal with personal connection, dissemination of information, and organization that make coordination of a social movement possible. This can consist of personal connections, publications that spread information, and discussion in spaces that create a public sphere. Organization of a social movement can be loose and decentralized, or it can be tightly organized into a hierarchy with a centralized authority. In order for a social movement to come into being and sustain itself, all of these elements must be present.³⁹

Petitions and Normal Politics

The movements in the Regulator tradition used a similar set of means in their escalation from simple social movements to full-scale armed uprisings. The first of these was the use of petitions and other such institutional means in order to resolve their grievances. This is unsurprising as political institutions are the normal route that people use to resolve collective action problems in their communities. Moreover, petitioning had a long history in Anglo-American culture, going back at least to the 17th century. The last chapter already explained the nature of these grievances, but they will be reiterated here. They mainly consisted of issues

39. Tarrow, *Power in Movement*, 120.

related to taxes, debt, corruption, exploitation by land speculators and a feeling of cultural incompatibility with the largely eastern, urban, and mercantile culture that dominated the political life of the colony.

In 1766, Herman Husband and a number of his compatriots established a group called the Sandy Creek Association in Hillsborough, North Carolina. Two years earlier, Husband and many of his Quaker followers were expelled from their own religious community due to an unwillingness to submit to church discipline. Now, inspired by the recent protests surrounding the passage of the Stamp Act, they decided to create their own movement against corruption in the Piedmont region. They proclaimed their intention to organize the people into committees that would investigate the actions of local officials and fix their injustices. However, the Association was unsuccessful in bringing about change due to an unwillingness by Edmund Fanning, the Orange County assemblyman, to recognize their petitions or gatherings as legitimate.⁴⁰ Due to its ineffectiveness, the Association was dissolved only one year after it was established. Despite this, the Regulators would rise from the ashes of the Association and continue fighting for the same causes for which they advocated.⁴¹

The Regulators were far more willing to use mob violence and intimidation in order to achieve their goals than the Sandy Creek Association was. This was due to the lack of success of the Association's efforts to resolve grievances through petition and elections of local representatives. Despite this, the Regulators still attempted to use institutional means to get government officials to listen to them and institute reforms. In 1768, the Regulators of Orange County sent a petition to colonial governor William Tryon with the expectation that it would be

40. Kars, *Breaking Loose Together*, 135-136.

41. Kars, *Breaking Loose Together*, 111.

read as a serious document that would explain past instances of mob violence to the governor and why they did what they did. However, Tryon did not respond to the petition in the way that the Regulators expected. The petition argued that the Regulators took their actions in complete conformity with the British constitution and that their actions were a justified response to “the corrupt and arbitrary Practices of nefarious & designing men.”⁴² These arguments were not persuasive to the governor, who responded by accusing the Regulators of bordering on treason and open rebellion against the government. This response only heightened the tensions between the Regulators and the government, as the former became more suspicious of not just their local magistrates, but also colonial officials generally. In the eyes of the Regulators, Tryon’s response could only be explained if he and his political allies were also involved in corrupt activity. These fears were justified given the rampant corruption that existed on the colonial level, not just the county level. However, Tryon was in favor of fighting corruption on some level, given his desire to have greater control over colonial finances.⁴³

As these episodes demonstrate, the Regulators initially made use of the established legal means of petitioning to address their problems. Ultimately, these means would be unsuccessful, only creating a greater rift between themselves and government. A similar path was followed by the yeomanry in Massachusetts in the mid-1780s. The citizens of rural western Massachusetts engaged in peaceful protests, town meetings, petitions, and conventions. These actions bore a strong resemblance to those of the initial stages of both the North Carolina Regulation and the American Revolution. The goal of these actions was to convince state legislators to introduce

42. “Regulators to William Tryon and the Council: Advertisement No. 11,” in *The Correspondence of William Tryon and Other Selected Papers: Volume 2, 1768-1818*, ed. William S. Powell (Raleigh: Division of Archives and History, Department of Cultural Resources, 1981), 114.

