

The Failure of Conciliation: Britain and the American Colonies 1763–1783

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Britain and her American colonies cooperated with considerable success during the war against France in North America from 1754 to 1763. When peace was made Britain found herself in possession of all of North America from Hudson's Bay in the north to Florida in the south and from the Atlantic Ocean in the east to the Mississippi river in the west. Most American colonists rejoiced in these successes, were pleased to be subjects of the British empire, and were proud to regard themselves as freeborn Britons enjoying greater liberty and prosperity than most people on earth. Just over a decade later thirteen of these North American colonies took up arms against Britain, declared their independence, and embarked on a long and bitter war to achieve their separation from the British empire. Clearly, in a relatively short period, relations between Britain and the American colonies had deteriorated very badly. Many historians have tried to explain why this sudden and surprising change occurred. They have mainly examined the economic restraints that Britain imposed on the commercial activities of the American colonists, the British attempts to tax the colonists to raise revenue in order to meet the administrative and military costs of governing and defending the colonies, the British efforts to impose their policies on the colonies when these measures were resisted by the colonists, and the colonists' insistence that the taxes and legislation imposed upon them should be enacted by their own colonial assemblies and not by the distant British Parliament at Westminster. Historians have had difficulty, however, in deciding which of these issues was most important in causing the American drive for independence. Paradoxically, some light can be shed on this not by looking more closely at the direct causes of the growing animosity between Britain and her American colonies, but by exploring the various proposals made by individuals and groups in Britain who sought to resolve the crisis. Sometimes these proposals tried to conciliate the angry American colonists by addressing and ameliorating their grievances or by persuading them that their interests would be better served by remaining within the British empire rather than using force to establish their complete independence from Britain. Other proposals concluded that allowing the Americans their independence was preferable to waging war to force them to submit to British authority.

This essay will first attempt to shed light on the causes of the American crisis by exploring the arguments of British politicians in Parliament, who attacked many of the British government's American policies and tried to suggest ways of restoring good relations, without fully understanding what the American position was or being ready to abandon vital British interests in order to fully conciliate the colonists. This essay will then examine the writings of the so-called British 'Friends of America', outside Parliament, who either concluded that Britain would gain more by letting the colonists have their independence while still endeavouring to dominate trade with America or who advanced a variety of conciliatory proposals that they hoped would persuade the colonists to stay within the empire. The third section will trace the last-ditch efforts of Lord North's government as it tried to avert complete disaster in its dispute with the American colonists. The evidence here will reinforce the claim, stressed in the concluding section, that the prime factor preventing a resolution of the dispute between Britain and her American colonies was not complaints about Britain's control of the commercial regulations of the Atlantic trade, was not even about Britain's attempts to impose internal or external taxes on the colonies, but was Britain's insistence that Parliament was the sovereign authority in the colonies and not merely in Great Britain.¹

Conciliatory proposals by the parliamentary opposition

Dozens of Members of Parliament in the House of Commons and peers in the House of Lords voiced their criticisms of the policies of successive British ministries that aroused widespread resentment in the American colonies. Three political groups, in particular, were staunch critics of British attempts to tax the American colonists and to impose British authority in the colonies by legislative measures, executive or judicial action, and eventually by force: the supporters of William Pitt the Elder, Earl of Chatham; the Rockingham Whigs and Edmund Burke in particular; and the supporters of the small group around the Earl of Shelburne, especially David Hartley. These politicians admired the American colonists for their success in establishing free and prosperous settlements in America, accepted that the colonists possessed constitutional rights and liberties as free Britons that were being threatened by British measures, and opposed many though not all of the British policies that ministers sought to impose by legislative authority or executive action backed by the threat of force. They particularly recognized the important contribution that the Atlantic trade made to Britain's power and prosperity. They disagreed, however on what were the most important causes of American resentment and on how the grievances of the colonists might be conciliated and ameliorated. Their efforts to halt the growing crisis were, of course, in vain, but it is still important to understand how far these politicians were prepared to go to avoid a complete breakdown in relations between Britain and the American colonies.

