

Journal of Public Deliberation

Volume 15

Issue 2 *Town Meeting Politics in the United States: The Idea and Practice of an American Myth*

Article 3

2019

Mirage of Democracy: The Town Meeting in America

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Recommended Citation

Zuckerman, Michael (2019) "Mirage of Democracy: The Town Meeting in America," *Journal of Public Deliberation*: Vol. 15 : Iss. 2 , Article 3.

Available at: <https://www.publicdeliberation.net/jpd/vol15/iss2/art3>

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Mirage of Democracy: The Town Meeting in America

Abstract

In American mythology, the town meetings of colonial New England are the storied source of the nation's democracy. But early New Englanders allowed the great majority of their adult males to vote only because they had no other way to secure social order. Without king, court, country lords, archbishop, or any other traditional authority, their rude frontier communities could only be ruled by public opinion. Town meetings were occasions to consolidate a popular will that could coerce the recalcitrant. They governed by common consent, but they were not democratic in any modern sense. They disallowed legitimate difference and dissent, disdained majority rule, and dreaded conflict. They were predicated on a homogeneity and a conformity that we today would find suffocating.

Keywords

Authority, Community, Consent, Democracy, Homogeneity, Majority rule, Public opinion, Social context, Town Meeting, Voting

Introduction

As I revisit the subject now, it is oddly unsettling to realize that I first took up the study of the town meetings of colonial New England half a century ago. I had no special interest in the topic at the time. It was nothing more than an assignment from the professor in my graduate seminar. To the extent that I'd ever thought of town meetings before, I'd thought of them casually, even carelessly, as shining specimens of a participatory democracy that did interest me deeply. But that was before I went to the archives.

I learned to read the often-scarcely-decipherable script of town clerks and a ragbag motley of other men who, for one reason and another, petitioned the authorities in Boston, the capital of colonial Massachusetts, during the first three-quarters of the eighteenth century. I plowed through the thousands of pages of those petitions that are preserved in six massive volumes in the Massachusetts Archives. I canvassed every published record of the proceedings of those provincial towns. I read dozens of antiquarian histories of other towns. And I came away convinced that my easy acquiescence in the celebratory clichés had been badly mistaken. I came to doubt that those town meetings embodied participatory democracy in any consequential way.

I recorded my skepticism in a little article on the subject and then, a couple of years later, in a much larger book (Zuckerman, 1968, 1970). And I was fortunate enough to strike a chord. The article was reprinted in so many anthologies that I lost count. The book played a part in spurring the sea-change that came to be called the new social history. In both, and especially in the article, I argued that our treatment of the town meeting turned on a *question mal posée*.

At the time I wrote, early American historians were debating, with a fervor to match their futility, the extent of the franchise in the British colonies of the eighteenth century. The debate was, as all debates about the town meeting were and are, about the degree, character, and career of democracy in America. A dozen years before, Robert Brown had startled scholars with his provocative finding that at least three-quarters of the adult males of colonial Massachusetts were eligible to vote (Brown, 1955). His careful calculations challenged their easy assumption that pre-Revolutionary politics were the province of the privileged. Before his work appeared, historians had taken for granted that scarcely more than a quarter of the adult male inhabitants could legally cast ballots. After it appeared, they scrambled

to the sources, where they found enough conflicting evidence to sustain a welter of primitive statistical kerfuffles.

Even as they did, Brown and his wife doubled down. Having satisfied themselves and more than a few others that most men were eligible to vote in allegedly democratic New England, they proceeded to show that most white men – an identical three-quarters, in fact – could vote in allegedly aristocratic Virginia (Brown and Brown, 1964).

Such a showing was, in many ways, even less welcome and less assimilable than the first one. Perhaps because it was, or perhaps because colonial Virginia has never held the iconic place in the American imagination that the town meeting has, the Browns' Virginia research never sparked the excitement that their New England work did. Whatever the reasons, the scholarly conversation continued to center on the town meetings of the northern colonies.

In most of British North America, there were no town meetings, for the simple reason that there were no towns. In the Mid-Atlantic, the Chesapeake, the Lower South, and the Caribbean, the units of settlement were plantations, crossroads villages, counties, and an occasional city of consequence. The plantations and crossroads communities were too thinly populated, the counties too spatially dispersed, and the cities too thickly inhabited to allow white adult males – all white adult males - to come together face-to-face to govern themselves.

Of all the colonial regions of British North America, only New England had an extensive array of towns that could sustain town meetings. And that was where the interpretive trouble began. Of all the colonial regions of British North America, only New England harbored a deep, principled hostility to the settler democracy that the town meetings have come to symbolize (Miller and Johnson. 1963, pp. 180-280).