43. Kars, *Breaking Loose Together*, 149-150.

paper money so as to make it easier for them to pay their taxes and debts, as well as tender laws that would allow for the payment of debts in goods rather than specie. Still other farmers wanted the abolition of the Courts of Common Pleas and General Sessions because these courts made it easier for creditors to sue them for not paying their debts.⁴⁴ Like the Regulators from decades before, these rebels' peaceful attempts at enacting reforms to relieve the financial burdens of the yeoman class were largely ignored due to the negative effect these reforms would have on the more influential business interests in the colony. As these peaceful means of resolving their grievances failed to do so, the enactment of violent repertoires became an inevitable consequence.

Riots and Violence

After the institutional means of resolving grievances failed, the yeomanry in North Carolina turned towards extra-institutional means to get what they wanted. After the failure of the Sandy Creek Association, groups of Regulators continued to press for the desired reforms. Unlike the Association, these Regulator groups would be willing to use mob violence in an attempt to force the government's hand.

In 1770, Regulators in Hillsborough attacked the courthouse and local government officials. By the summer of that year, the Regulation was extremely popular in the Orange County region. In addition, there was a large backlog of Regulator related cases and a fear that the court system would be biased against their cause.⁴⁵ They forced Richard Henderson, the judge at the courthouse, to close the court and flee the town. They vandalized and destroyed the courthouse. Edmund Fanning, a local lawyer and close ally of Tryon, was severely beaten by the

44. Minot, *The History*, 35-36.

45. Kars, *Breaking Loose Together*, 183-184.

enraged mob. The mob “seized him by the heels, dragged him down the steps, his head striking violently on every step, carried him to the door, and forcing him out, dragged him to the ground over stones and brickbats, struck him with their whips and clubs, and spit and spurned at him.” The beating was so extensive that he almost lost one of his eyes. The mob was a wave of destruction rushing through the town, destroying shops and damaging property. Eventually, Henderson’s and Fanning’s own homes came under attack by the Regulators. Henderson’s barn was burned down, while Fanning’s house was ransacked and looted, particularly of alcohol.⁴⁶

Why did the Regulators decide to attack the courthouse in particular? There are two plausible reasons for this. The first was that the courthouse was the local seat of authority where the people most likely interacted with their government. By attacking the courthouse, they attacked a key symbol of colonial power in their community. The second reason was that it was at the courthouses where trials for failure to pay debts or taxes were conducted, as well as the signing of writs for property seizures. By attacking the courthouse, the Regulators knew that they were restricting the ability of the judicial system to prosecute their friends and neighbors.

The yeomanry in Massachusetts performed similar acts of violence following the failure of their petitions and meetings. By late 1786, there were increasing calls for harsher measures to force the government’s hand. These calls were heeded all over New England, leading to violence in Massachusetts, New Hampshire, Rhode Island, and Maine (at this point still a part of Massachusetts). However, this paper will only focus on the Massachusetts revolts, which were the main center of action. From August to September 1786, farmers closed courts in Northampton, Worcester, Concord, and Taunton, among other places. These crowds tended to

46. "APPENDIX to the CHRONICLE: Extraordinary Conduct of the Regulators in the Back Settlements of North Carolina," *The Annual Register. Volume 13. The Annual Register or a View of the History, Politicks, and Literature, of the Year 1770*, London, 1770.

be large, ranging from a few hundred to around 1,500 people.⁴⁷ These court closings were primarily directed against the Courts of Common Pleas and debtor's courts for the same reasons that the Regulators directed their ire against local courthouses. These were the places where the legal processes that the rural population despised took place, where people they knew were tried for not paying their debts or taxes due to poor economic conditions. Any attempt at closing the courts was seen as a step towards victory as it would halt the court system and potentially force the Massachusetts legislature to take up their concerns. The similarity between the violent actions of the Massachusetts farmers and the Regulators is another instance of the former borrowing repertoires from the later. It also further exemplifies the modular nature of the repertoires used by both movements.