William Pitt the Elder was deeply proud of his achievements as the political leader of Britain's recent war efforts in America and he was determined to keep the colonies within the empire. When the American colonies united in opposition to the Stamp Act of 1765, which was the first attempt to impose an internal tax on the colonies by parliamentary legislation in order to raise revenue to help meet the costs of imperial defence, Pitt supported its repeal on the grounds that Parliament could not tax the colonies without the consent of the colonists themselves. He endorsed the American protests in support of the demand for 'no taxation without representation', regarding it as a principle enshrined in the British constitution and even in the law of nature.² Despite the stance he took on this subject in Parliament in 1766, when supporting the repeal of the Stamp Act, it is important to recognize that Pitt, in fact, made a clear distinction between an internal tax imposed on the colonies by Parliament in order to raise revenue and external taxes devised by Parliament to regulate commerce between Britain and the American colonies. In doing so, he believed he was accepting a distinction between illegitimate internal taxes on the colonies and external customs duties imposed on the Atlantic trade that was acknowledged by the Americans themselves. Pitt was actually the nominal head of the next ministry that persuaded Parliament to pass the Townshend duties that imposed new customs duties on a number of products imported into the American colonies from Britain. He could only regard these duties like many such duties imposed on the colonies in the past by ignoring their explicit political purpose. They were not levied simply to regulate trade between Britain and the American colonies. Townshend explicitly designed them as revenue-raising measures to ensure that the colonists made a financial contribution towards the costs of the salaries of royal governors and other executive and judicial officials in the colonies so that these men would become more dependent on the crown than on the legislative assemblies in the colonies that had previously paid their salaries. Pitt may have ignored the political purposes of these customs duties, but the American colonists did not and they protested against them so effectively that by 1770 Parliament had repealed them all except the duty on tea imports. This single duty was deliberately retained to prove to the colonists that Parliament did indeed have the right to impose such taxes upon them.

It is also very clear that Pitt regarded Britain as the constitutional head of the whole British empire when it came to matters of defence and security. He continually expressed the hope that the colonial assemblies would voluntarily raise taxes of their own in order to meet part of the costs of imperial defence. This had been done during the late war and Pitt hoped that the colonists would revive the practice in any future conflict. There were grounds for doubting this, however, as the colonists increasingly resisted efforts to make them contribute towards the costs of imperial defence. In early 1775 when war was but weeks away, Pitt put conciliatory proposals before Parliament, in an effort to avoid hostilities. In these, he still maintained that Parliament had the right to legislate for the colonies on matters concerning the whole empire, to pass laws regulating the Atlantic trade, and to

control imperial defence, even though it had no right to impose internal taxes on the colonists or to interfere with their purely internal affairs. He evidently still saw the American colonies as existing primarily for the economic and strategic benefit of Britain and he was prepared to restrict the colonists' freedom of action so that Britain could compete successfully with France as an imperial, naval, and commercial power. To meet the desire for a colonial contribution to the costs of empire, he pinned his hopes on the belief that the Americans would make a free grant to the king of certain perpetual revenues that would be placed at the disposal of the British Parliament.³ It seems highly unlikely at this late stage in the dispute with the American colonists that the colonial assemblies would be willing to impose any taxes in order to raise money that would be put at the disposal of the Parliament. It is not all clear what Chatham would have recommended had the colonies refused to vote such subsidies. Early in 1778, when the war was going badly and some opposition politicians were reluctantly coming to the conclusion that the Americans must be allowed their independence, Pitt dragged himself down to the House of Lords to argue that the American grievances must be resolved and yet the unity of the British empire must be maintained. He feared that American independence would lead to national humiliation and economic ruin. The war therefore would have to be continued until victory was achieved over France, but how the colonists would be reconciled after that he did not say.⁴

The Rockingham Whigs, and Edmund Burke in particular, were even more famous for their efforts to conciliate the American colonists. Burke's first task on entering the House of Commons in December 1765 was to assist the new Rockingham administration to repeal the Stamp Act that had aroused such fierce opposition in the American colonies. In order to persuade enough conservative backbench MPs to support repeal, the ministry decided to pass the Declaratory Act at the same time. This act stated that Parliament had the right to tax and legislate for the colonies 'in all cases whatsoever'. Burke himself acknowledged that the authority of Parliament throughout the empire was unlimited in constitutional theory, but neither he nor his Rockingham colleagues had any intention of exerting this authority in practice in order to impose taxes on the American colonies. To do so would be unjust, inequitable, and contrary both to the spirit of the British constitution and the principles of liberty.⁵ Burke subsequently criticized the Townshend duties of 1767, imposed by the Chatham ministry that replaced that of Rockingham, as dangerously undermining the good relations between Britain and the American colonies that the Rockingham administration had restored in 1766.⁶ In his *Observations on a Late State of the Nation* (1769), Burke insisted that it was quite impractical, for a number of valid reasons, to grant the colonists representation in Parliament and hence colonial taxation must remain under the sole control of the colonial assemblies if the principle of 'no taxation without representation' was to be upheld.⁷ On 14 October 1769, Burke acknowledged that Parliament had an undoubted constitutional right to tax the American colonies, but he insisted that it would be unwise and impractical to do so.⁸

