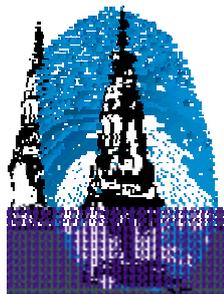


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**Self-Denial in Federalizing Power in the European Union:  
Lessons from the Causes of the American Revolution**

Richard J. Sweeney

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Lessons from the Causes of the American Revolution**

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**Abstract:** Because the conflicts that led to the American Revolution mainly arose from constitutional issues, the history of these conflicts offers lessons for the design of the new European Union constitution. One lesson is the importance of avoiding needless conflicts between federal and member-state governments. In particular, forcing decisions on where sovereignty lies may cause great conflict. Another lesson is that a federal system depends on good will among the federal and member-state governments, and because this good will is easily dissipated, efforts should be made to nurture it. Federal exercise of power will often alienate member states; thus, a sensible strategy is to grant the federal government only the minimal powers that a strong consensus agrees it must have, and to change these powers only by strong consensus. Removing “democratic deficits” may not be sufficient in many cases to give legitimacy to exercise of federal power; minorities may require protection by constitutional limits on federal powers.

\* Parts of this paper were presented at the Mölle Conference; the author is grateful for comments to Evald Nalin and other participants in a plenary session. Parts of this paper were written at the Copenhagen Business School, and at the Gothenburg School of Economics.

## Essay 2

### **Self-Denial in Federalizing Power in the European Union: Lessons from the Causes of the American Revolution**

Abstract: Because the conflicts that led to the American Revolution mainly arose from constitutional issues, the history of these conflicts offers lessons for the design of the new European Union constitution. One lesson is the importance of avoiding needless conflicts between federal and member-state governments. In particular, forcing decisions on where sovereignty lies may cause great conflict. Another lesson is that a federal system depends on good will among the federal and member-state governments, and because this good will is easily dissipated, efforts should be made to nurture it. Federal exercise of power will often alienate member states; thus, a sensible strategy is to grant the federal government only the minimal powers that a strong consensus agrees it must have, and to change these powers only by strong consensus. Removing “democratic deficits” may not be sufficient in many cases to give legitimacy to exercise of federal power; minorities may require protection by constitutional limits on federal powers.

# Self-Denial in Federalizing Power in the European Union:

## Lessons from the Causes of the American Revolution

“The power of parliament is uncontrollable, but by themselves, and we must obey. They only can repeal their own Acts.”

James Otis, *The Rights of the British Colonies Asserted and Proved* [1664]

“[H]is Majesty’s Subjects in these Colonies, owe the same Allegiance to the Crown of *Great-Britain*, that is owing from his Subjects born within the Realm, and all due Subordination to that August Body the Parliament of *Great-Britain*.”

*Resolutions of the Stamp Act Congress* [1665]

“Open your breast, Sire, to liberal and expanded thought. Let not the name of George the third be a blot in the page of history .... Only aim to do you duty, and mankind will give you credit where you fail. No longer persevere in sacrificing the rights of one part of the empire to the inordinate desires of another: but deal out to all equal and impartial right.”

Thomas Jefferson, *A Summary View of the Rights of British America* [1774]

“That these United Colonies are, and of right ought to be, free and independent States, that they are absolved from all allegiance to the British Crown, and that all political connection between them and the State of Great Britain is, and ought to be, totally dissolved.”

Richard Henry Lee, *Motion at the Second Continental Congress*, seconded by John Adams [June 7, 1776]

### 1. Introduction

The European Union is considering a constitution. From published drafts, such a constitution appears likely to envision a federal union that is republican in nature: Sovereign power is divided between the federal government and the member states, and all member states

are either republics or constitutional monarchies. Many argue this type of federal union is suited to the European Union.<sup>1</sup> An analogous committee wrote the U.S. constitution in 1787 for a federal union among sovereign, republican states. Some members of the U.S. constitutional convention thought it important to draw lessons from history for the constitution they were designing, in particular, the history of federations and republics (Madison 1920, Miller 1992). They found that ancient, medieval and early-modern European federations showed an almost unrelieved record of failure, and that the record of republics was little better. Some members of the Constitutional Convention thought it vital to try to learn from past failures and avoid their causes.

This paper examines some parts of United States history from the 1750s through the 1780s to draw lessons for a possible European Union constitution. A substantial part of the discussion focuses on the causes that led to the American Revolution and the collapse of the first British Empire. For many Europeans, the “Revolution” calls to mind the French Revolution, not the American Revolution, and Europeans are often unfamiliar with important aspects of the American Revolution—and so are many Americans. Nevertheless, the American Revolution and its causes offer some lessons for designing an EU constitution.

By the beginning of the Revolutionary War, many Americans had come to think of the British Empire as a federation in which elected American colonial legislatures had sovereign power over many issues. The British government, in contrast, asserted that Parliament had supreme power in all parts of the Empire; colonial legislatures had no powers of their own, but only those powers that Parliament might freely and temporarily grant them. From this point of view, the political struggles that led to the American Revolution may be thought of as revealing

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<sup>1</sup> There is a substantial literature in political science and economics on the criteria for deciding the optimal degree of federalism. (Wildavsky, 1997). Wildavsky contrasts the unitary system, which he labels the coordination-coercion

some of the strains inherent in a federal system in which some member states come to disagree strongly with the federal government about what the division of sovereignty between the federal and member-state governments is or, at least, ought to be. The U.S. constitution embodied some lessons from this history of conflict. Similarly, this paper draws some lessons for a European Union constitution.

One conclusion is that the British Empire's success depended in substantial part on the mutual goodwill between Britain and her American colonies. Goodwill is fragile, however, and requires cultivation from both sides. Quarrels over federal power—that is, Parliament's power—virtually destroyed this goodwill in the course of only ten years, from 1763. By 1773, relations teetered on a knife's edge. Revolutionary War violence began in 1775, and the American colonies declared independence in 1776. The main British army in America was forced to surrender in 1781, and peace with independence followed in the Treaty of Paris, 1783.

Another conclusion is that disputes over where power lies on particular issues—with the federal or with the member-state governments—are often better allowed to lie dormant. When such disputes are dormant, facing and resolving them may lead to complicated, costly struggles that do more harm than good and are thus better avoided. The issues of principle between the British government and the colonies did not have to be raised; the issues were raised only because the British government insisted on demanding acceptance of its views of the principles involved, and many Americans refused to give up their conflicting principles.

One cause of the American Revolution was the determination of the British government to impose taxes for revenue purposes on the colonies, though this had never been done during more than 150 years of British colonial history in North America (the first Virginia Charter dates to 1606). The British government asserted nonetheless that Parliament had the right to do so. The

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system, with the federal system, which he labels the competition-consensus system.

British legal system was, and is, one of common law. A principle in common law is that laws that are not enforced for long periods of time become invalid. One might argue that a right that the federal government does not enforce over long periods becomes invalid, especially if the federal government goes for long periods without clearly asserting the right. Similarly, rights that member states exercise without interference over long periods might be viewed as rights that the federal government has ceded and cannot take back. In any case, conflicts are sure to arise if the federal government asserts rights that it has not previously exercised and that some member states strongly object to or even deny the federal government has.