Bloodshed

The final stage for these revolts was outright armed uprising against authority. These took the form of militia actions that were ultimately suppressed by government forces. Both of these battles resulted in defeat for the contentious social movements that fought in them, solidifying the power of the state. Frustrated by the ineffectiveness of less extreme means of getting the authorities to enact policies that would address their grievances, the yeomanry created organized militias with the intent of forcing the state to conform to their will. These attempts would be in vain as they turned public opinion against the rebels.

The culmination of the War of the Regulation occurred on May 16, 1771 near the Great Alamance Creek in Orange County, North Carolina. The Regulators had a force consisting of around 2,000 soldiers, greatly outnumbering the colonial militia of only 1,000 men. Governor Tryon led the colonial militia into the Piedmont region to suppress the Regulators, thus

47. Szatmary, *Shays' Rebellion*, 56-58.

precipitating the battle. On the day of the battle, Tryon sent a proclamation to the Regulators, urging them to lay down their arms and surrender.⁴⁸ These terms were rejected. Tryon tried again. This time the Regulators offered to hand back two prisoners in exchange for the colonial forces returning seven prisoners of their own. Tryon agreed, but the two prisoners held by the Regulators never arrived. Tryon ordered his forces to advance closer to the taunting Regulator militia. The battle began with the firing of artillery shells on the part of the colonial troops, which was followed by musket fire. After a few hours, the Regulator force lost heart and retreated from the battlefield. The day ended with the Regulators defeated and the colonial forces victorious.⁴⁹

The culmination of Shays's Rebellion ended also with defeat on the battlefield. On January 25, 1787, the Shaysites surrounded the Springfield armory, a facility with ammunition and weapons controlled by the national government. The rebel force was divided into three sections. The eastern section was commanded by Daniel Shays, the northern by Eli Parsons, and the west by Luke Day.⁵⁰ Shays was a former captain in the Continental Army during the Revolutionary War, as was Day. Parsons was also a former military officer, but of lower rank than the other two. Shays and Day first became major leaders of the revolt during the closing of the courthouse in Northampton in August of the year before. When the court attempted to meet again in late September, Shays and Day tried yet again to prevent it from meeting by creating a

48. "Journal of the Expeditions against the Insurgents, April 20-June 21, 1771," in *The Correspondence of William Tryon and Other Selected Papers: Volume 2, 1768-1818*, ed. William S. Powell (Raleigh: Division of Archives and History, Department of Cultural Resources, 1981), 721.

49. "Newspaper Accounts of the Battle of Alamance," in *The Correspondence of William Tryon and Other Selected Papers: Volume 2, 1768-1818*, ed. William S. Powell (Raleigh: Division of Archives and History, Department of Cultural Resources, 1981), 739-741.

50. Minot, *The History*, 108.

militia, but they were prevented from doing so because of the presence of a government militia led by a man named William Shepherd. There was no fighting, but the court closed shortly after this incident.⁵¹

In the succeeding months, Shays and the other leaders of the rebels organized and built their forces. Now, in late January they were intent on taking the armory. They faced off against a militia force led by Benjamin Lincoln, a Continental Army general. Day sent a message to Shays with the goal of delaying the assault until the next day, but Shays never received the message. Instead, Shays's and Parson's forces converged on the armory. After bearing the brunt of cannon fire that killed four and injured twenty more, the Shaysites broke and retreated where state forces pursued them.⁵² On February 3-4, Lincoln's forces launched a night-time attack against the Shaysite camp, which broke and fled. Fighting would continue through the rest of February, but by the end of the month the rebellion was put down. In the aftermath, many thousands of people were granted amnesty in exchange for swearing oaths of loyalty, while some of the rebellion leaders were tried and sentenced to be executed. However, most of the leaders escaped execution due to pardons, commuting of sentences, or winning their cases in appeals. Shays and Day were both eventually pardoned for their role in the rebellion.⁵³

Conclusion

As the Regulators' grievances and goals continued to be unresolved, they were forced to adopt ever more extreme and violent acts of contentious politics, eventually culminating in open revolt and defeat at the Battle of Alamance in 1771 at the hands of the colonial militia. They

51. Minot, *The History*, 48-50.

52. "General William Shepherd on the Confrontation at Springfield, Massachusetts, 1787," in *Documenting American Violence: A Sourcebook*, ed. Christopher Waldrep and Michael Bellesiles (New York: Oxford University Press, 2006), 105.