Burke condemned the Coercive Acts, passed in 1774 on the instigation of Lord North's ministry, and he lamented the drift towards military conflict. The growing American crisis inspired him to deliver to the House of Commons his three great speeches designed to avert this calamity and to offer conciliatory proposals to the colonists. Delivered on 19 April 1774, and 22 March and 16 November 1775, these celebrated speeches have been praised as major efforts to improve relations between Britain and the American colonies, but they have also been criticized as inadequate responses to problems that Burke did not fully comprehend.⁹ Burke advised Parliament to be content with the economic benefits that Britain garnered by her monopoly of trade with the American colonies, to abandon any attempt to tax the American colonists, and to repeal all the oppressive legislation passed by Parliament since 1763 that was so resented by the Americans. He did not, however, advocate the repeal of the Declaratory Act and he studiously avoided any serious discussion of the question of sovereignty. He warned his listeners on 19 April 1774 not to enter into such discussions because the colonists 'will cast your sovereignty in your face. No body will be argued into slavery'.¹⁰ The trouble with this advice, however, was that both sides in the dispute were most anxious to have the issue of the nature and location of sovereignty clarified and firmly decided upon. Burke appears to have had a good idea of what the fundamental issue was, but he also saw that it was intractable. Not only did Lord North's government and a majority in Parliament support parliamentary sovereignty, but it was the Rockingham Whigs, with Burke in support, that had passed the Declaratory Act that stated the doctrine in very clear terms. Burke was not ready to condemn or repeal the Declaratory Act, but he did try to explain what kind of superintending power Parliament could legitimately exercise over the American colonies. He divided Parliament's authority into two: an absolute legislative authority over Great Britain, but, in her 'imperial character', a superintending power over all the inferior provincial legislatures, whose power she could guide and control, but not annihilate.¹¹ The colonial legislatures should be left free to exercise full authority over the internal affairs of the colonies. Only if they clearly acted in an unjust fashion and abused their power, could Parliament act as an arbiter in the resulting conflicts between these various assemblies or between them and the colonists they represented. Furthermore, if the colonial assemblies absolutely refused to raise taxes to contribute towards the costs of imperial defence, then Parliament must retain the constitutional right to compel them to do so. Parliament's sovereign authority, therefore, should be used to infringe the rights of the colonial assemblies only in order to preserve liberty and security throughout the empire.

Burke's three great speeches on conciliation failed to secure majority support in the House of Commons. Many MPs undoubtedly believed that Burke was willing to concede too much to the Americans and was asking for very little in return. On 16 November 1775, Welbore Ellis spoke for the majority of Burke's fellow MPs when he 'urged that the greater disposition Great Britain shewed

towards conciliation, the more obstinate, rebellious, and insolent America would become'.¹² Criticism of Burke's proposals outside Parliament was even more scathing. On 22 March 1775, Josiah Tucker observed: 'Why truly, if we will grant the Colonies all that they shall require, and stipulate for nothing in Return; they will be at Peace with us. I believe it; and on these simple Principles of simple Peace-making I will engage to terminate every Difference throughout the World.'¹³

Criticisms of this kind have also been levelled against Burke's conciliatory proposals by many modern scholars. They accuse Burke of wrongly believing that the fundamental constitutional issue in dispute between Britain and the American colonies was over taxation, whereas, by this late stage, the fundamental issue was about sovereignty. After all, almost all parliamentary taxes on the colonies had already been abandoned and even hard-line ministers had no plans to impose new ones. The Americans were by now fully aware that the principle of parliamentary sovereignty meant that one parliament might repeal all the measures that the colonists had opposed and even promise not to re-introduce such measures, but that Parliament could not bind the decisions of any subsequent Parliament. Thus, whatever promises might be made by one Parliament, a future Parliament could pass measures of a similar or even worse nature than those previously abandoned. American rights and liberties, therefore, could be safeguarded only if the colonial assemblies exercised sovereignty within the colonies and the authority of Parliament over the internal affairs of the colonies was absolutely rejected. The colonists were coming to realise that only complete separation from Britain could ensure these objectives were achieved. Burke, it has often been argued, simply did not appreciate this. A few modern scholars, however, have claimed that there were at least indications in Burke's three great speeches on conciliation that he was groping towards a sophisticated notion of a divided sovereignty rather than upholding the absolute sovereignty of Parliament as enshrined in the Declaratory Act of 1766.¹⁴ Burke undoubtedly wanted to grant the colonists a very considerable measure of local autonomy and he was willing to ask Parliament to surrender voluntarily some of the sovereign authority to which it laid claim. How far he was prepared to go beyond this, however, is not clear, in part because his language was subtle, convoluted and indirect and in part because he refused to urge the repeal of the Declaratory Act that was seen as designed to underpin Parliament's claim to sovereign authority in the colonies.¹⁵ His speeches do give glimpses of the notion of a divided sovereignty or of a federal rather than a unitary empire, but it is hardly surprising that neither his British listeners nor the subsequent readers of his three published speeches on conciliation fully appreciated what he may have intended them to understand.