One reason put forward for a European Union constitution is to increase the legitimacy of EU-level decisions by remedying the so-called “democratic deficit.” Early in the struggles that led to the Revolution, many American colonists denied that Parliament had the right to impose taxes on them because Americans were not represented in Parliament—a type of democratic deficit captured by their slogan “No taxation without representation.” Over the course of a decade from 1763, however, American views evolved to the point that many Americans denied that Parliament had the right to legislate for them at all even if Americans sat in Parliament. Indeed, by 1765, only two years into the ideological struggle, some Americans asserted that they could not be taxed by Parliament without representation there and that they did not want to be represented in Parliament, because it was “impractical” (Stamp Tax Congress, 1765). It is possible to imagine cases where a substantial number of EU member states may disagree with the right of the European Parliament to pass certain laws even though the states are represented in the European Parliament. Similarly, regulations by the European Commission or treaties by the European Council of Nations may be viewed as illegitimate by substantial numbers of EU citizens. In a federal system, it is naïve to think that representation of all member states at the

federal level is sufficient to lend legitimacy to *all* federal policies. One strategy to protect legitimacy is for a constitution to put explicit limits on federal powers to reduce the possibility of conflicts between the federal and member-state governments.

As the colonies and Britain moved closer to war, many Americans came to argue that only the British monarch, and not Parliament, had powers over the colonies, and that these royal powers were substantially restricted by the founding charters the monarch had granted the colonies, and by rights granted by colonial legislatures under these charters. On the one hand, the British government viewed this as a weak, indeed meaningless, federal system. On the other hand, it was the strongest federal system that many Americans were now willing to accept. If a federal system is to make sense to the member states, a core set of powers has to be granted to the federal government in order for the federal government to accomplish the purposes that the member states have in mind in forming the federation. Americans and the British government can be thought of as having profound disagreements on this core set of powers possessed by Parliament. This suggests that a federation is more likely to prosper and indeed to survive if there is agreement on this core from the beginning, and if these core powers can be changed only with a strong consensus among member states. Further, even powers that are initially agreed on can lead to conflict between the federal and member-state governments—the federal government may interpret and use the constitution in ways the member-states deny are valid. Thus, the federation is more likely to survive and prosper if federal powers are explicit and are limited to those that are widely viewed as essential.

## **2. Causes of the American Revolution**

As with many important historical events, there is disagreement over the causes of the American Revolution. Nevertheless, there is widespread agreement that struggles over the right

of the British Parliament to levy taxes on colonists in America played a major role in the political conflicts starting in 1763 that led to armed conflict in 1775 and the Declaration of Independence in 1776. Successive British governments became more insistent on the hard-line position that Parliament was wholly unrestricted regarding the laws it could pass affecting American colonists and *eo facto* could levy taxes for revenues on them, including internal taxes, just as it could levy taxes in England. Early in the debates, many American politicians adopted the view that only an individual colony's elected General Assembly could levy taxes on the colony. The hard-line British government position held that the British Empire was unitary, not federal; that parliament had supreme legislative power throughout the empire; and that colonial assemblies had no powers save those that Parliament might freely and temporarily delegate. The American position came to be that, first, Parliament was not superior to the charters of the individual colonies, at least not in all matters, and second and more generally, Parliament had limited powers over Americans, because Americans had no representation in Parliament. By the early 1770s, many Americans' views had evolved to the position that Parliament had no legitimate powers over Americans; further, many Americans did not want representation in Parliament that might serve to justify Parliament's claims to power over them.

***Evolution of American Views.*** It is worthwhile following the evolution of American views. In the peace treaty that ended the Seven Years War (1756-1763, known in America as the French and Indian War), France ceded to Britain its holdings in Canada and its claims in the Mississippi Valley, save for the Louisiana Territory and New Orleans.<sup>2</sup> The British government decided that holding these vast, new territories, from the Mississippi River east to the Allegheny Mountains, would require a standing army of regular British soldiers, mainly stationed beyond

the Alleghenies but with garrisons, supply depots, transit and transfer points, etc., in the thirteen colonies. The war had left Britain with a huge national debt. Partly because many in Britain thought the war had been fought to an important extent to protect Americans and American interests, and partly because the new army would provide the colonists with some protection against Indian attacks, the government decided that the American colonies should help pay for this army and its needs. For this purpose, the British government proposed in 1763 and Parliament passed in April, 1764, the Revenue Act, thereafter known as the Sugar Act. As part of the Sugar Act, the British government warned the colonies that it would soon pass the Stamp Act, also designed to raise revenues by requiring stamps on mail but also on legal documents, including all court papers, on ships' papers, even on dice and playing cards. The British government recognized that the revenues that could be expected from these acts would at best be a small fraction, no more than 20 percent, of the funds required to support the regular British troops in British America.

While the British government was considering the Sugar Act, agents representing the thirteen colonies in London, and the colonies' governors, made clear to government ministers in meetings and to Parliament in speeches<sup>3</sup> that Americans would be prepared to resist enforced collection of the sugar tax.

The Sugar Act marked an important change in Britain's extensive and long-standing system of mercantilist regulations (known as the Acts of Trade and Navigation, or the Navigation Acts) on the imports and exports of its colonies, including the thirteen American

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<sup>2</sup> In the peace settlement, France transferred the Louisiana Territory, west of the Mississippi, and New Orleans to Spain. France's ally Spain ceded the Floridas to Britain for the return of Havana, which Britain had captured (Tuchman 1988).

<sup>3</sup> Some colonies' agents were Members of Parliament and could thus raise colonial issues on the floor. Agents who were not MPs were sometimes prevented by technical maneuvers from presenting petitions to Parliament or testifying before its committees (Tuchman 1984).

colonies. Until the Sugar Act, the colonists had acquiesced in this mercantile system. Part of the British mercantile system was that Americans were to import only from Britain or her colonies.<sup>4</sup> The New England colonies imported a good deal of molasses from the West Indies, which was then distilled into rum and used in further trade, including the slave trade and ivory trade with West Africa; the New England colonies used this trade to finance their consistent balance of trade deficit with Britain. Under this mercantilist system, the New Englanders were supposed to buy molasses from the British sugar islands in the West Indies, not the French. The Americans traded extensively with the French sugar islands, however. To curtail this trade and protect their own interests, planters from the British sugar islands, some of whom were absentee-owners and powerful British politicians, succeeded in 1733 in having Parliament pass a tariff of six pence (6d) per gallon on non-British molasses, designed to be prohibitive and thus enforce the mercantile system. The tariff was rarely paid; the Americans smuggled extensively instead, and in some cases bribed customs officials. Indeed, the Americans evaded a fair amount of the mercantile regulations. Smuggling was a common, traditional British activity. Both in Britain itself and in the thirteen colonies, smuggling was carried out on a large scale, by some of the “best” families, and often with the connivance of government officials. For several decades, the British government essentially ignored American smuggling. Ignoring this smuggling was an important part of the “salutary neglect” of the American colonies, the policy followed by the Walpole government in particular and Whig Ascendancy governments in general. The Sugar Act of 1764 was passed by a Parliament that did not view the neglect as salutary, however, and a major purpose of the act was to change this neglect. On the one hand, the duty was lowered to 3d; on the other hand, the government made clear that it intended this duty to be collected.

