

Reading the Regulators

BY CHRISTOPHER GRAHAM

The Regulators repeatedly told us why they acted. Herman Husband, a Quaker and Regulator spokesman wrote in 1765 that Regulators quarrel with "...the malpractices of the officers of our County Court and the abuses that we suffer by those that are empowered to manage our public affairs." A 1769 Regulator petition to the General Assembly noted their complaints:

"1st Disproportionate taxation;
2nd The lack of a law providing for payment of taxes in produce;
3^d That the lawyers, clerks &c., extort exorbitant fees;..."¹

Simple enough, yet without understanding the underlying reasons for sustaining five years of conflict, completely unsatisfactory. Who were the Regulators and what was the nature of their movement? Why did backcountry farmers challenge their government with uncommon determination? What did they consider at stake because local and provincial officials abused power and unduly extorted taxes and fees? What were their ultimate goals? Historians have struggled with these questions. The Regulator War has been subject to a variety of analysis and explanations—class, social anxiety, and country Whig ideology, to name three. Changing interpretation has often been informed by the periodic discovery and use of new source material. Historians have made five forceful arguments about the North Carolina Regulation in the last one hundred years and while divergent in analysis and conclusion, all have contributed in some way to the contemporary understanding of the conflict.

Throughout the nineteenth-century histories of the Regulator War derived from oral tradition, local lore, and patrician opinion. No documentary evidence on which to base a proper study was available until the publication of the *Colonial Records of North Carolina* (1886-1890). The *Colonial Records* contained scores of Regulator petitions, advertisements, pamphlets; and the correspondence of backcountry officials, the General Assembly, and Governor Tryon. For the first time historians could examine what the Regulators said and draw a fairly reliable narrative of events between 1766 and 1771.

John Spencer Bassett pitched into the *Colonial Records* with great enthusiasm to offer the first detailed interpretation of Regulator activity.² Responding to nineteenth-century chroniclers, he began with two "new" assertions, that "(1) The Regulation was not attempted as a revolution.

¹ Additionally, they complained of "4th That a man can be sued out of his district; 5th That all unlawful fees taken from a defendant acquitted (however customary) is an oppression; 6th That the Extortion of Lawyers, clerks and others is an oppression; 7th That the violation of the King's instructions to his delegates, &c., is an oppression..."

² William Bailey's 1894 article "The Regulators of North Carolina" is a simple narrative of events of the Regulation served up as an antidote to Regulator romanticists of the mid-nineteenth century whose writing Bailey condemned as containing excessive "...vivacity and flavor of romance..." Bailey possessed a particular animus for Dr. Eli Caruthers' 1842 *Sketch of the Life and Character of the Rev. David Caldwell*. He proposed to chart the course of the Regulator movement and "[w]hen we say what causes, it should be understood of those assigned by the very participants themselves." And Bailey does just that, combining narrative with long quotes from the *Colonial Records* and only adds interpretation as a negative to earlier accounts. See W.H. Bailey, "The Regulators of North Carolina", *American Historical Register* (1896): 313-334, 464-471, 554-567.

It was rather a peasants' rising, a popular upheaval... (2)... The Regulation was not a religious movement. It was rather of an economic and political nature..." Bassett also introduced a number of interpretative topics. Namely, that colonial North Carolina's complex tax system, the debilitating scarcity of currency (particularly legal tender), and confusing provincial land policies, fueled backcountry complaints.

Bassett added considerable nuance to the Regulator story. For instance, he suggested Herman Husband's role was frequently overplayed, that the distinction between the early Sandy Creek Association and the Regulators "proper" is significant, that Regulator concerns expanded over the course of the movement, that the Mecklenburg Presbyterians' remonstrance carried great influence, and that the Johnston Riot Act was routine (and not execrable) in context of British riot legislation. Many of these points have been disputed by later historians³ but Bassett's line of inquiry has endured. What caused the Regulation? Bassett concluded "[t]he fault lay in the system of government in force in the colony..." (192). And yet, Regulators wished to reform it, not overthrow it. "Did the Regulation begin the Revolution? Was Alamance the first battle of the struggle for American Independence?" he pondered. "I can see no continuity of influence." (210-211)