Provincial Democracy

The Contextual Imperative

More than anything else, I insisted in both my article and my book that the terms of the debate over the extent of the franchise were inadequate to its resolution. Democracy, I maintained, is less a matter of the numbers with which my colleagues were preoccupied than of their social and cultural context. How many men voted, I

said, indicates very little about democracy unless we first understand what they voted for – or didn't vote for – and why.

On both sides the discussion of New England town meeting democracy had taken entitlement to participate in local voting for a satisfactory index of democracy, and on both sides the recourse to the seeming solidity of the electoral percentages had depended on that premise. But figures on the franchise cannot, in and of themselves, serve to show democracy. In our own time, we have seen too many travesties of universal suffrage in too many far-from-democratic regimes to take such an abstract calculus as sufficient warrant for any credible conclusions.

It was a measure of how thoroughly the Browns' work had set the contours of subsequent study that none who followed them had questioned their assumption that the issue of the eighteenth century was what they had declared it to be: "democracy or aristocracy?" (Brown and Brown, 1964). None had paused to ponder whether that question was quite so simple or its answer quite so readily accessible. None had noticed that the Browns' versions of democracy and aristocracy are false alternatives in the study of colonial Massachusetts, employed as the Browns employ them as initial tools rather than as the end terms of the inquiry.

Democracy is an especially problematic notion. It was certainly not a value of sufficient salience to the men of provincial New England to govern their conscious motives and aspirations. And it is certainly not a state that can be directly apprehended in any immediacy at all. It is a concept of our own devising, an elevated abstraction which represents a synthetic judgment of the general tenor or tendency of social relations and institutions. It must therefore proceed out of, rather than precede, analysis of the society to which it is applied. To rip it out of its social context is very nearly to assure a disembodied discussion that primarily illuminates our own preconceptions and prejudices.

It is that social context alone that can confer meaning on the degree of franchise democracy that did exist. Since democracy was incidental, at best, to the purposes of provincial society, we must first confront that society. Even if most men in eighteenth-century Massachusetts could vote, their political participation cannot be fathomed apart from the organization of the environing community. The extent of the suffrage must be merely the beginning, not the end, of our inquiry. If we would understand the towns that carried on the meetings, we must find out not only

whether most men could vote but also why. What purposes did an enlarged eligibility serve? What was the function of voting itself in the conduct of the community? Who specifically was admitted to the franchise, and who was denied that privilege, and on what grounds?

It is particularly imperative that we place political participation in its social setting because nothing else can plausibly account for its development. The founders of the settlement at Massachusetts Bay came with neither an inclusive ethos nor any larger notions of middle-class democracy. They were inveterate enemies of the toleration that democracy requires. They entered upon the wilderness with a conviction of their own absolute and invincible righteousness and everyone else's error. They would have rejected indignantly any suggestion that their ideas were subject to popular plebiscite. Their leaders proudly proclaimed that they "abhorred democracy," and, as Perry Miller said, "theirs was not an idle boast" (Miller, 1959, p. 37).

Yet, without any English prodding and within about a decade of the first settlements in 1630, that abhorrence of democracy began to break down. It did not disappear or even diminish at the colonial level. Until England revoked the Massachusetts charter in 1692, only freemen – members of the church and holders of sufficient property – could vote for representatives to the legislative assembly. But by that time non-freemen had been voting in local affairs for almost half a century. The persistence of suffrage restrictions in colonial governance is sufficient proof that the shift to a more inclusive participation did not derive from Puritan theology or thought. The abandonment of such restrictions in the towns and the popularization of local political authority occurred only in grudging adjustment to the exigencies of the townsmen's situation.

Communities without Compulsion

The situation in colonial Massachusetts was, quite simply, one that left settlers stripped of any other sanctions than those of their own devising. The sea passage cut the colony off from the force of traditional as well as institutional authority. The very maintenance of law and order had to be managed in the absence of any customarily accepted agencies for its establishment or enforcement. And as settlement spread into the interior, the preservation of order devolved increasingly upon local communities.

For sixty years after they made off for the New World with their founding charter, the Puritans had managed their own affairs from their colonial capital in Boston. But after 1692, when England's new sovereigns, William and Mary, revoked that charter and installed a royal governor who served at the pleasure of the monarch, Massachusetts could no longer keep the Crown at arm's length. The New England Way, as the colony's spokesmen called it, could no longer be protected from metropolitan interference by a Puritan leadership ensconced in Boston. The public peace could no longer be entrusted to a relatively autonomous central government. It would have to be separately secured in each town. And though this devolution of authority to the local level resolved other difficulties, it only aggravated the problem of order. The towns, even more than the colony, were without institutions and authorities sanctioned by tradition. They had relatively limited instruments of enforcement, and they were loath to use the coercive power they did possess.