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<sup>4</sup> Further, the colonies were to export goods only through British ports, and carried only in British bottoms. Thus, Virginia tobacco was shipped to England in English bottoms, and was then resold from there to say France and other

Further, unlike the previous duty that was designed for mercantilist purposes but was only haphazardly collected, the act explicitly said the new duty was designed for the purpose of raising revenue.<sup>5</sup>

The colonists were displeased by the Sugar Act and threatened by the Stamp Act. In part, the colonists simply disliked paying taxes. In part, there was some fear and much argument that the duty would destroy trade and impoverish much of New England, and thus indirectly harm sales of British manufactures to the colonies and damage the mother country. This was the practical argument against the Sugar Act (and to a lesser extent against the Stamp Act). The ideological justification for opposing the taxes came to have two parts. First, each colony was governed under its own charter, issued by the British monarch, and spelling out to some extent governmental structures and the rights and obligations of the colonies and colonists; many Americans viewed their charters as not giving Parliament the right to levy internal taxes on them, or to use tariffs (external taxes) for the purpose of raising revenue. Second, many argued that their rights as Englishmen were being violated because taxes were levied on them by a Parliament in which they were not represented.<sup>6</sup>

The colonists were long used to only modest supervision from Britain.<sup>7</sup> Further, during the long period of modest supervision, the colonists had developed their own set of documents

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continental countries.

<sup>5</sup> In addition, the Sugar Act offended the colonists by removing trials of alleged violators from local common-law courts or local Vice-Admiralty courts in each of the 13 colonies to a special non-jury Admiralty court in distant Halifax, Nova Scotia (Tuchman, 1984, p. 146).

<sup>6</sup> Agents of the colonies in London discussed with the First Minister an alternative to the Stamp Act in which the colonies would tax themselves to pay for the new army. The First Minister did not pursue this.

<sup>7</sup> "Because of English preoccupation with internal political disorder from 1640 to 1688, and then with French competition from 1700 to 1760, the colonists were left with a surprisingly high level of political independence" (Lutz 1997, p. 55).

This is not to say that colonists had developed a greater ideological aversion to government intervention in the economy than had residents of Great Britain. At the time of the constitution, individual states' governments intervened extensively in the economy, and it was largely taken for granted that state government had a large role to play in a state's economic development. The question was rather the extent of the role of the *federal* government in such activity. Some argue that the U.S. constitution of 1787 was far from being designed to facilitate capitalism

and procedures that granted them rights that they did not view as concessions from Parliament. Rather, they viewed their rights as depending on the charters the monarch had granted the colonies, and on rights they argued they found in Natural Law.<sup>8</sup> As Lutz (1997, p. 60) says, “Basically, American notions of rights developed from their own experience as colonists...” These American rights were substantially stronger and broader than rights in England.<sup>9</sup> One example is freedom of worship. “The right of the individual to worship freely was not achieved in Great Britain until 1829 and 1832 for Catholics and Dissenters, and not until 1846 for Jews.” (Schwarner 1997, p. 15).

Further, Parliament tightened up on customs by sending new agents with more powers and stronger incentives. In particular, the customs agents, and the British naval officers who helped them, got shares of prize money for cargoes and ships that were confiscated. Though the Sugar Act was the occasion for tightening up, the agents could arrest and seize for any violations of the Navigation Acts, including harmless or relatively minor violations that were traditionally overlooked. Indeed, many colonists in coastal areas thought the customs agents were abusing their powers for their own benefits.

***Reaction to the Stamp Act.*** The British government proposed, and Parliament passed, the Stamp Act in 1765 (on the Stamp Act Crisis, see in particular Morgan and Morgan, 3<sup>rd</sup> ed., 1995). The colonies reacted strongly. One part of the reaction was an America-wide movement to force the resignation of the agents who were to sell the required stamps. When the Stamp Act took effect in November, 1765, all agents then in the colonies had been coerced into resigning,

(McDonald 1984). Instead, the role of the federal government in economic activity was set by the evolution of policies under the first several administrations, in particular Hamilton’s federal system (McDonald 1982, Brookhiser 1999), and the opposition to it by Jefferson and Gallatin (Balinsky 1958).

<sup>8</sup> “In addition to writing what amounted to functional constitutions between 1620 and 1775, the colonists also wrote many bills of rights...” (Lutz 1997, p. 60).

sometimes with violence, though with no loss of life. Another part of the reaction was the Stamp Act Congress in New York City, in October, 1765; the nine colonies in attendance sent a petition to Parliament for repeal of the Stamp Act. Importantly, this Congress flatly denied any distinction between acceptable external taxes on trade and unacceptable internal taxation; they objected to all taxes for revenue.<sup>10</sup> Indeed, the New York Assembly had made the same point in 1764 (Morgan 1992, p. 18-19).<sup>11</sup>

British governments were committed to the view that as a result of the Glorious Revolution of 1688 and the Settlement of 1688-1689, Parliament had supreme power (see the appendix, “Influences on the Founders and Framers”). The monarch retained much power, but in any showdown between Parliament and the monarch, Parliament was superior. Further, Parliament was essentially unrestricted in its legislative and executive powers; Parliament could

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<sup>9</sup> “A confluence of circumstances led Americans to require, develop, and expect a set of rights not found in England, and this set of rights was characterized by a breadth, detail, equality, fairness and effectiveness in limiting all branches of government that distinguished it from [British] common law.” (Lutz 1997, p. 62).

<sup>10</sup> British opponents to the Americans long continued to assert that the Americans were willing to accept external taxes but not internal taxes, thus increasing miscommunication.

Among the thirteen declarations the Congress adopted were:

III. That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them, *but with their own consent*, given personally or by their representatives. IV. That the people of these colonies *are not*, and from their local circumstances *cannot* be, represented in the House of Commons in Great-Britain. V. That the only representatives of the people of these colonies, are *persons chosen therein by themselves*, and that no taxes ever have been, or can be constitutionally imposed on them, *but by their respective legislatures*. VI. That all supplies to the Crown, being free gifts of the people, it is unreasonable and inconsistent with the principles and spirit of the British Constitution, for the people of Great-Britain to grant to His Majesty the property of the colonists.... (*Resolutions of the Stamp Act Congress, 1765, italics added*).

<sup>11</sup> Morgan (1992, pp. 18-19) writes that the New Yorkers asserted, all Impositions, whether they be for internal Taxes, or Duties paid, for what we consume, equally diminish the Estates upon which they are charged .... The whole Wealth of a Country may be as effectually drawn off, by the Exaction of Duties, as by any other Tax upon their Estates.