In May 1777, in his *Letter to the Sheriffs of Bristol*, Burke insisted that the Americans could not be coerced into submission and he repeated several of his arguments in favour of conciliation. He urged the repeal of all Parliament's American legislation passed since 1763. If this concession did not bring the Americans back to their allegiance, then they should be allowed their

independence.¹⁶ Burke was at last conceding that the Americans could not be persuaded to remain in the British empire of their own free will. By March 1778, the Rockingham Whigs reluctantly concluded that the war in America must be abandoned so that Britain's military and naval resources could concentrate on the struggle against France. On 10 April 1778, Burke was ready to support a motion enabling peace commissioners to be appointed who would have the authority to concede American independence.¹⁷

During the war years, David Hartley, an ally of the Earl of Shelburne, advanced a number of motions seeking to conciliate the Americans. His proposals in March and December 1775, April 1778, June 1779, and May 1781, went little further than those of Burke, though they were more clearly set out.¹⁸ Coming so late, they achieved no success either in Parliament or with the rebellious Americans. Hartley did not insist on the sovereignty of parliament and even sought to avoid discussions on such an issue. He did, however, reject all arguments in favour of parliamentary taxation of the colonies and endorsed the American claim of 'no taxation without representation'. He insisted that the colonists had contributed significantly with men and money in the late war with France and he was convinced that the Americans would respond positively to requests for voluntary requisitions to be approved by their assemblies as contributions to the cost of imperial defence and security. He was also prepared to consider the repeal of all the American legislation that Parliament had passed since 1763, especially the Coercive Acts of 1774, that had so angered the Americans. More innovative was his suggestion that Parliament should offer to reconsider all its acts regulating American commerce and manufacturing.¹⁹ His proposals did not go much further than those of Lord North himself in 1775, but Hartley did insist that the colonists must be allowed to decide how the requisitions they raised for imperial defence should be spent: 'That is the right of all free subjects, without which they have nothing they can call their own'.²⁰ He later expressed the hope that some kind of federal union might be created that would allow Britain and America to benefit from a shared monopoly of their Atlantic trade. Without going into details, he hoped that Britain and America could share a common nationality and a common defence policy. What would happen to resolve issues that came into dispute, however, he did not clarify. Moreover, his concessions came too late since the Americans had already signed an alliance with France that stipulated that they would settle for nothing less than complete independence in their dispute with Britain.²¹

The 'Friends of America'

During the American crisis hundreds of pamphlets were published in Britain commenting on the disputes between Britain and the American colonies. Many of these were supportive of British government policies and were highly critical of the colonists, accusing them of being ungrateful subjects who would not

contribute modest sums towards the huge cost of imperial government and defence. There were, however, a significant number of pamphlets written by so-called 'Friends of America' that were critical of Britain's American policies. They generally defended the American efforts to defend their rights and liberties. They accepted the American claim to 'no taxation without representation' and rejected Britain's right to tax the American colonies. Most of them opposed the Coercive Acts of 1774 and wished to see the repeal of much of the legislation that had alienated the colonists since 1763. Some went further and offered positive suggestions on how the crisis could be resolved by re-shaping Britain's constitutional and political relations with the American colonies.²² Two of the finest thinkers of the age, Josiah Tucker and Adam Smith, were so concerned with promoting free trade in general and Britain's trade with America in particular that they were the first writers to advocate solving the imperial crisis by simply allowing the Americans complete political independence.²³ More often these commentators tried to suggest political and constitutional changes that would keep the Americans within the British empire.

Josiah Tucker was a conservative Anglican clergyman who defended the Stamp Act and supported the constitutional principle of parliamentary sovereignty. As early as 1749, however, he had predicted that the American colonies would seek political independence as soon as they were confident that they no longer needed Britain's military and naval assistance to protect them from French ambitions in North America. After 1763 he saw this opportunity developing for the colonies and, while he believed Britain was strong enough to impose her authority in America by force if she chose to do so, he preferred to cast off the colonies rather than waste blood and treasure on such a costly enterprise. He opposed the suggestion of granting the colonists representation in the Westminster Parliament because he believed that this would lead to interminable disputes. Moreover, if Britain conceded the Americans considerable local autonomy, they would inevitably pursue their own self-interest at Britain's expense. By 1774, he had concluded that it was natural and proper for the American colonists to seek full independence and pointless for Britain to resist this by armed force. An expert in economic affairs and a firm believer in the benefits of free trade, Tucker was convinced that Britain and America were natural trading partners because each produced what the other most wanted to buy. Britain, therefore, could gain more by extending her trade links with an independent America than attempting to impose her political authority on her by force of arms and endangering this commerce.²⁴

