

## Conceived in Crisis: The Revolutionary Creation of an American State

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**Reviewer:** Grace Mallon

In 2003, Max M. Edling published a field-changing book exploring the influence of European models of state-building on the framing and ratification of the U.S. Constitution. Edling termed this process, which took place in the late 1780s, ‘a revolution in favour of government’. <sup>(1)</sup> Christopher R. Pearl’s *Conceived in Crisis* is also the story of a revolution in favour of government in early America, but it differs from Edling’s account in two crucial ways. Rather than discussing the development of the American national state, Pearl lays his scene in the province of Pennsylvania, the mid-Atlantic proprietary colony that would become the most notoriously democratic of the 18th century North American republics. And where Edling locates the state-building revolution in the 1780s, Pearl finds his revolution in *the* Revolution—the American Revolution—a crucible of war and precarious, hard-won independence in which, he argues, a new kind of centralized and coercive American polity was born.

*Conceived in Crisis* makes an intervention in the history of Pennsylvania, of the American Revolution and of American government more generally with which historians in all of those fields will have to engage. Charting the interactions of ordinary colonists and citizens with their governing institutions between the 1720s and the 1790s, Pearl reveals a slow-burning crisis of confidence in government that repeatedly forced Pennsylvanians to take the preservation of the *salus populi* into their own hands. Connecting up decades of petitions, public protests and violent ‘regulations,’ all of them frustrated responses to the failures of the provincial government, Pearl makes the case that the American Revolution in Pennsylvania was driven by the desire for ‘more government, not less’ (p. 5). Pearl suggests that, despite traditional explanations of the revolution as the expression of a liberal individualist and anti-statist ideology, state formation in the American revolutionary era was at least as much about improving the effectiveness of government as it was about limiting government’s capacity to intervene in the lives of citizens. As a result, attempts to centralize power and strengthen the state in the 1780s and 1790s were not indicative of ‘conservative counterrevolution’ (Merrill Jensen’s phrase), but were instead perfectly in keeping with the spirit of the revolution itself. <sup>(2)</sup>

Historians of state government have, of course, repeatedly emphasized the disconnect between the myth of the United States as an anti-government society and the reality of the American states themselves as

prodigiously regulatory, highly interventionist, and often chillingly coercive regimes. Pearl nevertheless makes an important contribution to this historiography. Where the likes of William Novak and Gary Gerstle have been content to assert that, from the 19th century onward, state governments claimed sweeping powers for the regulation of the state's 'internal police,' Pearl seeks to excavate the origins of this expansive conception of state power in the proverbial land of the free. (3) He points out 'the gap between the literatures on 18th and 19th century American governance. Historians of the American Revolution and Early Republic often focus on national identity and policy,' while historians of 19th century governance 'stress the autonomy and power of the states.' (Note 15, p. 224.) *Conceived in Crisis* marks a crucial effort to bridge this gap, showing how problems in colonial governance and the battle for state sovereignty during the American Revolution contributed to the making of coercive 19th century states.

Just as significantly, *Conceived in Crisis* challenges the idea that early Americans were either 'friends of order' who favoured strong government, or 'friends of liberty' who favoured responsive government, but could not be both. By putting popular politics and government administration into the same frame, Pearl shows that 18th century Pennsylvanians wanted a government that both responded to the people's needs and guarded the welfare of the community—and, moreover, that these two things were inseparable from one another. It was not merely the philosophical perfection of republicanism that motivated revolution, but rather the desire for a government that would give the people what they wanted in practical policy terms: easier access to the justice system, better-regulated markets, a stable and secure civil society. 'Liberty . . . was a duality. On one side stood freedom of action, on the other, restrictions and restraints enforced by law and government for the "public good."' (p. 171)