Morgan (1992) traces the common British view, that Americans opposed internal taxes but would accept external taxes for revenue, to Benjamin Franklin’s influential testimony before Parliament in 1766, where he seemed to support this view, as part of the attempt to repeal the Stamp Act. Parliament later turned against Franklin. He was hauled before a committee of Parliament and subjected to mockery and abuse, called a traitor and a thief. In 1778, Franklin wore the same suit as he at that appearance for the signing of the treaty of alliance with France (Tuchman 1984; see also Bailyn 2003).

do anything that was constitutional, and in the end Parliament decided what was constitutional.<sup>12</sup>

Many British politicians argued that Parliament held power over all British subjects, not only in Britain, but in Ireland, in the American colonies, etc. Parliament might forgo exercising some powers or delegate them, but in principle it retained them all.<sup>13</sup>

American resistance, in the form of “Non-Importation” of goods from Britain, accompanied by protests and pressures in Britain from manufacturers and workers (Draper 1996), led the government to propose repeal of the Sugar Act and the Stamp Act. Repeal in 1766 was linked, however, with the Declaratory Act. This act asserted that, despite repeal, Parliament had supreme power over the American colonies in all matters, “it could bind them in all cases whatsoever”—by implication including internal and external taxation for revenue purposes. Americans were satisfied by repeal, and seemed to take the Declaratory Act as a face-saving measure on the part of the British government.<sup>14</sup>

At this point, many Americans argued that Parliament had no right to tax them, either through internal taxes like the stamp tax, or through external taxes like the sugar tax. But, they acknowledged, Parliament had the right to regulate trade throughout the British Empire, for the good of the whole empire, including the right to use tariffs for this purpose. In this view, Parliament had the right to legislate, but not the right to tax. Many British writers argued that distinguishing between tariffs for regulating trade and for revenue made little sense. This was a

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<sup>12</sup> The English Bill of Rights (1689) guaranteed certain rights to individuals, but Parliament retained the power to decide what these guarantees meant. At the Pennsylvania ratification convention for the Constitution, on Nov. 24, 1787, James Wilson argued, “The British Constitution is just what the British Parliament pleases.” (Quoted in Schwarner 1997, p. 36.) The English Bill of Rights (1689) is substantially narrower and less complete than the American Bill of Rights (1792) in important ways (Lutz 1997).

Commentators divide on the importance of the Bill of Rights in American history, and the intellectual merits of the Federalist and anti-Federalist arguments regarding the need for a Bill of Rights (Levy 1992; McDonald 1997).<sup>13</sup> McDonald (1982, p. 30) writes, “In practice the empire had functioned as a federal system, but the concept of federalism had not been developed, and thus thinking in terms of it was impossible for disputants on both sides.”

good debating point, but a counterproductive political position; many Americans eventually came to the position of denying that Parliament had the right to legislate for them at all.

Soon the British government had another run at extracting tax revenues from the Americans, with the Revenue Acts or Townshend Acts.<sup>15</sup> <sup>16</sup> Import tariffs were to be paid by Americans, at low rates, on a small, targeted list of goods—glass, paint, lead, paper, and the most prominent, tea of all grades. The Townshend Duties were passed in May 1767.<sup>17</sup> These were tariffs—imposts on external trade—and were not taxes on internal trade. This distinction did not matter to the colonists, however, because it was explicit that the tariffs were for revenue purposes; the Stamp Act Congress of October, 1765, as well as pamphlet writers in 1764, 1765 and 1767, had made clear that taxes for revenues were the issue, not whether the taxes were external or internal. (For pamphlets, see Otis 1764, Dulany 1765 and Dickinson 1767; for discussions of them, see Morgan and Morgan 1995, Bailyn 1965, 1967 and Draper 1996.)

Once again, the British government was forced to retreat in the face of general Non-Importation of British goods and some mob violence; New York voted for Non-Importation in

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<sup>14</sup> Some argued that the Declaratory Act did not explicitly mention taxation, and thus taxation was not included in “all cases.” Thomas Paine (1776) later used the quote, “it could bind them in all cases whatsoever,” against the British with devastating effect; see below.

<sup>15</sup> Tensions were increased in the meantime by the Quartering Act of 1766, which required colonies to provide funds and goods for British regular troops stationed in or passing through the colonies. These requisitions were viewed as a type of tax, and thus opposed by many. New York’s general assembly refused to provide the demanded funds. In response, Parliament passed the New York Suspending Act, which made all acts of the assembly null and void until the assembly voted the funds. New York backed down, and voted the funds, but many Americans were angered.

<sup>16</sup> Parliament also stirred resentment in America by passing the North America Act, which dealt with issues raised by territories Britain acquired from France in the settlement of the Seven Years War. First, the British government prohibited Americans from settling west of the Allegheny Mountains. The purpose was to reduce conflicts with Indians in these territories. The colonists viewed this as shutting off settlement on attractive land to which they had claims under colonial charters. Second, the government enacted toleration of the Catholic religion in Canada *and in these territories* [claimed by the Americans] in order better to deal with the French Catholic residents. Some Americans, however, took this as a threat that the government would impose Catholic rights in the 13 colonies. Third, the government made provision for non-jury trials in Canada in some circumstances. Non-jury trials were the general rule under French law, and hence congenial to French Canadians. Americans, however, viewed the right to a jury trial in both criminal and civil cases as an important guarantee against government oppression, and viewed the British laws for Canada as a possible harbinger of changes in laws for Americans.

1768, and other colonies followed during 1769. When the British government backed down this time, however, it insisted on maintaining one tax—the tax on tea—as a marker for its claimed right to legislate for the colonies on all matters. This right was a matter of principle to many in Parliament, and they determined to vindicate it in practice by the tax on tea. The colonists also began to see the conflict as a matter of principle. The amount of the tax, and its limitation to one good, were not the point; this was a matter of principle. A number of American politicians claimed that if the British government were to ask for funds from the colonies to support the army, the General Assemblies would be forthcoming in voting funds—but Americans were going to tax themselves, as a matter of principle.

The colonies maintained Non-Importation of all British goods over the remaining tax on tea, but as time went on the level of imports revived somewhat. In 1772, New York officially abandoned Non-Importation, and other colonies followed. On the one hand, it appeared to the British government that the colonies had acquiesced in the tea tax, and thus in taxation for revenue. On the other hand, the colonies in major part evaded the tax by smuggling in Dutch tea, though the British East India Company was the only legal source under Britain's mercantilist laws. As a result, sales of East India Company tea to the colonies fell by almost two-thirds. This decline in sales contributed to the severe economic difficulties then afflicting the East India Company, difficulties which greatly concerned the British government.