Order in those eighteenth-century towns depended far more on public opinion than on the modest coercive measures at their disposal. Effective action required a popular will approaching unanimity, and the work of the meeting was accordingly bent toward securing such unanimity. Harmony and homogeneity became – because they had to become – the routine realities of local life. The result was, to be sure, a kind of government by common consent, but such government was not democratic in any modern sense. It did not submit differences to the judgment of the majority. A majority would have implied a minority, and the towns could no more condone a competing minority by their norms than they could have constrained it by their police power. Conflict did, of course, occur on occasion in those little towns of two or three hundred families. But neither such dissension nor any other form of persistent pluralism was ever accepted as legitimate or even seen as inevitable in the towns of Massachusetts before the American Revolution.

Authority found a very different form in those years, and its instrument was the town meeting. The meeting was never so much a forum for contending interests as it was an essential element in the delicate equipoise of peace and propriety which governed New England society. In the absence of any reliable means of traditional or institutional compulsion, the recalcitrant could not be compelled to adhere to a common course of action. So all common courses of action had to be shaped in ways that left none recalcitrant.

In other words, the New England town meeting solved the problem of enforcement by evading it. The meeting gave institutional expression to the imperative of peace. In the meeting, men reached consensus and placed both individual consent and public opinion in the service of social conformity. They came to agreements so that subsequent deviation from their accords would be stigmatized as personally immoral and socially transgressive. They talked of business and budgets; but ultimately, they aimed to establish moral community.

In this context, the significance of an extended franchise becomes clear. Governance by concurrence required inclusion. In towns in which effective enforcement depended on the moral bindingness of decisions upon the men who made them, it was essential that most men be parties to such decisions. The political principles and religious convictions of the New Englanders were indifferent, even hostile, to democracy. Only the stern necessities of governance drove the expansion of the franchise. Men had to be allowed to vote because a wide canvass was convenient, even critical, in consolidating opinion in the community.

Once we grasp that the high levels of participation in the politics of the provincial towns were not expressions of abstract democratic principles but an integral aspect of the conduct of those communities, we can go beyond a bloodless study of electoral eligibility and a simple celebration of middle-class democracy in Massachusetts. We can convert polemics into problems and press for answers.

Logics of Inclusion and Exclusion

In some towns, especially in the first years after their founding, a substantial and sometimes an overwhelming proportion of the adult males did not meet the property or the residential requirement. Such men were not technically entitled to vote. Yet the same imperatives prevailed in towns where few were legally qualified as in the others, and the same sense that inclusiveness promoted peace while more rigorous methods threatened it. The town of Douglas, with only five qualified voters in its initial settlement, flatly refused to be bound by determinations confined to those five, declaring its conviction “that the intent of no law can bind them to such ill consequences.” The town of Mendon voted “to permit a considerable number of persons not qualified by law to vote ... being induced thereto by an apprehension that it would be a means of preserving peace and unity amongst ourselves.” And other towns too, in their “infant state,” agreed “to overlook” the law and allow

“liberty to vote” to men who lacked the requisite land. On the rare occasions when such illicit arrangements were challenged, the General Court of the colony upheld them, to prevent “the dismal damages” that would follow a more “strenuous method of proceeding.” With the Court’s explicit consent, “everyone was admitted to vote, qualified or not.” (Massachusetts Archives – hereafter, MA – vol. 115, pp. 168, 169, 316-7, 319-20, 469-71, 864-5; vol. 117, pp. 647-9, 651; Blake, 1915, pp. 76-7)

Such universal suffrage did not signify colonial commitment to democratic principles or procedures. It simply recognized that the community could not be governed solely by the lawfully qualified voters if they were too few in number. That circumstance was most likely to occur in new settlements, but it was not limited to them. In older towns too, requirements for the franchise were also ignored and admission of the unqualified acknowledged openly. Especially in cases of conflict, towns commonly opened the polls to all adult males. Thomas Hutchinson may have exaggerated when he lamented that “anything with the appearance of a man” could take part in those contestations, but the inhabitants of Needham were not at all alone when in 1750 they “put to vote whether it be the mind of the town to allow all” to have a say in a fractious election and when that vote carried in the affirmative. Indeed, the verdict for inclusion was less revealing than the method by which the verdict was reached. In voting *whether* to include all in the election itself, Needham *did* include all in the procedural preliminary. Every man did vote on the question of whether every man would be allowed to vote. (Brown, 1955, p. 60; MA, vol. 115, pp. 616-7)

Of course, absolute inclusiveness never prevailed in provincial Massachusetts. Neither women nor anyone under 21 could vote at all. Property and residence qualifications, introduced in 1692, were probably adhered to as often as they were ignored. It was an important part of Brown’s achievement to show that the participation of adult males was not *very much* less than universal, but by the nature of his research strategy he could go no further than that. If we are to penetrate to particulars – if we are to ask who was excluded, and why, and why the suffrage standards were what they were – we must consider not only numbers but also the conditions of community.