53. Minot, *The History*, 189-191.

attempted to resolve their grievances through normal institutional means before switching to ever more extreme forms of contentious collective action. The Shaysites followed a similar process of escalation, ending with their defeat in the attempt to take the Springfield arsenal in 1787. The Shaysites' use of similar repertoires is another instance of their borrowing from the Regulators in a form of bricolage framing with the goal of legitimizing their movement by connecting it to another one from the past, consisting of rural farmers with similar socio-political grievances.

The Shaysites were not just borrowing a name from a past movement as a label for themselves, but they were using it because it actually spoke to the truth of what their movement was and what it aimed to accomplish for the yeomanry of western Massachusetts. The Shaysites copied the repertoires of the Regulators, in addition to their name, because Daniel Shays and the other leaders of the revolt saw those repertoires as necessary to bring about justice, as well as a possible effective means to bring it about. The leaders and participants in Shays's Rebellion modelled their movement after the Regulators because they saw its symbolism as legitimizing in that it could connect their own movement to another whose cause the average rural New Englander would view as just. The only difference was that instead of fighting against a colonial government whose authority came from over the sea, as did the Regulators, the Shaysites fought their own state government born out of a recent bloody revolution against arbitrary power. Even as Shays's Rebellion erupted in violence, delegates from five states decided at Annapolis that a convention would need to be convened in order to amend the Articles of Confederation. What happened next proved to be one of the most pivotal events in American history, and it would in no small part be influenced by the dramatic events that had occurred in rural Massachusetts.

Chapter 3: The Regulators and the Constitution

Introduction

Daniel Shays's assault on the Springfield armory sent shockwaves throughout the newly created United States. In a country that was facing economic depression due to the shocks of ending the war economy, this spate of civil unrest caused many to question the legitimacy of unrest under a republic, as well as the power and role of the national government. As the Shaysites began their uprising, delegates from the Annapolis Convention decided to organize another convention whose purpose would be to revise the Articles of Confederation. Due to the lack of delegates (only five states sent delegates), it was decided that another convention was required. The Constitution that the delegates to that convention would produce was a product of the socio-political turmoil in which they drafted it. It significantly increased the power of the federal government and it created a powerful executive. It created a bicameral national legislature where elite interests were heavily represented. These measures were put in place in part because Shays's Rebellion convinced the delegates that under the Articles, the national government was powerless to fend off debtors' revolts at a time when large sections of the population in every state were anxious about paying their debts or whether they would have their debts repaid. Although the recently suppressed Shays's Rebellion was on the minds of the delegates at the Constitutional Convention in Philadelphia, this thesis argues that the North Carolina Regulators also influenced their actions, albeit indirectly. Insofar as the Regulators established a tradition of revolt that, in turn, inspired the Shaysites, they helped shape the guiding principles that informed the structure of the newly written United States Constitution.

The Regulators and the Sons of Liberty

When historians discuss the significance of the Regulator Rebellion, they tend to link it to the American Revolution. Such a tendency is understandable. Both events were violent rebellions that occurred in the same region (the British colonies in North America), during the same time period, and for some of the same reasons, especially grievances related to taxation and corruption. These similarities have led historians to investigate the relationship between these two events and whether or not they ought to interpret the Regulator Rebellion as a kind of precursor to the American Revolution. While the American Revolution was subsequent to the Regulators, and the early stages of the Revolution exhibited many similarities to the Regulators, these similarities are superficial.

It is important to note that the Regulators were not calling for independence from the British Empire, nor even the overthrow of the colonial government. They instead resorted to progressively more violent means to achieve through contentious collective action what they could not do through normal political means. In other words, the Regulator Movement was more of a “popular upheaval” against injustice that aimed to rescue a governing system from corruption.⁵⁴ The American Revolution arguably also began as a popular upheaval, but it differed from the Regulators in one important way. The Regulators, although similarly inspired by a radical strain of Whig thought, were not motivated fundamentally on ideological lines, but rather on lines of policy. During the American Revolution, the policy divides between Britain and the colonies sparked a crisis that, unlike in the case of the Regulation, revealed deeper and more fundamental ideological differences about the nature of government and representation. The

54. John S. Basset, “The Regulators of North Carolina, 1765-1771,” *Annual Report of the American Historical Association for the Year 1894* (1894): 141-143.

