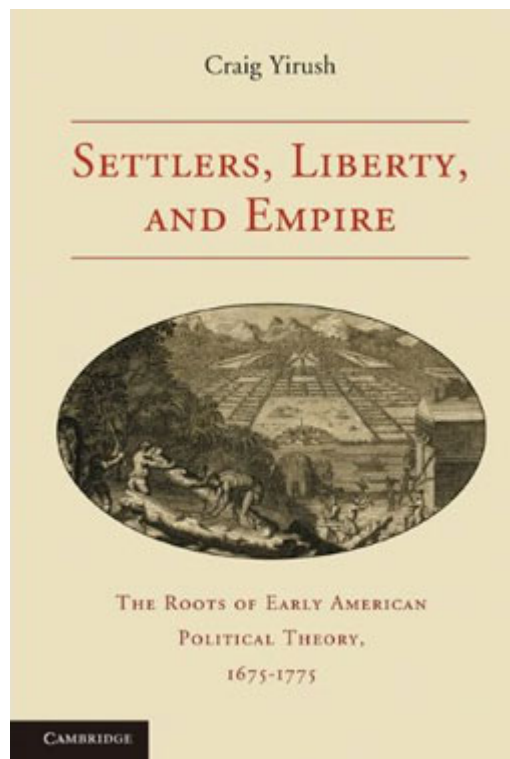


# The Labor Theory of Empire



In *Settlers, Liberty, and Empire*, Craig Yirush offers a bracing picture of pre-Revolutionary British North Americans as laborers, rights-bearers, and pamphlet-writers. In Yirush's account, American colonists embraced a blend of rights stemming from natural law as well as the common law and the English constitution. By emphasizing the colonists' reliance on natural law, Yirush returns individual and provincial rights to the center of the history of British North American political thought. Moreover, Yirush's study proposes to update the historiographical debates of recent decades, with their relentless drive to weigh the relative importance of republican and liberal thought in the late eighteenth century, by presenting a richer description of the antecedents to the political and legal ideas that burst forth in the 1760s.

At the heart of Yirush's account is what he terms the "settler vision of the empire" (4) or "settler political thought" (264), according to which "rights-bearing settlers carved out a sphere of autonomy from the center by virtue of the labor and risk they had undertaken to create flourishing polities on the far periphery of the Atlantic world" (268). This species of thought emphasized a right of resistance to both royal and parliamentary authority, a power that was derived from "a natural right to resist constituted authority and establish new republican governments based on popular consent" (264). In the four chapters that constitute the heart of the book, Yirush demonstrates the degree to which colonists resisted the expansion of metropolitan authority. From Jeremiah Dummer's defense of New England charter government against the spread of royal authority following the establishment in 1696 of the Board of Trade,

to the conflict between settlers and Crown over Mohegan land claims, to struggles over the scope of proprietorial authority in Maryland and royal prerogative power to veto colonial laws in Virginia, Yirush provides meticulous analysis of the concrete arguments that shaped settler political thought.

A particularly important contribution is the book's exploration of the labor theory of settlement, according to which colonists put forth a Lockean vision of political and legal autonomy as founded on work and risk. British North Americans frequently deployed such arguments against territorial claims by indigenous peoples. When imperial bodies such as the Privy Council became involved in these disputes, the settlers turned their labor-based arguments against metropolitan authority as well—often with limited success, as Yirush describes in Chapter 3, "John Bulkley and the Mohegans." Citing Locke, the colonists developed "an entirely natural law defense" of their property rights that chipped away at royal authority while arguing for the dispossession of native peoples (138). Such accounts enrich our understanding of how relationships between colonists and native peoples affected those between colonists and metropolitan officials, usefully complicating the standard picture of British officials and settlers as allied against native claims even as they were engaged in conflict over the relative scope of imperial and colonial power.

Yirush's historiographical goal of bringing rights back into the story of colonial American political and legal thought is a worthy one, and historians and legal scholars alike will profit from his comprehensive treatment of labor, property, and natural law. In emphasizing rights, Yirush follows in the footsteps of scholars such as Joyce Appleby, whose formidable body of work has made the case for viewing the founders as influenced by liberal capitalism as well as republican notions of the public good. Moreover, Yirush marshals impressive evidence dating from the Glorious Revolution for the widespread use of the type of rights language that is typically associated with the Declaration of Independence. By emphasizing this continuity in political and legal thought, the book delivers on its promise to "eschew the current scholarly focus on the origins of the nation" and to connect "colony and nation, empire and republic" (4).