The men who were not allowed legitimately to vote with their fellow townsmen were commonly tenants or the sons of voters. It was these two groups against which

the property requirement primarily operated. And it was these two groups against which sanctions were available that were far more effective than a diffuse public opinion. Stringent property qualifications were self-defeating in a society where consensus was the engine of enforcement, but overly generous qualifications were unnecessary. Where some men, such as tenants and dependent sons, could be privately coerced, liberality on their behalf would have been, from the standpoint of social control, superfluous.

Similarly, almost nothing but disadvantage could have accrued from a loose residence requirement enabling men not truly members of the community to participate in its decision-making, since voting qualifications in the Bay Colony were connected to the concept of community, not the concept of democracy. The extensions and contractions of the franchise were significant to townsmen primarily as a means of consolidating public opinion. All those whose acquiescence in civic action was necessary were included. All those whose concurrence could be compelled otherwise or dispensed with were excluded, often very emphatically.

Consciousness of qualification might be construed as nothing more than an insistence on a “stake in society” in order to participate in the society’s deliberations and decisions. But the stake-in-society standard, though widely popular in England at the time, was not the norm which controlled restrictions of the franchise in Massachusetts after 1692. It was not an intrinsic attachment to that standard but simply a fear that those without property were overly amenable to bribery or other such suasion that led the men of Massachusetts to cling to their voting qualifications. As the Essex Result put the principle, “all the members of the state are qualified to make the election, unless they have not sufficient discretion, or are so situated as to have no wills of their own” (Parsons, 1778, pp. 28-9). Participation in communal decisions was the prerogative of independent men, of *all* a town’s independent men, but, ideally, *only* of those. Indeed, it was precisely on account of their independence that they had to be accorded a vote, since only by their participation did they bind themselves to abide by the town’s decisions. The town meeting was an instrument for enforcement, not – at least not intentionally – a school for democracy.

The logic of competence also accounted for the disallowance of voting by tenants. They were refused the right to participate in local politics not because they were poor – the stake-in-society standard – but because they were dependent on those

from whom they held their land. And, of course, women and children were excluded as well, because they too were subject to others: their husbands, their fathers, their parents.

Even sons who had arrived at adulthood were routinely kept from the franchise if they still lived with their fathers. The voting age of twenty-one was a rudimentary expression of the requirement of a will of one's own, but the legal age was not very firm around the edges. Men of twenty-five or thirty who remained under their father's roof were denied eligibility, and youth on their own were granted it, as in the case of an eighteen-year-old who voted in a Sheffield election in 1751 because his father had died and he had become head of his family. As the town's elected representative explained to the assembly on the occasion, the lad "had a good right to vote, for his estate rested in him and that he was a town-born child and so was an inhabitant" (MA, vol. 8, p. 278).

The townsmen of eighteenth-century New England did not place a premium on independence. It was simply a fact that they had to deal with, not a character that they prized. Much as they presumed that men of modest property were independent, they required that such men not be too independent. Ultimately all had to arrive on their own at the same conclusions and commitments as their neighbors. Consensual communities could not accord any genuine independence a place. Again and again, towns showed themselves flummoxed when they had to deal with Baptists, Anglicans, Indians, and other such outsiders. Tenants and young sons were tainted, but so were those who were their own men, such as squatters and those who dared to differ in religion. All were equally worrisome because equally outside of orthodoxy, beyond the confines of consensus. When inhabitants of an outlying part of Worcester appealed to be made a separate district, the town opposed their petition, dismissing several of the signers as mere "single persons, some of them transient ones," not to be "accounted as part of the number of families the petitioners say are within the limits of the proposed district" (MA, vol. 118, pp. 613-6, 619). No reliable bonds attached single men to their communities, and meetings accordingly refused to count them as full members.

Ultimately, however, neither the insistence on orthodoxy nor the property and residence requirements excluded any great proportion of the province's adult males. In the perspective of the English villages from which New Englanders came, these very dimensions of disqualification may be better seen as defining a far

broader eligibility for the franchise than prevailed in the mother country. The criteria of exclusion were more nearly measures of the inclusiveness of the communities of early Massachusetts.