Chapter 1 provides an overview of Pennsylvania society between the founding of the colony and the American Revolution, with a particular focus on the failure of informal mechanisms of governance—religious and civic communities—to foster social cohesion or preserve the peace. In the early to mid-19th century, Pearl argues, William Penn's utopian visions of self-governing communities of likeminded farmers rapidly crumbled in the face of a corrupt system of land distribution and far-reaching socioeconomic change. Towns, which stood at the centre of Penn's plans, grew enormous and incoherent to the extent that local law enforcement officers were unable to manage them. Immigration, rising land prices, and the commercialization of agriculture to support a flourishing export economy all contributed to the development of a provincial society chiefly characterized, not by prosperous landholders, but by backcountry squatters and itinerant wage labourers. Church government—a key underpinning of the early modern social order—was weakened from the beginning by a dearth of ministers in the colony and thrown into utter disorder from the 1740s onward by the convulsions of the Great Awakening. This opening chapter sets up the problem Pennsylvanians were principally focused on solving, in Pearl's telling, through the American Revolution: a chaotic society without the institutional framework it needed to restore itself to order.

In Chapter 2, Pearl makes the case that early Americans understood the central function of government to be, not the protection of private property, but the defence of the 'public good.' Religious and civic conceptions of Anglo-American governance emphasized the individual's duty to subordinate their own needs and desires to the welfare of the community at large. Petitioners to the provincial assembly repeatedly demanded government intervention for the proper management of natural resources, notably fish, and for market regulations that would squash monopolies, ensure fair commercial practices and guarantee the quality of products for domestic and international sale. This regulatory regime would place the long-term needs of the general public over the potential for individual profit. But government fell far short of the people's expectations. Oversized counties meant many citizens lived far away from administrative centres. Court officials struggled to bring witnesses, evidence, and defendants to trial and judges abandoned trial by jury in an effort to clear the backlog of cases. Justices of the peace were elite figures who treated the office principally as a recognition of social status and refused or failed to minister to their communities. The unsuccessful 1756 impeachment trial of a corrupt magistrate by the provincial assembly made for a power struggle between the legislative and executive branches over the right to appoint and remove judicial officers.

Chapter 3 sees the fulfilment of the constitutional disputes foreshadowed by the impeachment trial and

shows how the institutional structures of the British empire frustrated repeated popular calls for major governmental reform. Pearl argues that, while other historians have considered Pennsylvania, a proprietary colony, to be relatively unburdened by imperial control in this period by comparison with royal colonies, Crown-appointed deputy governors nonetheless experienced considerable pressure from imperial managers in London to protect the royal prerogative from legislative encroachment. In the late 1750s, with the arrival of weak and corrupt Deputy Governor William Denny, the assembly seized the opportunity to use popular clamour for judicial reform as a weapon in its battle to wrest power from the executive, offering Denny financial rewards in return for his sign-off on controversial legislation. The Board of Trade reacted to this attack on royal power by tightening the imperial grip on Pennsylvania. From 1760 onward, therefore, while legislators fought to push through reforms to Pennsylvania's failing judicial system, deputy governors fought back, using the veto to protect the Crown's interest in appointing judicial personnel.

In Chapter 4, Pearl explores the responses of ordinary citizens to governmental inaction during the Seven Years' War and Pontiac's War in the 1760s. The chapter focuses especially on the activities of 'regulators' like the Paxton Boys and the Black Boys, who used violence and intimidation to protest and remedy the wartime Indian trade and the government's inattention to the defence of frontier regions. The Paxton Boys are best known for the brutal mass murder of peaceful Native Americans, but Pearl shows how the group's leaders justified their actions by reference to government corruption and neglect, and inspired others to take over the regulation of their own communities where officials failed to act in the public interest. His depiction of the Black Boys' regulation strikingly highlights the ineffectiveness of provincial institutions, which found themselves helpless in the face of blackface vigilantes who not only 'patrolled the countryside inspecting trade goods and rifling through official mail,' but also 'attacked unscrupulous traders, threatened local justices of the peace, kidnapped British officials' and even 'besieged imperial forts.' (p. 112) Given the role of intimidation in ensuring local quiescence, the true extent of popular support for these regulations remains somewhat unclear, though on p. 126, a petition to the assembly from a huge range of community members in Chester County condemns government inaction and applauds the violence of masked regulators against lawless locals.