Adam Smith, a much greater political economist than Tucker, reluctantly reached the same conclusion soon after war broke out in 1775. In his celebrated work, *An Inquiry into the Nature and Causes of the Wealth of Nations* (1776), he maintained that the American colonies benefited more than Britain from the commercial regulations enforced by the Navigation Acts and that Britain's economic growth was restricted by the burdens imposed by the enormous costs of imperial defence. In order to persuade the colonists to bear a fair share of the

costs of imperial defence, Smith was initially ready to grant the Americans representation in the Westminster Parliament and, in effect, to create a single, unified Atlantic trade.²⁵ He was even ready to admit that the seat of empire might in future cross the Atlantic, if the American economy continued to expand at a faster rate than that of Britain.²⁶ He quickly recognized, however, that such an incorporating union (of the kind that had been agreed between England and Scotland in 1707) was unacceptable to a majority on both sides of the Atlantic. Although he acknowledged that it was very unlikely that the British government would voluntarily surrender Parliament's sovereign authority over the American colonies, he did maintain that a peaceful separation was preferable to armed conflict. It would not only save lives and money, but the restoration of good relations between Britain and America would lead to increased trade between them, to the benefit of both.²⁷

Most of the political commentators seeking to resolve the American crisis wished to keep the American colonies within the British empire and tried to suggest policies and concessions that would persuade the colonists that remaining in the empire was preferable to seeking complete independence. The most active of these writers was Thomas Pownall, a former lieutenant governor of New Jersey and former governor of Massachusetts. Although an independent back-bench MP, he put forward his detailed arguments between 1764 and 1777 in six editions of his *Administration of the British Colonies*; each version revised to meet the rapidly changing situation. Pownall urged a new imperial relationship that would give the American colonists representation in the British Parliament, would abandon British claims to possess the right to impose internal taxes on the colonists, but would require the colonists to accept external taxes and trade regulations devised by Parliament. He hoped that these proposals would unite Britain into one dominion in which Britain would be the commercial centre and Parliament would exercise sovereign authority in imperial affairs. Although he was not prepared to abandon the constitutional principle of parliamentary sovereignty, he did wish to see the colonies granted extensive rights of self-government and he insisted that Parliament should interfere in the internal affairs of the colonies only in an emergency when the actions of colonial assemblies threatened the constitutional stability of the whole empire. Not until the end of 1777 did military reverses and the prospect of France joining the war on the American side finally persuade him that complete independence would have to be conceded to the Americans. Even so, he still hoped for a commercial treaty between Britain and America as well as a defensive and offensive military alliance.²⁸

As early as 1765, during the fierce disputes over the Stamp tax, the American colonists had begun to unite effectively in support of the constitutional principle of 'no taxation without representation'. This principle was regarded as an essential feature of the British constitution even by conservative thinkers in Britain as well as by men of liberal or radical views, who had greater sympathy for the American cause. Conservative supporters of Parliament's sovereignty

throughout the empire insisted that the American colonists were *virtually* represented at Westminster just as much as poor men in Britain who were not enfranchised and those who lived in British towns (such as Manchester, Birmingham and Sheffield) that did not send representatives to the Westminster Parliament. The doctrine of virtual representation was totally rejected by the American colonists, however, because they were convinced that no British MP could fairly or adequately represent their interests at Westminster. Moreover, they were convinced that their interests were better represented and their liberties more effectively defended in their own legislative assemblies in America. A number of British commentators also rejected the doctrine of virtual representation,²⁹ but did believe that a solution to the American crisis might still be reached by granting the colonists representation in the Westminster Parliament. One commentator, for example, suggested that each colonial assembly might elect one or two representatives to sit in the House of Commons in order to offer their views on any legislation on imperial matters under discussion, though they were not to be allowed to vote on these measures.³⁰ Such proposals were soon recognized as unworkable, however. Edmund Burke and others soon recognized the practical difficulties: the American colonies were a vast ocean away, and communications and transport across that ocean were slow, uncertain and even dangerous. It was unlikely that influential colonists would wish or could afford to spend months each year in Britain acting as unpaid representatives of their fellow colonists.³¹ Far more intractable, however, was the question of how many representatives at Westminster should be granted to the Americans. If the number was decided in proportion to the relative populations, national wealth or taxation levels, then Britain's representatives would heavily outnumber the American representatives. The colonists would not accept this situation because it would mean that they were surrendering control over their essential interests to the British majority in Parliament, which was precisely what they were opposed to in their present disputes with Britain.³² Since some Britons were concerned at the rapid growth in American numbers and wealth, they became uneasy at the prospect of ultimate power over British affairs being conceded at some future date to a majority of American representatives at Westminster.

A few British 'Friends of America' did suggest alternative means of enabling American and British representatives to discuss and resolve imperial questions in an amicable fashion. By 1770, James Burgh had written eleven articles challenging Parliament's right to tax the American colonies and defending their claim to 'no taxation without representation'. One of his positive proposals suggested that the colonists might be allowed to send temporary representatives to Parliament to agree the quota of taxes to be raised in the colonies as their contribution to the costs of imperial defence. Another of his proposals was to allow the American colonies to hold an inter-colonial convention to agree the same end result.³³ In 1770, Francis Maseres suggested that all the internal affairs of the colonies should be under the control of their respective legislatures, but each colony in North America and the West Indies should be allowed to choose

between them some eighty commissioners, who could sit, discuss and vote on imperial matters coming before the House of Commons. In addition, the colonial assemblies would be allowed a year to consider and comment upon any legislative proposal on imperial issues that was being suggested by the Westminster Parliament.³⁴