Yet Bassett has been saddled by later critics with an undue charge: that he interpreted the Regulation as a result of tension between the eastern counties and the western counties. And he did, to a limited extent. To open his essay Bassett considered the "preliminaries" (144) and discussed the colony's unfortunate geography, the recent influx of emigrants to the backcountry, and the established nature of eastern county governments. He concluded that western counties geographic and government disadvantages created tension with the east. While Bassett went on to develop actual Regulator complaints, his followers and detractors leaned too hard on his east-west tension as a cause, particularly as promulgated by Hugh T. Lefler, Albert Newsome, and William Powell.⁴

Marvin L.M. Kay offered the first major reinterpretation of the Regulator War.⁵ Writing in the 1960s and 1970s, Kay brought a keen economic critique of Regulator activity and stood among a generation of historians to see class based plebian uprisings in the Pre-Revolutionary period.⁶ Out of backcountry turbulence, Kay claimed, a "sense of community...of laboring peasants" (74) developed. High taxes, currency problems, and abusive officials "...formed the substance of Regulator protest" (76), just as Regulators said. But Kay dismissed these items as meaningless rhetorical devices, and suggests the protest was a radical assault on an "interrelation

³ For instance, James Whittenburg saw Husband's personal experience and motivations as emblematic of backcountry problems and central to motivating the Regulators. Kars found the Presbyterian elites large irrelevant, Kay made no distinction between the Sandy Creek Association and the Regulators, and Ekirch interpreted the Johnston Riot Act as a notable outrage.

⁴ See Hugh T. Lefler and William S. Powell, *Colonial North Carolina: A History* (New York: Scribner, 1973) and Hugh T. Lefler and Albert R. Newsome, *North Carolina: The History of a Southern State* (Chapel Hill, University of North Carolina Press, 1973).

⁵ In addition to the article under review, Kay elaborated his thesis in "An Analysis of a British Colony in Late Eighteenth-Century America in the Light of Current American Historiographical Controversy," *Australian Journal of Politics and History* 11, no. 2 (1965): 170-184, and, with Lorin Lee Cary, "Class, Mobility, and Conflict in the North Carolina on the Eve of the Revolution," in Jeffrey J. Crow and Larry E. Tise, eds. *The Southern Experience in the American Revolution* (Chapel Hill: University of North Carolina Press, 1978), 109-151.

⁶ See for instance Alfred F. Young, ed., *The American Revolution: Explorations in the History of American Radicalism* (DeKalb: Northern Illinois University Press, 1976) and Gary B. Nash, *The Urban Crucible: Social Change, Political Consciousness, and the origins of the American Revolution* (Cambridge, Mass.: Harvard University Press, 1979).

of wealth and political power” (75). Kay described the Regulators’ ultimate objective thus “The class consciousness of the Regulators reflected both the existing maldistribution of wealth and power The apostasy of the Regulators was to proscribe upper class rule as malevolent and then to replace class deference with class conflict.” (74) Kay’s Regulators are the most radical Regulators yet interpreted, seeking to overturn government.

Kay introduced statistical data gathered from county courts, tax lists, and other records. His data suggested that Regulators were uniformly poor and their targets were uniformly wealthy. Further, wealth distribution in the backcountry seems, to Kay, to be the prime indicator of action or side-taking.⁷ Then he turned to a curious reading of the documents in the *Colonial Records* to demonstrate that Regulators defined themselves as a poor, laboring class. For instance, Kay repeatedly stated that Regulators used the word “poor” in petitions to describe themselves as a quantifiable, socioeconomic, and disadvantaged class. (74) In reading the documents, however, it is clear the term is a tool used to portray petitioners as supplicants for the purposes of petition. Kay frequently dismissed evidence contrary to his assertion that the Regulators were entirely poverty stricken. Wealthy, or at least well-off Regulators populated the movement, but Kay weakly dismisses them by noting “...the leaders of rebellion and revolutions have frequently been more affluent than the rank and file. And the presence of a handful of such men does not indicate that an important section of the western elite joined the western rebels...” (83) Finally, in the effort to portray the Regulation as a unified movement across the backcountry, he referred to several thousand backcountry militia who rallied to Tryon’s cause as “government troops.” The cumulative effect of this tortured reading is the weakened appeal of Kay’s assertions. Kay’s demonstration of the tenuousness of backcountry life is valuable, but his attempts to portray the Regulators as a unified class intent to overthrow ruling elites is unconvincing.