Regulators focused their grievances in a more limited way, on the behavior of particular corrupt officials, as well as colonial (rather than imperial) economic and fiscal policy. It is worth noting that during the time of the Revolution, many of the areas that witnessed Regulator activity during the 1760s became areas that were opposed to the revolutionary cause. This did not necessarily manifest in full-blown support for the Tories, but tended to take the form of neutrality.⁵⁵ This reality calls into question the relationship between the Regulators and the Revolutionaries and shows that many people who participated (or were sympathetic) to one cause did not necessarily view the other as congruent with their own political, economic, or social goals.

The North Carolina Regulators did influence some of the Sons of Liberty, the most radical opponents of imperial reforms, but in a negative way. Since many North Carolinians regarded the Regulators' violent acts of vandalism, assault, mob violence, and armed revolt as repugnant and unlawful, most Sons of Liberty in the colony sought to distance themselves from the movement. This was done out of fear that any connection or support would tarnish their reputation. Outside of the Carolinas, particularly in New England, many people's view of the Regulators tended to be more sympathetic. A Connecticut scholar named Ezra Stiles expressed his sympathy for the Regulators in his diary by writing, "What shall an injured and oppressed people do, when their Petitions Remonstrances and Supplications are unheard and rejected, they insulted by the Crown officers, and Oppression and Tyranny (under the name of Government) continued with Rigour and Egyptian Austerity!"⁵⁶ Beyond this minor influence, however, evidence for a straightforward connection between the Regulator Movement and the Revolution is tenuous at best.

55. Kars, *Breaking Lose Together*, 212-213.

56. Ezra Stiles, *The Literary Diary of Ezra Stiles: Volume I, January 1, 1769-March 13, 1776* (New York: Charles Scribner's Sons, 1901), 112.

Rebellion in a Republic

While the Shaysites referred to themselves as Regulators, that term was not applied to them by their opponents in the government. Their political enemies, who referred to themselves as the “Friends of Government,” regarded themselves as legitimate defenders of established authority. In contrast, they disparaged the Shaysites as “rebels” or “insurgents,” terms that stressed the illegitimacy of their revolt. This view reflected a major shift in the political context between the pre-revolutionary and the post-revolutionary eras.

Once America gained its independence as a republic, could rebellion ever be seen as legitimate? In this debate, two factions arose. The first believed that rebellion could be justified in a republic because, even though the government had representatives as the legislative authority, ultimate sovereignty resided in “the people-at-large,” not any legislative body or executive institution. According to this perspective, government only had its power because of a social contract between the state and the people. If the government ever violated the rights of the people, then the people, possessing true sovereignty, could abolish the government and replace it with a new one.⁵⁷ The other faction argued that rebellion could never be legitimate under a republican system. It instead constituted an abuse of republican liberty, challenging the rule of law that a republican system was designed to protect. Those who opposed rebellion feared that it amounted to “popular despotism” (another word for democracy). In the eighteenth century, democracy did not have the same positive connotation that it has today. Democracy was typically associated with anarchic civil disorder and licentiousness. A republican system of government curbed direct popular participation by channeling it through elected representatives

57. Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (New York: W. W. Norton & Company, 1972), 283.

and a mixed and balanced constitution. Those representatives were presumably better informed about what was best for the public good, and provided a more stable rule amenable to the spirit of liberty.

Opposition to democracy also rested on the belief that it was incompatible with the protection of private property. Noah Webster, a lexicographer and writer, insisted that civil unrest posed one of the greatest threats to the institution of private property.⁵⁸ He and many of his Federalist contemporaries feared that those with little or no property—who would outnumber the propertied—would grow jealous of the wealthy few and would be tempted to redistribute their property by force.