***The Role of Miscommunication.*** The British government proposed a tax of 3d per pound on tea, but also proposed that the East India Company could sell directly to America, rather than going through England and paying taxes there. On balance, this would reduce the price of tea to Americans from 20d per pound to only 10d, including the 3d tariff, and was designed to

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<sup>17</sup> Townshend essentially succeeded in imposing his tariffs-for-revenues views on the weak government in which he served; some members of the government would have preferred not to rile the Americans. Having made this

stimulate the Company's tea sales in America. The East India Company was to deliver its tea to licensed agents in the colonies, who would accept it, pay the tariff on it, and distribute it to American retailers. The British government was surprised when the Tea Act aroused great protests. The tea smugglers, of course, and the sailors, shipyards and other support industries were displeased on economic grounds, as were the American tea wholesalers who would be cut out by Company agents selling directly to retailers in America.<sup>18</sup> Others focused on the principle that Parliament said it was asserting, Parliament's right to tax Americans. The Company's agents in the colonies were mostly frightened into resigning, reminiscent of the Stamp Tax agents. Two sons of the British-appointed governor of Massachusetts did not resign, however, and seemed prepared to land tea and pay the tax on it, thus breaking non-importation of tea.

Matters reached a crisis with the Boston Tea Party. A number of colonists took over ships in Boston harbor that were carrying tea, and threw the tea into the harbor, thus forestalling its landing, acceptance by the governor's sons, and payment of tax by the agents, and sales to American retailers. The British regular troops stationed in Boston did nothing; their commander felt they were too few to act. After news reached London, the British government responded with the Coercive Acts or Punitive Acts (called the Intolerable Acts in the colonies). The Acts closed Boston to trade until the owners of the tea were compensated and provisions were made to prevent future such actions. Further, among other punishments, Parliament drastically and unilaterally modified Massachusetts's charter, taking away many rights Massachusetts citizens had long enjoyed. The colonies responded once again by attempting to prevent imports of British goods, particularly tea. The embargo was imperfectly effective, but effective to an extent that

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contribution to discord, Charles Townshend died of "fever" in September, 1767, at age 42.

<sup>18</sup> Many noted that this would give the Company a monopoly on tea, which it might later exploit. Further, the Company, which was unpopular, might use this monopoly on tea as the start of monopolies in other goods. Some viewed the Company as thoroughly corrupt and in league with a corrupt British government.

surprised the British government. This time, however, the colonists had lost much sympathy in Britain by destroying private property—the tea that had been thrown into Boston harbor—and the Coercive Acts had passed easily. Parliament was not going to back down.

Nor were the colonies going to back down. The first Continental Congress, including representatives from all colonies save Georgia, met in 1774 in Philadelphia to coordinate resistance. The Congress protested strongly to Parliament, and declared that the Coercive Acts were unconstitutional and invalid. Congress further advised citizens to arm and to form militias for their defense if attacked (Tuchman 1984, p. 201).

Violence was a frequent part of the struggles between the British authorities in America and the colonists.<sup>19</sup> The homes of a number of British officeholders or supporters were destroyed, particularly in Boston (Draper 1996) during the Stamp Act Crisis. Threats were widespread; some government supporters were roughed-up, though there were no deaths. Much resistance was non-violent, however; in particular, many Americans relied on boycotting British goods and British government agencies. Many colonial juries refused to convict Americans whom the British charged. Eventually, few Americans would serve on juries, either from principle or out of fear, and in Massachusetts the court system ground to a halt after the Intolerable Acts.

Throughout the colonies, militias began to drill and were expanded. Many speeches and pamphlets urged the colonists to be prepared to defend themselves militarily. At this point, many Americans had come to believe that Parliament had no right to make any laws concerning

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<sup>19</sup> Mob violence was surprisingly common in the colonies, by twenty-first century standards. This trait may have come with the colonists from England, where mob violence was important in the seventeenth, eighteenth and nineteenth centuries. Violent London mobs were important in the Commonwealth period, and large, widespread, violent protests over a tax on cider in England caused George III to dismiss the Earl of Bute as first minister. (Tuchman 1984, Kishlansky 1996.) One version of why the Duke of Wellington was called “The Iron Duke” relates it to the fact that he had iron shutters on his London townhouse to protect it from stone-throwing mobs when he was first minister.

Americans, including mercantilist laws. At most, many argued, Americans and Great Britain had the same king in common, but were otherwise wholly separate. George III and many British politicians thought that the only choice was to acknowledge full independence of America, or to use military force to make the colonies to submit. On April 18, 1775, British regulars sent to seize weapons and ammunition at the towns of Lexington and Concord, outside of Boston, engaged American militia, with many dead and wounded on both sides. Later in the year, at the Battle of Bunker Hill, American militia killed many British regulars. War was inevitable.

The Continental Congress issued the *Declaration of Independence* on July 4, 1776 (Maier 1999). The war went badly for the Americans, but they won a major victory over British regulars at Saratoga, New York, in 1777. This victory helped convince the French to sign an alliance with the United States in 1778. Hostilities were active until Cornwallis surrendered on October 19, 1781, at Yorktown, Virginia, where he was besieged on land by American and French troops, blockaded at sea by a French fleet, and pounded by artillery. Peace was agreed in the Treaty of Paris in November, 1782, to take effect in January, 1783.

***Concepts of Liberty.*** The conflict between Parliament and the Americans arose in large part because of substantive disagreements over the extent of Parliament's power. The conflict was exacerbated both by the evolution in the Americans' position over time, but also because of confusion over what each side meant by the words both were using. A key example is the word "liberty." Isaiah Berlin (2002) discusses two concepts of liberty. In the first, liberty consists of the individual's right to have a say in what government does, in particular, what the government does to the individual. In the second, liberty consists of the individual's right to areas of private activity where the government has no say, or a limited say, in what the individual does. (The first is often called positive liberty, in the sense of allowing the individual to act, the second is

negative liberty, in the sense that some things cannot be done to the individual.) In 1763, Americans objected to taxes levied by Parliament, by appealing to the first concept—Americans were not represented in Parliament; thus, established, acknowledged British-American liberties protected Americans from taxation by Parliament. By the Stamp Act Congress of 1765, its members were rejecting representation in Parliament as “impracticable.” Under the implications of the first concept of liberty, the Stamp Act Congress thus asserted that Americans could not be taxed as a practical matter by Parliament. In his *Draft Instructions* (1774) to the Virginia delegation to the (first) Continental Congress, or *Summary View of Rights in British America*, he appealed to the second concept of liberty: Parliament had no rights to interfere with Americans. To be sure, in Jefferson’s analysis, an individual American colony could tax its residents through its elected colonial legislature, but this was under the first concept of liberty, for Americans were represented in their legislatures.

The British Parliament claimed that, in principle, Americans had no rights to areas of private activity in which Parliament had no say, or only limited say. Instead, in the “Declaratory Act” of 1766, it claimed Parliament could “bind them in all things whatsoever.” Parliament aimed in this declaration to assert its right to tax Americans, but the literal assertion made was stronger than taxation, far stronger. Nevertheless, it reflected Parliament’s view that it could legislate whatever was constitutional, and that Parliament ultimately decided what was constitutional. To be sure, Britons—and Americans—thought they had liberties, areas where government had no say or only limited say. On the one hand, Parliament was the defender of these liberties. On the other hand, Parliament was ultimately the entity that decided what these liberties were. There was no appeal of Parliament’s definitions and decisions. The only legal recourse was for voters to change Parliament’s members in the hopes of changing its decisions

on liberties. Thus, British and American liberties in the second concept were contingent on, and could only be defended by, liberty in the first concept.