In Chapter 5, Pearl shows how popular 'politicization' during the wars and regulations of the early 1760s translated into 'mobilization, and the consolidation of power' (p. 129) for the establishment of a responsive, representative, and effective government during the revolution itself. This chapter would be highly teachable as an overview of the political mechanics of the revolution in one colony and contains an illuminating forensic analysis of the institutional transition from colonial to state government. But there is a deeper point for Pearl: the overthrow of the imperial order was driven by a love of effective and orderly government, and violence was always a means to the end of social stability. The revolutionary committee movement appears as the heir to the colonial regulators, each of them an attempt to minister to the needs of 'the people,' and each of them often troublingly dismissive of the rights and liberties of individuals.

In Chapter 6, Pearl shows how the experience of the American Revolution influenced the development of coercive and interventionist state government in the name of the people's welfare, which would persist well into the 19th century. He discusses the creation of the famous Pennsylvania Constitution of 1776, noting that while the state's unusually democratic institutional arrangements have been historians' major focus to date, the constitution's framers were driven by the desire for a government that was not only responsive, but also effective. Detailed statistical comparisons between rates of prosecution in the colonial and revolutionary eras make a clear case that decades of petitions for a more accessible justice system were finally answered by the state-building efforts of the revolutionary government. (p. 177) But there was also a dark side to the revolutionary state. Patriot leaders had three major goals: to establish sovereign authority in a contested polity; to curb illicit market practices in a time of crisis; and to terrorize the community into compliance with the aims of the revolution. To achieve these ends, civil and military officers of the state threatened, imprisoned, tortured and executed political dissidents and their associates. 'The people' was by nature an exclusionary category and the *salus populi* could be used to justify the most unenlightened of government behaviour.

In his concluding chapter, Pearl rejects the traditional historiographical opposition between the 1776 and 1790 Pennsylvania constitutions, arguing that it was the public's desire for a stable and well-regulated polity, rather than an elite counterrevolution, that led to the overthrow of the revolutionary constitution and the creation of a less overtly democratic constitutional order in early national Pennsylvania. Pearl also demonstrates overwhelming popular support for the ratification of the U.S. Constitution on the basis of its anticipated economic advantages for ordinary citizens. The Antifederalists appear, not as opponents of government per se, but rather as supporters of strong *state* government who feared the diminution of the state's capabilities through the activities of newly empowered federal authorities.

Pearl's depiction of ordinary people as broadly accepting of the beneficial effects of interventionist government poses a challenge to existing historiography on Pennsylvania's well-documented post-ratification unrest. Thomas Slaughter's 1986 book on the Whiskey Rebellion is subtitled 'Frontier Epilogue to the American Revolution,' and characterizes the 1794 tax rebellion as a reaction against intrusive government which embodied revolutionary principles. Paul Douglas Newman also subtitled his 2004 book on Fries's Rebellion 'The Enduring Struggle for the American Revolution,' and wrote that the rebels 'believed that as Americans they should be free from repressive government.' (4) *Conceived in Crisis* seems to call into question such portrayals of the revolution's meaning for Pennsylvanians. Pearl's impressive research and striking historiographical interventions will reward the efforts of readers interested in the colonial period, the revolutionary era, and the early American republic.

## Notes

1. Max M. Edling, *A Revolution in Favor of Government: Origins of the U.S. Constitution and the Making of the American State* (New York, 2003).[Back to \(1\)](#)
2. Merrill Jensen quoted in Max M. Edling, *Perfecting the Union: National and State Authority in the US Constitution* (New York, 2021), p. 7.[Back to \(2\)](#)
3. William J. Novak, *The People's Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill, 1996); Gary Gerstle, *Liberty and Coercion: The Paradox of American Government from the Founding to the Present* (Princeton, NJ, 2015).[Back to \(3\)](#)
4. Thomas P. Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York, 1986); Paul Douglas Newman, *Fries's Rebellion: The Enduring Struggle for the American Revolution* (Philadelphia, 2004), pp. 9-10.[Back to \(4\)](#)

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[1] <https://reviews.history.ac.uk/item/334472>