Shays's Rebellion and the Constitution

Shays's Rebellion had a significant impact on the framing of the United States Constitution. Although there had been calls for the revision of the Articles of Confederation prior to Shays's Rebellion, the revolt substantially altered public opinion about the efficacy of the Articles and the dangers to the republican government they had created. Elites, who already feared that debt relief and similar reforms would substantially affect their wealth and position in society, increasingly favored a stronger, more centralized federal government. This new government would have a greater capacity to tax directly, as well as enforce federal law on the states. In so doing, it would have the capacity to prevent the states from implementing populist reforms and suppress any future uprisings, such as Shays's Rebellion.

Shays's Rebellion was very much on the minds of the delegates who gathered in Philadelphia for the Constitutional Convention. Presided over by George Washington, the Convention addressed the principal weakness of the Articles, which lodged sovereignty in the

58. Wood, *Creation of the American Republic*, 411.

states rather than in the national government. Massachusetts Federalists—the name used by those advocating for a stronger government—were keenly aware of the desire of debtor interests for an inflationary monetary policy based on paper money, which they wanted to use as legal tender, and for the reduction of various taxes they deemed regressive as they fell more heavily on rural inhabitants. The more commercial interests feared that such policies threatened their own self-interest and the health of the economy as a whole. Thus, the Federalists perceived Shays's Rebellion through this lens of factionalism based on interests, combined with a fear of an excess of democracy. Some Federalist writers even saw the rebellion as a result of British subversive activity aimed at undermining the new republic.⁵⁹ By exploiting fears of civil unrest and outside instigation of that violence, the Federalists, both in and outside Massachusetts, gained ground in the battle for public opinion in the period leading up to the Constitutional Convention.

When the Constitution was finally drafted, it contained two provisions that sought to eliminate perceived threats to property rights. Article I, Section 8 gave the federal government the power to tax, and Article I, Section 10 prevented the states from issuing their own paper currency or preventing contracts from being fulfilled.⁶⁰ In other words, it prohibited the kinds of state laws that the Shaysites demanded. It also created a strong executive who served the role of commander-in-chief, thus giving the national government a more decisive figure to put down revolts and deal with foreign threats. The Senate and the Electoral College increased the distance between the voting public and many federal policy-makers as they would be chosen indirectly. The House of Representatives would be the only part of the national government directly elected

59. Stephen E. Patterson, "The Federalist Reaction to Shays's Rebellion," in *In Debt to Shays: The Bicentennial of an Agrarian Rebellion*, ed. Robert A. Gross (Charlottesville: University Press of Virginia, 1993), 103-105.

60. Holton, *Unruly Americans*, 9.

by the people, but even that was less representative than state legislatures since electoral districts were much larger. Shays's Rebellion provided the spark that enabled Federalist politicians to create a new constitution that welded the nation together more firmly, but did so at the expense of a more democratic form of government. The framing of the Constitution created a system of government that made civil unrest in the Regulator tradition illegitimate as a means of achieving contentious collective action.

Conclusion

Shays's Rebellion alerted many Americans to the weakness of the newly independent United States, influencing the decision to replace the Articles of Confederation with a new Constitution that gave stronger powers to the federal government and executive by strengthening the position of Nationalist politicians. Shays's Rebellion heightened fears that the new republic was too democratic and that that democracy was creating an atmosphere of moral license that encouraged common citizenry to challenge the law with open rebellion. It also threatened the very notion of property rights in the eyes of many elites by encouraging populist laws that tended to benefit debtors at the expense of creditors and speculators. Thus, the Framers created a new national government with the ability to tax, a stronger executive power, and fewer democratic elements, creating a government that was more responsive to upper-class interests.

The power of the Shaysites' challenge, however, lay in their adoption of already-established repertoires, framings, and symbols of protest created by the Regulator Rebellion two decades before. Emulation of these factors enabled farmers in western Massachusetts to build a strong social movement that threatened the state authorities and, as an unintended consequence, prompted a radical change of the national constitution. If the Shaysites had not followed an

established tradition of revolt, their efforts might not have generated much fear, perhaps resulting in the Articles of Confederation being revised instead of replaced.