The American colonists at first ignored the Declaratory Act, as simply words to save Parliament's face while Parliament backed down over the Sugar and Stamp Acts. In a few years, tensions were much greater and goodwill was drastically depleted, and some viewed Parliament's assertion in a more sinister light. Tom Paine (1776) argued,

Britain, with an army to enforce her tyranny, has declared that she has a right (not only to TAX) but "to BIND us in ALL CASES WHATSOEVER," and if being bound in that manner, is not slavery, then is there not such a thing as slavery upon earth.

Indeed, it was common for colonial leaders to assert that Parliament's goal was to enslave Americans. George Washington, neither hot-headed nor hyperbolic, spoke of enslavement, as did Adams, Jefferson, Madison and many more.<sup>20</sup>

Americans conceded powers to their colonial governments that they would not concede to Parliament. Indeed, by 1774, Jefferson stated that Parliament had no powers over American, appealing implicitly to the second concept of liberty. At the same time, Americans conceded only *limited* powers to colonial legislatures, again under the second concept of liberty. Each colony's legislature was limited by the colony's charter and by other rights and privileges that

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<sup>20</sup> Jefferson's *Draft Instructions* for the delegates from Virginia to the (first) Continental Congress, 1774, asserted that Britain's oppressive acts "pursued unalterably through every change of ministers ... plainly prove a deliberate and systematical plan of reducing us to slavery." Washington saw "a regular systematic plan [to] fix the shackles of slavery upon us." Bailyn (1967, p. 120); see Tuchman (1984, p. 200). Bailyn (1967, pp. 232-233) writes:

"Those who are taxed without their own consent expressed by themselves or their representatives," John Dickinson [a prominent pamphleteer] wrote "are slaves. *We are taxed* without our consent expressed by ourselves or our representatives. *We are therefore—SLAVES.*" Yes, Josiah Quincy concluded..., "I speak it with grief—I speak it with anguish—Britons are our oppressors: I speak it with shame—I speak it with indignation—*we are slaves*"—"the most abject sort of slaves," said John Adams. ... "The subjects of governments under the absolute and arbitrary direction of one man," [a] newspaper writer of 1747 commented, "are all *slaves*, for he that is obliged to act or not to act according to the arbitrary will and pleasure of a governor, or his director, is as much a *slave* as he who is obliged to act or not according to the arbitrary will and pleasure of a master or his overseer..."

Samuel Johnson mocked American slaveholders who yelped the loudest about liberty (Draper 1996). Edmund Burke spoke in Parliament about the sincerity of American views on liberty, whether held by slaveholders or non-slaveholders.

colonists had won over time, all based on documents that were viewed as contracts. In the view of Jefferson and many others, the king had monarchical rights, but could exercise them only with the agreement of the separate legislatures, which were bound by written restrictions. The Americans, then, insisted on both forms of liberty. Representative government ensured the individual had a say in what the government did. Government limited by a written constitution that enumerated its powers, with the rest of powers restricted to the states or the people, ensured that there existed areas of private activity where the federal government had no or limited say.

### **3. Possible Lessons for a European Union Constitution**

Of course the thirteen American colonies and their relationships to Great Britain are very different from the fifteen European Union countries and their relationships with the Commission, the Council of Ministers and the European Parliament. Many of the particular issues and institutions involved in the run-up to the American Revolution have little direct relationship to European Union issues. Nevertheless, American history offers some useful insights for designing a constitution for the European Union.

First, goodwill among the federal and member-state governments is necessary to make a federal system work, and goodwill is fragile. It can be dissipated through conflicts that are avoidable and over issues that in substance are minor. In 1763, the American colonists had a strong sense of goodwill towards the mother country. Most were proud to call themselves Englishmen, and were proud of the rights they enjoyed as Englishmen. For the loyalty of British-Americans, Britain had a hold that America could not rival. On the contrary, citizens of a given colony thought of themselves as Virginians or Pennsylvanians, not as Americans. At all times, the amount of money at stake in the various tax bills Parliament passed was small in practical terms. Both sides, however, made the struggles into ones of principle. By 1775, many American

politicians, and not just the radicals, were convinced that the British government was acting in a conscious plan to enslave Americans. Thus was goodwill quickly and completely dissipated.

Second, in the early part of the struggles, a major issue was a “democratic deficit,” though no one used that modern phrase. Parliament could not tax Americans, claimed the colonists, because Americans were not represented in Parliament. Only after the war was in its third year did important British politicians seriously consider offering Americans seats in Parliament. Over the decade 1763-1773, many Americans came to reject the idea that if they had seats in Parliament, then Parliament would enjoy the unlimited rights over them that many British politicians asserted; they did not want to solve the problems between them and Britain by being represented in Parliament. This led some British politicians to charge the Americans with bad faith: On the one hand, they could not be taxed because they were not represented in Parliament; on the other hand they did not want to be represented in Parliament. Another way of looking at this, though, is that the Americans came to think they were part of a federal system, not a unitary empire, and on reflection, were unwilling to give up to Parliament some of the rights they claimed, even if they were represented in Parliament.

The analogy to the EU is that representation in the European Parliament may not be sufficient to make citizens of at least some member states acquiesce in EU decisions. At some point in the future, some member states may come to feel that the EU has evolved in directions that were largely unforeseen, and that they never agreed to what is then being asserted as the rights of EU institutions over them.

Another conclusion is that disputes over where power lies, at the federal level or with the member states, should often be allowed to lie dormant. Facing and resolving such disputes when they are dormant may lead to complicated, costly struggles that are well avoided.

One cause of the American Revolution was the determination of the British government to impose taxes for revenues on the colonies, though this had never been done during more than 150 years of colonial history. The British government asserted nonetheless that Parliament had the right to do so. A principle in common law is that laws that are not enforced for long periods of time become invalid. One might think that a right that the federal government asserts but does not enforce over long periods becomes invalid. Similarly, rights that member states exercise without interference over long periods might be viewed as rights that the federal government cannot take away. It is clear that if the federal government asserts rights not previously exercised, rights that some member states deny the federal government has, the scene is set for dangerous conflicts.

Stepping back, in designing a constitution it may be wise consciously to aim at avoiding sources of constitutional conflict. In 1763, it was not clear which side was in the constitutional right, the colonies or Parliament; circumstances and institutions had changed greatly in England between the dates when most of the 13 colonies were founded and when Parliament passed the Sugar and Stamp Acts. An analogy for the EU is later interpretations that might be put on powers a constitution grants to the federal level. Member states may argue that they never understood the constitution to grant the federal government powers it now claims.