John Cartwright acknowledged that the American colonies had become self-reliant and he was prepared to give their legislative assemblies full control over internal affairs. He rejected the doctrine of parliamentary sovereignty, opposed the imposition of parliamentary taxes on the colonies, and was even ready to abandon Parliament's control over the commercial regulations governing the Atlantic trade. He accepted that the Americans could not be properly represented in Parliament, but he believed that Britain and the American colonies shared a common heritage, culture, constitution, and political and legal customs, and was convinced that they could all benefit from the burgeoning Atlantic trade. His proposals, however, included elements that the Americans were unlikely to accept. Cartwright wanted all the North American colonies, from Quebec down to Florida, to become separate states, which would be loosely linked with Britain in the 'Great British League and Confederacy'. While each state could have its own militia, the Royal Navy was to act as the main defence force against any enemy state. While all the states in this confederacy would be independent with regard to their internal affairs, they would all owe allegiance to the crown and Cartwright expected Britain to arbitrate in any dispute between the other states. He also expected imperial experts to operate from London and the foreign policy of the confederacy to be decided by Britain. He had no suggestion to offer about how disputes over foreign policy could be decided when the various states were in dispute.³⁵

Richard Price wrote more than any other British commentator attacking Britain's American policies during this crisis. In his *Observations on the Nature of Civil Liberty* (1776), he maintained that the American colonists were not only defending their freedom and interests, but were fighting to preserve Britain's free constitution and the British people's civil liberties. He rejected Parliament's claim that it could exercise absolute sovereignty over Britain or over the American colonies, and he fully supported the constitutional principle of 'no taxation without representation'. He was not opposed to an empire under the authority of a supreme executive, provided this empire was united by bonds of affection and interest. He was prepared to grant internal self-government to the colonies, but favoured a Senate elected by Britain and the colonies to arbitrate between them in any dispute about imperial affairs.³⁶ He never explained how this Senate would be elected, how many representatives would be allocated to each constituent part of the empire, or exactly how its authority would be exercised. Although he opposed war with the rebellious American colonies, he hoped to avert complete separation and he favoured some kind of federal union based on a strong sense of common interest. By March 1778, however, after he had learned of America's alliance with France, he was ready to recognize

American independence, though he still hoped to retain strong commercial links with an independent America and he criticized the British negotiators for failing to agree a commercial treaty with America when peace was made in 1783.³⁷

Ministerial Efforts at Conciliation

Following the Boston Tea Party that saw American protesters attacking British tea ships in Boston Harbour, Lord North's ministry imposed the harshest penalties on the American colonies through the Coercive Acts of 1774. Both sides to the imperial dispute were now adopting intransigent positions that threatened an armed conflict, and yet both sides still tried to avert a fatal civil war. On 24 December 1774, Lord Barrington, the Secretary at War, admitted: 'I do not believe any Ministry will ever attempt another internal tax on the North Americans by Act of Parliament, and experience has shown we have not the strength in that part of the world to levy such taxes, against a universal opinion there, that we have no right to levy them.'³⁸ In a belated and desperate conciliatory gesture, Prime Minister Lord North proposed to his ministerial colleagues that Britain should formally abandon any attempt to tax the American colonies, provided the colonies themselves would agree to impose taxes on their inhabitants in order to provide a contribution to meet a small proportion of the costs of imperial defence.³⁹ In February 1775, he informed Parliament that he was ready to let the colonies decide how these taxes should be raised, provided Parliament decided how much revenue each colony was expected to raise and Parliament decided how this revenue would be spent.⁴⁰ There was almost no chance that the colonies would accept this offer. Lord North's proposals still gave Parliament a decisive voice over what taxes the colonists should pay and how their money should be spent. Moreover, by now the colonists fully understood that the doctrine of parliamentary sovereignty meant that no Parliament could tie the hands of a subsequent Parliament. Lord North might persuade Parliament to make generous concessions to the Americans, but he could not guarantee that a subsequent Parliament might not renege on such concessions and even pass harsher measures that the colonists might bitterly resent. The colonists were also far from convinced that they could trust Lord North since, even while he was making his conciliatory proposals, he was persuading Parliament to pass legislation designed to restrict American trade and was preparing to increase British forces in America.