Conclusion

The Framers created the Constitution in light of the social, economic, and political instability that existed in the United States in 1787. Fearing the destructiveness of civil unrest, as well as the loss of their own wealth, power, and status, the Framers created a new federal government that could better respond to crises and protect their influence in the political processes of the nation. They looked forward, unlike the Shaysites, who looked backward to a Regulator tradition that no longer fit with the political conditions of an independent republic. Such revolts came to be seen as illegitimate, not because those in power objected to them, but because they aimed to redress grievances that could be addressed through the normal channels of republican government. Republics based their power on the consent of the governed. Any revolt against that government, by definition, must be against the will of the people. It was with arguments such as these that Nationalists delegitimized the notion of popular revolt, an idea that was the very foundation of the new country in the first place.

The Regulators of North Carolina were indirectly instrumental in these pivotal events that shaped the political institutions of the United States. They represented a form of anti-authoritarian and populist resistance to unjust authority and their movement generated repertoires of contention that could be transposed into other situations. When the yeomanry of western Massachusetts in the 1780s found themselves in a strikingly similar situation to the farmers of the North Carolina Piedmont, they replicated many of the repertoires and used the same language to create an identity and frame their grievances so as to give themselves legitimacy. This reliance of the Shaysites on earlier forms of contentious political action elevates the significance of the Regulators in American history in an area that they are not usually thought of as being connected to: the framing of the Constitution.

From 1791 to 1794, a widespread armed resistance emerged in western Pennsylvania against federal taxation policy. Early in the Washington administration, Congress passed a tax on whiskey at the behest of the Secretary of the Treasury Alexander Hamilton. Many in the western regions of the United States felt that this tax was tyrannical because it was implemented by the federal government and not their state legislatures. Their concerns also grew from the fact that whiskey was a popular product made by western grain farmers, cheaper to transport to market than bulky grain. Although there were various acts of resistance and protest starting in 1791, events came to a violent climax in the summer of 1794. On July 15, Federal Marshal David Lenox delivered several writs that summoned distillers to Philadelphia for tax evasion with the company of General John Neville. The men were fired upon during their journey and were forced to flee. Neville's home at Bower Hill, Pennsylvania was surrounded the next day, leading to an exchange of shots. The next day, 600 men led by Major James McFarlane surrounded the house. In the battle, McFarlane was killed, but Neville and his family were able to escape with the help of some soldiers.⁶¹ Outrage over McFarlane's death led to a march on Pittsburgh later that month.⁶² On August 14, 1794, the chief leaders of the rebellion gathered together at Whiskey Point, Pennsylvania, and drafted a resolution containing their grievances against the federal government.⁶³ Among their number was none other than Herman Husband, one of the leaders of the Regulators from long ago.⁶⁴ Although he was now extremely old, this apparently did not change his attitudes towards what he viewed as abusive authority, nor did it reduce his urge to

61. Thomas P. Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York: Oxford University Press, 1986), 177-180.

62. Slaughter, *The Whiskey Rebellion*, 185.

63. Slaughter, *The Whiskey Rebellion*, 189.

64. Slaughter, *The Whiskey Rebellion*, 276.

fight against it in whatever capacity he could. In response to the unrest, President Washington attempted negotiation, but when that failed, he led a force of federalized militiamen in person to put down the revolt. To this day, he is the only president to have personally led troops in the field. Resistance evaporated as federal troops marched into western Pennsylvania. No casualties resulted from the confrontation between the whiskey rebels and federal troops, and there was no battle.

The Whiskey Rebellion might be considered the last gasp of popular revolt in the early United States. The long tradition of revolt that stemmed from the Piedmont modification of the English tradition of agrarian revolt came to an end due to the formidable threat of a stronger government response and changes in political culture that made such revolts illegitimate under a republican system. The Constitution, empowering the president as the commander-in-chief of the armed forces, had indeed accomplished its goal of enabling government to more effectively suppress revolts and other contentious political movements. Although there would be later instances of civil unrest in the United States, these revolts would either be suppressed swiftly or they would take on different forms than those that predominated in the late eighteenth century. The age of the Regulator was over forever.

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