An example is a common defense policy. The U.S. Constitution gives Congress sole power to declare war and to finance war, and makes the president the commander in chief. It is clear that acting jointly, Congress and the president can take over state militias and commit them to wars that the individual states have not voted for and which many might oppose, perhaps by large and strong majorities in some states. The particulars of whether and when the president has to have Congress declare war before using the armed forces, the role of the states in training the

militias and in selecting officers, and many other important issues are unclear in the constitution, and some are still being worked out in practice. The fact that the federal government can commit state militias to war is perfectly clear, however, and was perfectly clear, to the special ratifying conventions in each state that considered the Constitution. War is capable of placing maximum strain on a federation. Indeed, the U.S. has sometimes felt great internal strains from unpopular wars. The states were clear, however, when they ratified the Constitution that they were giving war powers to the federal government.

This suggests that whatever powers a new EU constitution might grant a EU federal government, it will be wise to make federal war powers as clear and explicit as possible. The member states should know what they are agreeing on to the maximum possible extent.

All constitutions necessarily contain ambiguities, and this includes constitutions of federations. Under all constitutions, then, conflicts arise over what powers government has, and in a federal system, a major source of conflict is how government powers are distributed across federal and member-state governments. All federal systems must have some mechanisms — formal or informal, legal or political—for resolving disputes about division of power between federal and member-state governments. Such constitutional conflicts can have grave consequences for the stability and functioning of the federal system.

No constitution can envisage all the possible questions that might arise about use of force by the federal government. It seems inevitable there will eventually arise cases in which the federal government and some member-state governments disagree on the use of force, with disagreement strong enough to become a constitutional issue and precipitate a constitutional crisis. Any well-designed constitution will contain provisions for resolving such constitutional issues and, it is hoped, defusing constitutional crises. The mechanisms that the constitution

provides may, however, be inadequate. In the U.S. today, the big majority of the people agree that the Supreme Court decides in the end what the law is—and that is that (until, possibly, a later Supreme Court reverses itself). This was hardly the case for the first 100 years of the U.S. There was great debate and conflict over who decided what was constitutional, with a large body of respectable thought supporting the view that the member states had a role in interpreting the federal constitution. Thus, in many important cases, the Supreme Court decided one way, but the states or the federal government defied its rulings.

In the years before the American Revolution, Parliament came to view itself as the supreme interpreter of what was constitutional. The American colonies disagreed with Parliament on the constitutionality of a number of measures that affected America, and the colonies were unwilling to let Parliament decide on the measures' constitutionality. Similarly, in potential disputes between an EU federal government and member states, it is not clear that member states will uniformly acquiesce in the EU's mechanism for resolving constitutional crises and accept the legitimacy of decisions on constitutional issues.

Related, member states may feel so strongly on some issues that they will not accept the political outcome of constitutional rulings. In ordinary circumstances, the member states might acquiesce in the decisions of legitimate interpreters of the constitution—win some, lose some. Some issues may seem so important to member states that the interpreters of the constitution lose their legitimacy in virtue of their decision. The member states may in such circumstances decide that the constitution has been overthrown by illegitimate decisions, or may decide to leave the union.

The ability of a federal EU government to coerce member states into contributing money, support and armed forces for a conflict that some member states oppose is an obvious rock on

which an EU constitution may founder. One attempt to avoid this is to make clear in the constitution that the federal government has strong, unambiguous war powers that it can exercise no matter what the member states think. When the member states ratify the constitution, they agree to follow federal decisions. This approach is always subject to failure. If some member states are deeply opposed to a war, it is likely to be that they never envisaged war in such circumstances, and hence that they view the war as unconstitutional.

An alternative is to give member states strong opt-out rights from any war. Any federal EU war would then have to rely on a coalition of EU forces tailored for the particular circumstances. NATO, for example, allows for very substantial opt-out rights. Under Article 5, if a NATO member has been attacked and NATO agrees this has happened, all member countries must treat this as an attack on all. The member countries have great leeway in how they can respond to the attack, however. They have no obligation to contribute combat forces, for example.

Some envisage a Europe that is an economic superpower, a superpower in foreign affairs, and a superpower in defense—or war. The EU is of course an economic superpower already. It is true that if the EU were to speak with one voice on foreign policy, it would have more weight in world affairs. The difficulty now is to get the EU member states to agree on a single policy. An EU constitution might vest foreign policy at the federal level, allowing the EU to speak with one voice even if there is bitter dissent among the member states. To the extent that a unified foreign policy did not impose positive actions on member states—for example, boycott Israel—or stifle free speech, a federal EU policy might generate strains that the Union could live with.

War is a different matter. A federal EU government with coercive power over member-states' resources, support and armed forces presupposes a great deal of unity among member-

states' views if policy is to be successful. With strongly felt disunity among some member-states, federal policy is less likely to be successful than with unity, and in the limit might lead to the collapse of the federal system.

The extent of federal war-making powers might be left implicit in an EU constitution, with the federal and member-state governments allowing the powers to become explicit and more far-reaching in an evolutionary way. In this approach, the federal government would be reluctant to use war-powers unless member states reach a strong consensus. It is possible that over time, member states would then begin to acquiesce in federal policies, and the federal government could use war powers even when there is less consensus among member states. Just as likely, however, is the possibility that member states will come to feel that there a federal common law that the federal government uses war powers only when there is strong consensus among member states. That is, putting off the issue of the extent of federal war powers and the ability of the federal government to coerce member states may lead not to organic agreement but instead to a tradition of disagreement.

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Appendix to:

Essay 2, "Self Denial in Federalizing Power in the European Union:  
Lessons from the Causes of the American Revolution"

## **Timeline of Events in the American Revolution**

A large, often quickly-changing cast of characters played important roles in the events of the American Revolution. This appendix gives a timeline that shows some of the important names involved and the actions with which they were associated. It starts with the Whig Ascendancy, beginning with Robert Walpole in 1721, and ends with British recognition of American independence in the Treaty of Paris in 1783. Table 1 shows these men and events, as well as some publications that were important in the ideas of the American Revolution.

The great Whig leader Robert Walpole was first minister from 1721 to 1742. When Walpole was allowed to resign in 1742, after much jockeying among Whigs, his close collaborator Henry Pelham took over as first minister. Pelham's brother, the Duke of Newcastle, continued to control the patronage operation as he had under Walpole. Pelham's term ended with his death in 1754, but Newcastle continued to serve in the government, often as first minister, and to control patronage until 1761, a run of forty years; his forte was power patronage and he left the governing to colleagues. During the Seven Years War (1756-1763), Newcastle was first minister;<sup>1</sup> William Pitt, the elder, was Secretary of State and ran politics and particularly the war. Pitt made a success of the war, in contrast to earlier Nine Years War, War of the Spanish Succession and War of the Austrian Succession, which ended as draws at best. George II died in 1760 and George III succeeded him. In 1761, George III decided to take more control of policy and patronage, and in

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<sup>1</sup> Newcastle was first minister at the start of the Seven Years War in 1756. Late that year, he was replaced with the Duke of Devonshire. By the middle of 1757, Newcastle was first minister, and Pitt was in charge of the war.

1762 dismissed Newcastle and the very popular Pitt. George replaced Newcastle as first minister with the Earl of Bute, a Tory and a father figure to George. Bute made so many mistakes, in particular, imposing a tax on hard cider in England that led to large, widespread and violent protests, that George let him go in 1763 (the year the peace treaty for the Seven Years War was signed).