Even before Britain's conciliatory offers reached America, fighting had already broken out at Lexington and Concord. The Continental Congress in Philadelphia responded to the outbreak of serious hostilities by defending the colonists' right to defend their liberty by force of arms, but it denied that the colonies sought complete independence from Britain. In its efforts to achieve reconciliation with Britain, congress voted in early July 1775 to send the Olive

Branch petition, drafted by John Dickinson, to George III in person, not to Parliament, clearly indicating that the Americans were prepared to be his subjects, but were not prepared to be subject to the sovereign authority of Parliament. The Olive Branch petition made no constructive suggestion of how to end the imperial crisis and, indeed, its offer to raise revenue in an imperial emergency that would be paid directly to the king, but not to Parliament, deeply alarmed majority opinion in Britain, where it was seen as vital that Parliament could limit the power of the crown by retaining tight control over the purse strings.⁴¹ George III appreciated the concerns expressed by Parliament that the Olive Branch petition was a threat to Britain's cherished constitution and he refused to accept a petition that he believed came from what he regarded as an unconstitutional body supporting armed resistance. Meanwhile, on 31 July, the Continental Congress rejected Lord North's conciliatory gesture on the grounds that 'the colonies of America are entitled to the sole and exclusive privilege of giving and granting their own money; that this involves a right of deliberating whether they will make any gifts, for what purpose it shall be made, and what shall be the amount'.⁴²

Late in 1775 Lord North made a further conciliatory gesture by offering to repeal all the Coercive Acts of 1774 and to 'suspend every exercise of the right of taxation, if the colonies would point out any mode by which they would bear their share of the burden and give their aid to the common defence'.⁴³ In 1776 Admiral Richard Howe and General William Howe, brothers and commanders of the naval military forces to be sent to America, were also granted commissions to negotiate a settlement with the American colonies. They were finally given full authority to negotiate, individually or collectively, with the colonies that were not in rebellion, on whether they would accept new conciliatory proposals that included the repeal of all parliamentary legislation that had so aggrieved the colonists since 1763 and a promise that Parliament would not impose new internal taxes on the colonies in future. They were also ready to allow the colonies wide discretion over how to levy the revenue that would be needed to meet between five and ten per cent of the costs of imperial defence. The Howe brothers arrived at New York on 12 July 1776, eight days after the Continental Congress had agreed on the American Declaration of Independence. A meeting at Staten Island with three representatives of Congress on 11 September lasted only a few hours and proved entirely abortive. The Americans regarded the terms offered by the British commissioners as completely inadequate.⁴⁴

In December 1777, after Britain's defeat at Saratoga and with the Americans opening negotiations for a military alliance with the French, Lord North sent agents Paris to see if the American commissioners would open discussions to reconcile the issues in dispute between Britain and America. The Americans responded that nothing less than Britain's recognition of America's complete independence would end the war. Undeterred, Lord North persuaded Parliament, in March 1778, to renounce its claim to impose internal taxes on the American colonies, and to repeal the Tea Act of 1773 and the Massachusetts

Bay Regulating Act of 1774 that had so angered the Americans in recent years. Three peace commissioners, led by the Earl of Carlisle, were then despatched to America to offer the Americans what might once have been regarded as generous concessions: no colonial charter would be altered in future by Parliament without the prior consent of the relevant colony; the colonial assemblies would be granted considerable control over their own finances, military forces, and judiciary; the colonies could retain their present legislatures and even continue to cooperate by sending representatives to a Continental Congress, and might be allowed some kind of representation in the Westminster Parliament in order to discuss imperial issues. In return, the Americans would need to accept Parliament's regulation of the Atlantic trade, pay debts owed to British merchants, and compensate the American Loyalists for the losses they had incurred in supporting Britain during the recent conflict. This offer was again regarded by the Americans as conceding too little, too late. By the time the Carlisle Commission reached Philadelphia, Congress had already ratified its alliance with France. The Americans would not negotiate peace with Britain until Britain had formally recognized America's complete independence and had withdrawn its forces from American territory. British efforts to appeal to the American people over the heads of Congress failed utterly and a foolish attempt to bribe a few members of Congress proved entirely counter-productive. The Carlisle Commission left America having achieved nothing and Lord North's efforts at conciliation had been spurned once more. War was to decide whether the Americans achieved their independence or Britain could restore some of its authority in its rebellious colonies.⁴⁵

Conclusion

All the various efforts at conciliation that emanated from Britain in the 1760s and 1770s failed to prevent the American colonies from fighting a successful war of independence and eventually achieving a complete separation from the British empire. They are worth studying, however, because they reveal a great deal about what the issues in dispute were and which were the most important causes of the American rebellion. These conciliatory proposals almost entirely ignore such issues as the British efforts to restrict the westward expansion of the American colonies, their free trade with foreign nations, their production of manufactured goods, or their use of paper currency. The disputes over these issues undoubtedly irritated various colonists, but they do not appear to have been significant causes of the eventual American rebellion if the conciliatory proposals are to be regarded as any guide. These conciliatory proposals also show that Britain's regulation of the Atlantic trade was not sufficiently resented to explain the American rebellion and determination to secure independence. The American colonists protested against the Townshend duties of 1767 because they recognized that they were not imposed by Parliament in order to regulate