In England, land was the criterion of citizenship. Several classes of landholders were “technically termed inhabitants even though they dwelt in another town.” Property defined political citizenship, and only those who held the requisite property in the community directed its affairs. In provincial Massachusetts, such stake-in-society notions never prevailed, for reasons that had little to do with any abstract attachment to democracy or antipathy to absentee ownership. A shift in the foundation of citizenship occurred, from property to residence, because the business of the town meeting was not so much the raising of revenue as the maintenance of law and order. Absentee owners were irrelevant to that endeavor. Only individuals actually living in the town had to be enlisted. Of course, taxation as well as residence provided the basis for the ballot, but that was of a piece with the residence requirement. As early as 1638 “every inhabitant of a town was declared liable for his proportion of the town’s charges,” in sharp contrast to the towns of England where only a few were so taxed. (Channing, 1884, pp. 12, 32)

Democracy without Democrats

Democracy without Democrats

The democracy of the eighteenth-century town was, then, a democracy despite itself, a democracy without democrats. Scholars who have seen in its widely diffused suffrage a modicum of democracy are not wrong, but they are right, to the extent that they are right, for the wrong reasons, or for no reasons at all. When they examine electoral eligibility apart from its social setting and when they place franchise democracy at the center of provincial social organization rather than in the peripheral position it actually occupied, they do not condemn their findings to invalidity so much as to sterility. Within their arid terms, they cannot systematically study the purposes of participation, the relative importance of inclusiveness when it confronted competing values, the limits of eligibility and the reasons for them, or, more broadly, the granular texture of the electorate as against their abstract numbers.

When we see franchise democracy as a mere incident in the central quest for concurrence among neighbors, we see too that the very concern for consensus that

promoted wide participation also imposed significant limitations on provincial democracy, limitations that render the language of democracy more anachronistic than not.

For one thing, the ideal of “townsmen together” (Arensberg, 1955, p. 1150) implied the power of each town to control its own affairs, and that power not only extended to but also depended upon communal control of its membership. From the founding of the first towns in the seventeenth century, settlements retained the right to admit only those whom their inhabitants approved, and that right persisted without challenge to the time of the Revolution. “Such whose dispositions do not suit us, whose society will be hurtful to us,” were simply refused acceptance as enemies of harmony and homogeneity. Dedham’s first covenant, “to keep off from us all such as are contrary-minded and receive only such unto us as be such as may be probably of one heart,” was typical. Inhabitancy was a matter of public rather than private concern. It scarcely had to be argued, among the original settlers or in the eighteenth century, that “if the place of our cohabitation be our own, then no man hath right to come in to us without our consent” (Arensberg, 1955, p. 1150; Powell, 1963, p. xviii; Haskins, 1960, p.70; Benton, 1911, p. 8).

Any who did somehow escape scrutiny and gain entry to a town could still be expelled by “warning out,” a practice by which men and women who were deemed undesirable could be lawfully ejected from the community. Warning out was, in some part, a device to escape undue expense in the support of paupers, but it was also, and more importantly, the product of the powerful communitarian assumptions of the settlers. Under its aegis, towns restricted the free movement of people and the sale of land to outsiders. The town records were studded with such warnings from their first establishment to the dawn of American independence (Levy, 2009).

The result was that fundamental differences in values were rarely admitted within a town, while differences of race, nationality, and culture scarcely appeared east of the Hudson River 1776. Massachusetts was more nearly restricted to white Anglo-Saxon Protestants than any other province in British North America, with the possible exception of its New England neighbors, Connecticut and New Hampshire. Less than one percent of the quarter of a million Germans who came to the British colonies between 1690 and 1770 came to New England, and the proportion of Irish, Scots, and Scots-Irish was little larger (Ver Steeg, 1964, pp.

167-8). French Catholics found no welcome whatsoever in Massachusetts, and according to Governor Bellomont, even Huguenots got very little encouragement (Baird, 1885, vol. 2, pp. 251-3; Reaman, 1964, p. 129). African Americans never attained significant numbers at the Bay. By 1780 they accounted for only two percent of the population of the province and a bare one percent of all the Negroes in the new nation. And Native Americans lost the powerful presence they had once held. Even before the Revolution broke out they were on their way to the near-extinction they would experience for the next two centuries (Harris, 1964, p. 84; MA, vol. 117, pp. 690-1, 733-5).

Committed to a conception of the social order that precluded pluralism, the townsmen of early Massachusetts made scant place for those who were not of their own kind. The communities they wanted were enclaves of common believers, and to the best of their ability they secured such communities, rooted not only in ethnic and cultural homogeneity but also in common moral and economic ideas and practices. That similitude was an indispensable condition of town-meeting democracy. Only after towns that sought harmony had been made safe for so many to participate could a wide franchise be ventured. Only because all who seemed different were not allowed entry in the first place could most then be allowed to vote.