Craig Yirush, *Settlers, Liberty, and Empire: The Roots of Early American Political Theory, 1675-1775*. New York: Cambridge University Press, 2011. 277 pp., \$25.99.

Yet one might reasonably ask whether Yirush overemphasizes the need to rehabilitate the rights-focused, "liberal" side of the republicanism-liberalism debate, and indeed whether his story truly fits the standard scholarly narrative of eighteenth-century liberalism. The book suggests that liberalism in some sense "lost" the interpretive debates of the 1980s and 1990s, and that Locke's influence has been downplayed ever since (5-6). But another, equally plausible interpretation of that historiographical contest suggests that when

it finally ended, it ended in a weary draw, punctuated by Daniel Rodgers's influential 1992 article in the *Journal of American History*, "Republicanism: The Career of a Concept." Moreover, the labor theory of settlement contains some conflicts with the standard liberal account of American history as based on individual rights (especially the right to property), held against the government, as ends in and of themselves. Yirush's settlers are deeply invested in government and committed to the public sphere; they simply prefer their own provincial government to the centralizing demands of metropolitan officials, whether in Parliament or palace. In addition, Yirush appears to overlook a robust body of recent work when he states, "[S]cholarship on early American political thought has not taken [the] imperial turn" (5). Historians such as Mary Sarah Bilder, Lisa Ford, Daniel Hulsebosch, Brendan McConville, and Eric Nelson, among others, have produced nuanced studies of seventeenth- and eighteenth-century Americans' ideas of royal authority, constitutional power, and sovereignty within the empire.

The impressive array of evidence contained in the book would have benefited from additional discussion of some larger "why" questions, especially those informed by the approaches of intellectual historians of politics such as Quentin Skinner, Bernard Bailyn, and David Armitage. For example, why did settlers use these natural-rights concepts in political argument? Did they regard them as rhetorical tools to be used in political debate, or did the language itself change in the context of the debates? If, as Yirush maintains, settler political thought was "fundamentally reactive" (264), how should that affect historians' interpretation of it—was it rhetoric, ideology, or something altogether different? One might in retrospect call the settlers' political thought "reactive, a product of the pressure they felt from the center as well as the peculiar features of the world they encountered on the far shores of the Atlantic" (264). But that description tells us little about how the colonists themselves felt about the mix of charters, constitutions, covenants, and common law precedents that combined with natural rights to create their political and legal worldview.

Moreover, the argument would have been strengthened by more attention to institutional questions. For example, Yirush notes that in 1734, a parliamentary committee drafted legislation providing that no colonial law would have any effect until it had received approval from the Crown, via the Privy Council. A royal instruction issued four years later, however, required separate suspending clauses in each piece of colonial legislation; such clauses provided that the colonial law in question would not take effect if it violated a prior act of Parliament that applied to the colonies, or if it was enacted for such a short period that metropolitan review was impossible. Had the 1734 law taken effect, it would arguably have been more sweeping because it emanated from Parliament, and because it was a kind of super-legislation that applied to all colonial laws and therefore clearly treated the provincial assemblies as subordinate. The royal instruction of 1738, meanwhile, carried different legal weight because it came from the Crown, and because it operated not as a blanket provision but as a requirement that the colonial assemblies themselves insert a

legislative poison pill into each law that they passed. We can speculate in hindsight as to which of the two provisions would have been perceived by contemporaries as having a broader scope, and the differences in the colonists' reactions to each. But evidence of how contemporaries in England and the colonies would have viewed a parliamentary bill versus a series of suspending clauses would enormously enrich our understanding of their beliefs about the relative powers of particular political institutions.

With its emphasis on a specifically settler-derived political theory in the years between the Glorious and the American revolutions, Yirush's book is a valuable contribution to Atlantic history, the legal history of settlement, and early American constitutional history. In addition, the book's specific case studies of imperial conflict give the story vitality and concreteness, keeping theory moored to experience.

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