James Whittenburg reflected the social anxiety explanation common in the 1980s.⁸ Into the rapidly changing backcountry of the early 1760s came merchants. Not the typical planter with a store on his farm but factors representing British and Scottish firms in London and Glasgow. They brought cheap consumer goods and more credit than any farmer could imagine and these dynamics fundamentally altered the nature of backcountry exchange. Farmers with social and material aspirations plunged into cash cropping and high volumes of debt. Then, a new class of attorney arrived—college educated and aristocratic—they and the merchants worked together and caused the number of debt suits in local courts to skyrocket. Distraint property and blocking access to fair representation frustrated ambitious farmers of humble means. Where Bassett saw Regulators targeting lawyers and Kay had them after the wealthy, Whittenburg saw a specific attack on the new merchant class. And Regulator grievances with lawyers were not based on *economic* disparities, but the aggravating condescension they adopted when denying access to legal redress. So, ambitious but impotent planters rebelled as Regulators.

Whittenburg used quantitative methods to demonstrate the stunning rise in debt suits and amended some of Kay’s findings on wealth distribution to reflect a broader membership in the movement. He expanded the use of county records and private manuscripts, particularly probate

⁷ Actually, Kay discovered that the wealth gap in the backcountry was narrower than in eastern counties, but attributes Regulator activity not to the widening gap, but to its the narrowness.

⁸ For instance, see Rhys Isaac, *The Transformation of Virginia, 1740-1790* (Chapel Hill: published for the Institute of Early American History and Culture, Williamsburg, VA., by the University of North Carolina Press, 1982), and T.H. Breen, *Tobacco Culture: The Mentality of the Great Tidewater Planters on the Eve of the Revolution* (Princeton, N.J.: Princeton University Press, 1985).

records and account books, and his reading of the Regulator records was conventional. Most unusual about Whittenburg's thesis is the particular attention he paid to Herman Husband's role. In the Quaker spokesman and founder of the Sandy Creek Association, Whittenburg found a reflection of his prototypical Regulator; an ambitious community leader stymied by a new social order. Well enough, but Whittenburg attributes far too much causality for the Regulator War to Husband's personal animus.

The work of Bernard Bailyn drew attention to the radical Whig ideology of the Revolutionary debates over liberty and corruption and dramatically influenced Roger Ekirch's approach to the Regulation.⁹ "The express desire of western settlers to curb the corrupt machination to local authorities", Ekirch noted "lay at the heart of the movement." (201) He found that past histories of "...the riots and composition of the Regulators does little to explain the origins and meaning of their movement..." Ekirch invoked Clifford Geertz's symbolist interpretation of cultures—particularly that intellectual ferment becomes fundamental and meaningful in times of rapid change or uncertainty—to assert that "[u]ltimately the most important component of the Regulator movement was the set of values and attitudes with which they perceived their world."¹⁰ (230)

Ekirch found in Regulator writings a great harmony between their conception of the event and country Whig explanations of corruption, redress, citizenship and government. In this configuration, the preservation of property from government equated the protection of individual liberty and the Regulators perceived a full scale assault on liberty by the merchants and lawyers. Their ideological component continued to guide Regulator actions as petitions failed, legislative reform stalled, and Tryon ever declined their solicitations.