Such a society can be called democratic only so long as we dwell on elections and elections alone, rather than on the larger electoral process. As soon as we depart from that fixed focus, the town meetings of Massachusetts fall short of any decent democratic standard. Extensive participation was prevalent, but it was premised on stringently controlled access to eligibility. Open elections in early New England presupposed anterior constriction of the electorate. Most men of those tightly bounded towns could vote, but their voting was not designed to contribute to a decision among meaningful alternatives. The meeting had one prime purpose, and that purpose was not the provision of a neutral battleground for the clash of contending parties or interest groups.

In fact, nothing could have been more remote from the minds of men who repeatedly affirmed that “harmony and unanimity” were what “they most heartily wish to enjoy in all their public concerns.” Conflict did not occur often in these communities, where “prudent and amicable composition and agreement” were urged as preventives for “great and sharp disputes and contentions” (MA, vol. 118,

pp. 707-12, 715-7). When it did appear, it was seen as an unnatural and undesirable deviation from the norm. In their occasional protests and contested elections, men almost invariably appealed to unity and concord as the values which had been violated. In the absence of any socially sanctioned role for dissent, contention was generally surreptitious and rarely sustained for long. The town meeting aimed at unanimity. Its function was the arrangement of agreement or, more often, the formal endorsement of agreements already arranged. It existed for accommodation, not disputation.

Meetings without Majorities

Democracy devoid of legitimate difference, dissent, and conflict is, of course, something less than democracy. Men who vote only as their neighbors vote have something less than the full range of democratic options. Government by mutual consent may be a step in the direction of a deeper-going democracy, but it should not be confused with the genuine article. Democratic consent is predicated upon legitimate choice, while the town meetings of provincial Massachusetts, called as they were to reach and register accords, were at best in transition from assent to such consent. The records of the town meetings are literally littered with votes “by the free and united consent of the whole” or “by a full and unanimous vote that they are easy and satisfied with what they have done” (MA, vol. 118, p. 388-90; *Town of Weston*, p. 11). Most men were eligible to vote, but mostly they voted in unison. Differences had no defined place in the towns that voting could have settled, because that was not in the nature of town politics. Unanimity was the ethical as well as the empirical norm. The settlers demanded it as a matter of social decency. Even the infrequent eruptions of conflict were shaped by the canons of consensus and concord. Towns embroiled in quarrels appealed to the General Court to intervene to restore “peace and unity” as “the only occasion of our petitioning” MA, vol. 50, pp. 30-1; MA, vol. 115, pp. 479-80; MA, vol. 116, pp. 709-10).

The demand for unanimity found its ultimate expression in regular, and unabashed, rejection of one of the most elementary axioms of democratic theory, the principle of majority rule. Mere majorities commanded minimal authority at the local level and scarcely even certified decisions as legitimate. In communities which provided no recognized place for minorities, a simple majority was not necessarily sufficient to determine social policy, and men such as the petitioners from the old part of Berwick were prepared to say so quite explicitly. Since its settlement some eighty

or ninety years before, the town had grown until, by 1748, the inhabitants of the newer parts easily outnumbered the “ancient settlers” and wished to establish a new meetinghouse in a place which the inhabitants of the older parts considered injurious to their interest. Those who lived in the newer precincts had the votes, but the “ancient settlers” were icily unimpressed. Injury could not be justified, they protested, “merely because a major vote of the town is or may be obtained to do it.” They would suffer “great hurt and grievance” for “no other reason than this: a major vote to do it, which is all the reason they have for the same.” A “major vote” counted for little against a “just regard” for the old part of town and its inhabitants, who had no doubt that they “ought” to retain their privileges despite their loss of numerical preponderance (MA, vol. 115, pp. 368-75, 377-8, 393-6).

Antiquity mitigated majoritarianism in a multitude of cases, not just in the demands of old settlers but also in the determinations of the Massachusetts General Court. Consensus in the community comprehended history and equity as well as the counting of a vote, and the Court found appeals to such principles persuasive rather than dismissing them as fatuous fabrications of desperate minorities. In Lancaster, for example, the Court had already rejected as unreasonable an earlier effort to disrupt the old order by simple majority when that majority renewed its initiative. The “standing part” returned to Boston in righteous indignation, insisting that, “though they have obtained a vote from the town, the case still remains equally unreasonable” (MA, vol. 114, pp. 613-4). A majority changed nothing. As the founders of Lunenburg said when newcomers pressed their numerical advantage, majority rule would only introduce “contention and confusion.” Instead of “peace and harmony,” there would be “no telling what to trust to” (MA, vol. 117, pp. 165-9).