The period 1760-1770 saw unstable governments. The governments were largely dominated by Whigs, but the Whig factions fought viciously. For forty years, from 1721 to 1762, from Walpole to Newcastle and Pitt, Whig governments pursued a policy of “Salutary Neglect” towards the American colonies, but this was about to change. Other Whigs had other ideas.

Enter three famous names in American history, George Grenville, Charles Townshend and Lord North. To replace Bute as first minister in 1763, George III chose Grenville, a Whig. Grenville was Pitt’s brother-in-law, but more importantly, had political links to the Duke of Bedford. Bedford served as Lord President of the Council in the Grenville government, and was its real head. The Bedford men generally took a hard line on the colonies and determined to exercise closer control over them. Between 1763 and 1765, the Grenville-Bedford government proposed the Sugar Act (1764) and the Stamp Act (1765) and Parliament passed them. The Americans protested these acts strongly. Meanwhile, out of anger over a perceived insult to his mother, George dismissed Grenville and his government in 1765. George replaced Grenville with a weak Whig government under the Marquess of Rockingham, who was more conciliatory to the Americans, and his government repealed the Sugar and Stamp Acts in response to pressure from the Americans and from British merchants. George then dismissed Rockingham in 1766 and brought in a new government. Pitt was lured out of retirement to run the government, but he was sick and spent little time in London and none in the Commons (having been made Lord Chatham).

Bedford men again dominated the government (Bedford did not hold office, but worked through his men in the cabinet), and again they took a hard line on America. The nominal first minister was Lord Grafton, a Tory, but he had little control and was often dominated by the Bedford men. Enter the second famous name in American history: A key Bedford man was Charles Townshend, a Whig and Chancellor of the Exchequer. He proposed the Townshend Duties on American imports, rammed them through a reluctant cabinet (some members were not Bedford men, some not even Whigs), and got overwhelming approval in Parliament. He then died young, and the Tory Lord North, a third famous name, took his place as Chancellor of the Exchequer. Pitt resigned in disgust and pique in 1768. After bungling personnel matters in the cabinet, Grafton resigned as first minister in 1770, and George replaced him with the reluctant Lord North, who served as first minister in a Tory government for the next twelve years.

In reaction to protests and Non-importation by the Americans, Parliament repealed all of the Townshend Duties save that on tea. The Americans mostly avoided the duty, however, by smuggling much of their tea. In 1774, the North government decided to force the Americans to pay tax, through the Tea Act. The Americans' response was angry and sometimes violent, including the Boston Tea Party. Parliament responded with the Intolerable Acts, which closed Boston to trade, and sent more regular troops to Boston. In 1775, British troops and American militia fought at Lexington and Concord, outside Boston, and later that year at Bunker Hill. In 1776, Congress adopted the Declaration of Independence. The great American victory over the British at Saratoga, New York, in 1777, impressed the French enough to sign a treaty of alliance in 1778. Combined American and French forces surrounded Cornwallis at Yorktown and forced his surrender in 1781. In 1783, the British and Americans agreed to peace in the Treaty of Paris, which acknowledged American independence.

Appendix to Essay 2. p. 4

|  |   |   |  |                                |  |   |                            |   |   |                                       |  |   |
|--|---|---|--|--------------------------------|--|---|----------------------------|---|---|---------------------------------------|--|---|
| 1714   | 1721  | 1742  | 1756   | 1763                           | 1765   | 1766  | 1768                       | 1770                                    | 1774  | 1775                                  | 1776   | 1783                                    |
| -Anne d.<br>-George I<br>-Bolingbroke<br>flees | Robert<br>Walpole<br>first<br>minister                              | Walpole<br>out,<br>Pelham in  | Newcastle<br>first min,<br>Pitt Sec. of<br>State | Bute<br>out<br>Grenville<br>in | Grenville<br>out,<br>Rock.<br>in               | Rock.<br>out,<br>Pitt<br>in                     | Pitt<br>out                | Grafton<br>out.<br>North<br>first min.  | Boston<br>Tea Party,<br>Coercive<br>Acts        | Lexington,<br>Concord;<br>Bunker Hill | Dec. of<br>Independ.                           | Peace:<br>Treaty<br>of Paris            |
|  | 1721  |   | 1762   |                                |  | 1766  | 1770                       | 1770                                    |   |                                       |  | 1782                                    |
|  | Newcastle runs patronage<br>"Salutary Neglect" of American colonies |   |  |                                |  | Bedford men dominant                            |                            | Tory government under Lord North        |   |                                       |  |   |
| 1714<br>----->                                 |   | 1740  | 1748   | 1756                           | 1763   |   | 1768                       |   | 1774  |                                       | 1776   | 1781                                    |
| War of Span.<br>Succ. ends                     | 1720-1723<br>Trenchard<br>and Brown,<br><i>Cato's Letters</i>       | War of Aus. Succ.   |  | Seven Years War                |  |   | Grafton<br>first min.      |   | Continental<br>Congress                         |                                       | Virginia<br><i>Bill of<br/>Rights</i>          | Cornwallis<br>surrenders<br>at Yorktown |
|  | 1733-34<br>Pope,<br><i>Essay on Man</i>                             |   |  |                                | 1762<br>Newcastle<br>and Pitt out,<br>Bute in  |   |                            |   | 1774<br><i>Summary<br/>View</i>                 |                                       | 1776<br>Smith,<br><i>Wealth of<br/>Nations</i> |   |
|  |   | 1749<br>Bolingbroke,<br><i>Patriot<br/>King</i>                         |  |                                | 1763<br>Bedford men                            | 1765<br>Repeal<br>of Sugar,<br>Stamp<br>Acts    |                            | 1770<br>Townshend<br>Duties<br>repealed | 1775<br>Second<br>Continental<br>Congress       |                                       |  |   |
|  |   | 1748<br>Montesquieu,<br><i>Spirit of the Laws</i><br>(Eng. Tran., 1750) |  |                                | 1764<br>Sugar Act                              |   | 1770<br>Boston<br>Massacre |   |   |                                       | 1776<br>Gibbon,<br><i>Decline<br/>and Fall</i> |   |
|  |   |   | 1758<br>Hume,<br><i>Essays</i>                   |                                | 1764<br>Otis,<br><i>Rights</i>                 | 1766-1769<br>Blackstone,<br><i>Commentaries</i> |                            | 1773<br>Tea Act                         |   |                                       | 1776<br>Paine,<br><i>Common<br/>Sense</i>      |   |
|  |   |   |  |                                | 1765<br>Dulaney<br><i>Consid-<br/>erations</i> | 1667<br>Steuart,<br><i>Principles</i>           |                            |   | 1774<br>Franklin<br>humiliated by<br>Parliament |                                       | 1777<br>Battle of<br>Saratoga                  |   |
|  |   |   |  |                                |  | 1767<br>Dickinson,<br><i>Letters</i>            |                            |   |   |                                       | 1778<br>Alliance<br>with France                |   |