The question of interests concerned the Regulators. The country's interest, or private interest? is what the Regulators asked of their county courts. In country Whig thinking, men of no account put in positions of power will act in the private interest. And that's just how Regulators viewed officers like Orange County justice and attorney Edmund Fanning. Regulators expected their leaders to be disinterested. Ekirch's conclusion therefore, *contra* Kay, is that the Regulation was not a radical, revolutionary, or democratic movement to overthrow aristocratic rule, but rather, a conservative effort to reform the existing government.

This conclusion is fair with the reading Ekirch gives, but overlooks a critical point. The Regulators may have intended only to reform government, but their avenue of reform actually struck at the heart of the existing social system. Gordon Wood has described a British society bound by patronage and controlled by a disinterested, elite, class.¹¹ Common peoples' opinion remained an unexpected and unwanted element in government. Regulators' proposal of official accountability, even if for non-partisan reasons, represented a radical intrusion into the existing flow of power and prestige. Perhaps the Regulators did not want this, but their opponents identified the extremely radical and undermining nature of this simple demand, and acted accordingly.

Marjoleine Kars' book length study was a well developed synthesis of Ekirch and Whittenburg, with additional layers of interpretation. She examined both the social anxieties of backcountry life and considered the ways Regulators informed their worldview. Kars defined a new scope by taking a broader view of the meaning of backcountry settlement. Her first four

⁹ Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Belknap Press of Harvard University Press, 1967).

¹⁰ See Clifford Geertz, *The Interpretation of Cultures: Selected Essays* (New York: Basic Books, 1973).

¹¹ Gordon Wood, *The Radicalism of the American Revolution* (New York: Knopf, 1992).

chapters were a vibrant description of backcountry immigration, social organization, and religion. From the dynamism of western North Carolina settlement arose the great question of who would dictate the terms of society. Her first concern is competency: not mere economic self-reliance, but financial success combined with the satisfaction of local prestige, generational endurance, and general contentment. Kars' Regulators had socially mobile aspirations, and saw them threatened by corrupt government.

Kars' important contribution is in her description of backcountry religion. She found that western settlers don't immigrate simply for economic reasons, but also to pursue religious life free from the Anglican church. These immigrants were Great Awakening Protestants, in search of, or in possession of the *new light*. Backcountry congregations—as institutions—languished, leading historians to see an absence of religion. Instead, Kars uncovers a vibrant spiritual life that transcended sect and encouraged the search for salvation *outside* institutional churches. Moravians preached to Baptists, Quakers preached to German Reformed and they all confirmed the individual's ability to make judgments based on their consciences alone. This is brilliant work and useful outside of Regulator historiography.

And for Kars this radical Protestant tradition lay at the heart of the Regulator movement—the fervent desire to judge for oneself and to fight against spiritual corruption. She accomplished this interpretation by plumbing new documentary sources, namely the Moravian archives at Salem and the Quaker archives in Burlington. While religious culture shaped behavior and experiences, for the Regulators, the struggle remained one of taxation and corruption.

Kars has another interest. That of "...the transition to capitalism in the early modern period." (3) She identified the Regulator tensions as a marker in the separation of ethics from economy. The Regulators expected their world of property and liberty to be ruled by ethical considerations. The lawyers, merchants, and officials did not. And the latter represented the future.

The rich cultural and social environment described by Kars will be fertile for inquiry in the future. For instance, James J. Broomall analyses the symbolism of the built environment [in this issue] to reveal how "social patterns created a distinct character that became physically manifest." [p.] The new merchant and lawyer class projected the Georgian sense of order through town planning and house styles. As people in the backcountry, accustomed to a more organic social pattern, grew resentful of the merchant and lawyer excesses, they targeted these new symbols of power. Broomall notes "[b]oth the clashes in Hillsboro and potential for conflict at New Bern were struggles over representation of power at the material and ideological level." [p.] Even more work needs to be done on the Regulator movement. Most importantly, it should be contextualized with the larger story of North Carolina's transformation from colony to state. Examination of the conflicting paths taken by the Regulators and the Stamp Act Associators—particularly a full history of the "Regulator" Assemblies of 1769 and 1770—will reveal tremendous amounts about the concurrent course of the independence movement in North Carolina and bring greater meaning to what the Regulators said.

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