History was hardly the only resort for the repudiation of mere head counts. Other men offered other arguments. When Salem enacted a tax schedule more favorable to the town’s farmers than to its merchants, the merchants found no force in such populist politics. “The major part of those who were present,” they informed the Court, were farmers, “and the vote then passed was properly their vote and not the vote of the whole body of the town.” The merchants simply assumed that legitimacy and obligation attached only to a concurrence of the entire community. They subtly separated a town ballot – sheer majoritarianism – from “a vote of the whole body of the town” for which the consent of every part of the population was requisite (MA, vol. 115, p. 596).

And some men scarcely deigned to argue at all. In a contested election in Haverhill, one side categorically denied any authority at all to a majority of the moment. It was, the petitioners insisted, nothing but the creature of “a few designing men who have artfully drawn in the multitude and engaged them in their own cause.” The complainants scorned such direct democracy as nothing more than “oppression” (MA, vol. 115, pp. 330-4). In a controversy over the division of the west precinct of Bridgewater, the men in the minority briefly disputed the majority itself but then quickly conceded that, whether or not a majority *had* been obtained, such a majority *could* be contrived. No matter what the formal validity of such a vote, the aggrieved took for granted that the governor and the assembly would not assent to it or consider it legitimate, “for we trust that your Excellency and Honors will not be governed by numbers but by reason and justice” (MA, vol. 114, pp. 244-6, 244a). And in Danvers, villagers caught the provincial paradox of legality without legitimacy exactly. Rehearsing the impositions they had suffered on account of the superior numbers of their neighbors, they came to their indictment: “we don’t say but you have had a legal right to treat us so, but all judgment without mercy is tedious to the flesh” (MA, vol. 114, pp. 786-8).

Townsmen rarely defended themselves against such an indictment by invoking their prerogatives as majorities. On the contrary, they generally denied having employed such rights oppressively. Both sides in such conflicts, therefore, operated on an identical assumption. One accused the other of taking advantage of its majority. The other retorted that it had done no such thing. Neither disputed the principle that majority disregard of a minority was indefensible.

And that assumption was no mere pious protestation. It was more than morality that made consensus imperative. It was also the incapacity for coercion without general consent. The same incapacity shaped a hundred other accommodations and abnegations across the province. The town meetings were schools in such deference of individuals to their neighbors, because the cost of self-assertion against incipient public opinion was palpable. When none gave ground on the relocation of the meetinghouse in Upton, paralysis ensued. All were “agreed that it should be removed or a new one built,” the townsmen lamented, “but cannot agree upon the place.” They appealed to the assembly for assistance because, in the absence of agreement, they could see no way to act at all on their own account. It never occurred to them to construct a coalition within the town or otherwise contend for a majority (MA, vol. 118, p. 207).

Ultimately, almost every community in Massachusetts shared Upton's determination "to unite the people." Conflicts, when they arose at all, evoked no efforts at resolution in a majoritarian manner and were commonly concluded by "a full and amicable agreement" in which all parties "were in peace and fully satisfied." "Mutual and general advantage" was the condition of town continuance in "one entire corporate body" (MA, vol. 115, pp. 461-2, vol. 118, pp. 526, 707-12). But that corporate ethos leaves electoral eligibility an unsatisfactory index even of political participation, let alone of any more meaningful democracy. Though most men were able to vote in the eighteenth-century town, the town's true politics were not transacted at the ballot box so much as at the tavern and all the other places, including the meeting itself, where men met and negotiated so that the vote might be a mere ratification rather than a decision among significant alternatives. Alternatives were antithetical to the safe conduct of community as it was conceived in colonial Massachusetts. To cast a vote was only to participate in the consolidation of public opinion, not to make a choice among competing interests or ideals.

Town Meetings in Our Time

Just as the town meeting came to its grandest importance because of forces beyond the town, so it lost its centrality because of developments beyond itself.

Town meetings mattered in Massachusetts and in New England from the time of the first settlements. On a remote frontier, in the absence of any long-settled leading families or local police, where settlers could drift off into the woods and where might could make right, the only way to maintain law and order was to mobilize public opinion. If all were to be governed, all had to acquiesce in the rules by which they would be governed. Town meetings were a means to muster such common assent. But only when the imperial administration stripped Massachusetts of its charter at the end of the seventeenth century, and when royal governors ruled the province, did the town meeting come to its climactic consequence. Then the town meeting emerged as the one realm in which the men of Massachusetts could still govern themselves, the one refuge of home rule. In the years between 1692 and 1774, when one of the Intolerable Acts passed in reprisal for the Boston Tea Party put town meetings themselves under the thumb of the royal governor, those meetings provided the effective governance of the colony. Indeed, as Ray Raphael has shown, it was that imperial abrogation of the authority of the meetings that,

more than any other single cause, precipitated in Massachusetts the revolution that the rest of the mainland colonies declared in 1776. (Raphael, 2002)

But the very movement for independence that crystallized in the towns in 1774 and 1775 was, soon enough, the undoing of the local autonomy that drove the townsmen to their incendiary defense of their meetings. In the new nation that emerged from the struggle with Britain, issues that arose far beyond the bounds of any community galvanized the formation of partisan political alignments and, soon enough, of political parties. Those parties did not arise from the grass roots. They were agitated and then organized from Philadelphia, the capital of the young republic. But they made their way into every town and county in the country, and the divisions that they stirred made impossible the unanimity that the town meetings so long sought and secured. Federalists and Jeffersonians, Whigs and Democrats, and a motley of Anti-Masons, Know-Nothings, and, ultimately, Republicans contested every election. More in some places than in others, but everywhere. Even the rare town that could maintain its unity was surrounded on every side by others that couldn't. Factions that originated in Philadelphia, New York, and Washington shaped significant swaths of New England life, and so did religious and economic forces from afar that undid the relative autarchy of the early towns.

By the time Henry David Thoreau produced his panegyric to the town meetings, he was indulging in a nostalgia as irrelevant as it was eloquent. By the middle of the nineteenth century, the meetings had long lost the simple majesty he attributed to them when he called the coming together of farmers in “some obscure country town” to “express their opinion on some subject which is vexing the land” the “true Congress, and the most respectable one that is ever assembled in the United States” (Thoreau, 2001 [1854]).

Today, Americans view those old-timey town meetings through an even more pathetic haze of schmaltzy sentimentality. Driven as they are by a dim sense of their own diminishing democracy, they apply the term indiscriminately, or at best metaphorically, to a vast variety of gatherings in which ordinary citizens get close to elected officials, or in which reputed experts take up civic questions, or in which elementary and high school students assemble to debate issues of public import.

In my own state of New Jersey, the governor held what he called “town-hall-style meetings” regularly every week or two until a widely publicized scandal made him

more reticent about engaging the state's citizens. But those occasions were a travesty of democracy of any sort, let alone of the direct democracy that the aura of the town meeting evokes. They were centered entirely on the governor. All questions came to him, and nothing of political consequence could actually come of the questions other than the promotion of the governor's re-election. Audiences were screened, and known opponents were denied admission. Supporters packed the halls for these patently partisan exercises. Questions had to be submitted in advance. And if the governor didn't like the drift of a line of questioning, he famously told questioners to "sit down and shut up."

Presidents, governors, mayors, and a multitude of other leaders similarly stage events focused wholly on themselves that they call town meetings of one sort or another. Television networks sometimes promote candidate debates as town meetings. And before television a radio show called "America's Town Meeting of the Air" ran for two decades, from the depths of the Great Depression to the heights of 1950s prosperity. Apart from its title, it was just another public affairs panel show. It featured the same celebrity guests who strutted the same expertise as all the other panel shows. It differed from its rivals only in that the audience, in New York City's Town Hall, could heckle, cheer, and ask an occasional question of the experts. Neither it nor any of our more modern formats provided or provide any semblance of democratic governance in which people come together to set directions for their communities. We have quite lost the capacity to combine the *demos* and the *kratos* - the people and the rule - of democracy. Our town meetings today offer only forums for our rulers to parade their rule or, alternatively, for middle schoolers to parade their impotence as they play at debating civic issues.

In our boldest fantasies, we imagine reconstituting more authentic public participation in policy-making. Danielle Allen's utopian reading of the Declaration of Independence celebrates its reliance on what she calls democratic writing. "There is no other way," she says, "for a free and equal people to chart its course. Our only chance to achieve collective happiness comes through extensive conversation punctuated here and there with votes, which will themselves over time, in their imperfection, simply demand of us more talk" (Allen, 2014, p. 82).

Allen's idealization is strikingly evocative of colonial New England town meetings. But even in her idealization of the democratic dream, she cannot imagine the meetings as they actually were. She depends on impersonal writing and mediated

exchange more generally where the men of early Massachusetts met face to face. She renounces hope of a common popular will where they required it. And while such differences are not decisive - men and women cannot meet without mediation in a nation of three hundred million, and absolute accord is no longer necessary in a society which has more effective means of enforcing the preferences of majorities – others are. The town meetings of the eighteenth century were part of a world we have lost. The aspiration of that world was to a unanimity that we would find suffocating. The hallmark of that world was an intolerance of divergent opinions that we would find intolerable.

Yet we have lost an understanding of that world we are well rid of. A politics of consensus necessitated consultation with most members of the polity. In little towns of two or three hundred families living in close, continuing contact, men shared a sense of the amenability of the political process to their own actions and attitudes. In our own mighty nation-states, dominated by wealth unimaginable two or three centuries ago, we have lost that feeling of involvement and that sense of personal consequence. Worse, we haven't a clue how to recapture it.

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