the Atlantic trade for commercial reasons, but in order to raise revenue to pay the salaries of royal governors and other royal officials in the colonies in order to render them more loyal to Britain and less subservient to the colonial legislatures that had previously paid their salaries. The American protests that led to the Boston Tea Party in December 1773 were inspired by deep resentment against the Tea Act that reduced the price of tea imported directly into the colonies by the East India Company. Parliament had passed this act, in part, to manoeuvre the Americans into paying the tea duty (the one surviving Townshend duty) and hence acknowledging Parliament's right to impose that duty. The colonists were determined not to fall into this trap. It is also significant that David Hartley's suggestion, in March 1775, that Parliament might consider repealing or amending all the British acts regulating American commerce and manufacturing attracted very little attention in America. These regulations caused irritation in America, but would not by themselves have provoked war and independence in the mid-1770s. Both Britain and the American colonies always recognized the mutual economic benefits that the Atlantic trade brought them, both sides lamented the disruption of this trade, and both wished to see it restored once the War of Independence was over. Trade between Britain and America was so natural and so beneficial that it became more extensive and more advantageous to both countries in the 1790s, after American independence, than it had ever been when the colonists were subject to the restrictions of the Navigation Acts.

The British attempts at conciliation clearly show that taxation was a major issue in the American crisis, but they reveal that the quarrel was not about the financial burden imposed on the colonies, but about the mode by which it was collected, the use to which the money was put, and the manner by which it was imposed. The Stamp Act of 1765, which was designed to raise about £100,000 per annum, was deeply resented mainly because it was the first internal tax imposed upon the American colonies by an act of Parliament in order to raise revenue to meet British expenses. It was never properly implemented, it was repealed within a year, and no subsequent internal tax was passed by Parliament. The Townshend duties were designed to raise about £40,000 per annum, but all of these were repealed by 1770 except the tea duty that was expected to raise a mere £12,000 per annum. These duties were clearly not burdensome and were not constitutional innovations like the Stamp Act. As we have seen, they were resented primarily because they served the political purposes of Britain and supported the British claim that Parliament was the sovereign authority across the British empire. They had not been passed just to regulate the Atlantic trade.

Central to the dispute between Britain and the American colonies was the American commitment to the constitutional principle of 'no taxation without representation'. From what we have seen, the issue here was not the burden of taxation, but the imposition of taxation by Parliament, a legislature that the colonists were convinced did not fairly or effectively represent them or their interests. The American colonists were convinced that only their own legislative assemblies had the right to impose revenue-raising measures upon them,

whether these were internal or external taxes. What the British conciliatory proposals reveal, even those advanced by Lord North's government, was that Britain was less interested in the amount of money that it could raise in the colonies than in asserting Parliament's constitutional authority over the American colonies. Lord North clearly appreciated what the crisis was about:

We are now disputing ... with those who have maintained that we have as a Parliament no legislative right over them. That we are two independent states ... we are not entering into a dispute between internal and external taxes, not between taxes laid for the purpose of revenue and taxes laid for the regulation of trade, not between representation and taxation, or legislation and taxation. But we are now to dispute the question whether we have or have not any authority in that country.⁴⁶

This strong attachment to the doctrine of parliamentary sovereignty was defended, even to the extent of waging a long, expensive and bitter war, because of the benefits this constitutional position was seen to bring Britain. Many Britons feared that, if the British Parliament did not exercise control over the American colonies, it could not dominate the lucrative Atlantic trade with America and, worse still, might see the colonies fall under the economic and political sway of a European rival such as France. The British support for this constitutional doctrine was also connected to the deep and widespread conviction that the recognition of the combined legislature of monarch, House of Lords and House of Commons as the sovereign legislature in Britain and throughout the empire was the best means of avoiding either absolute monarchy or mob rule. Britain had become remarkably free, stable, and prosperous since the British constitution had increasingly adopted the doctrine of parliamentary sovereignty in the decades after the Glorious Revolution of 1688–89.⁴⁷ If the American colonists rejected the constitutional principle of parliamentary sovereignty, it might be difficult to sustain it in Britain or elsewhere in the empire. The American challenge was therefore seen as a threat to British liberty, stability, and prosperity and not just as an attempt to protect American rights, privileges and interests.⁴⁸

In the last resort, conciliation failed because no significant group or powerful individual in Britain could devise a means of solving the question to the satisfaction of majority opinion in Britain or the American colonies of which person, legislature or institution could legitimately exercise sovereign authority in the American colonies. The vast majority of politicians and commentators agreed with William Blackstone, the foremost constitutional thinker of the age, that there could be only one absolute, irresistible, and uncontrolled sovereign authority in any orderly state and it was widely agreed that in Britain history had shown that this authority was best located in the combined legislature of the King-in-Parliament.⁴⁹ As we have seen, a few conciliatory proposals groped rather ineffectively or unclearly towards some kind of federal or divided sovereignty. Some modern historians have suggested that what was needed was the

transformation of the British empire of the 1770s into something like the modern British commonwealth of nations, but this modern commonwealth took a great many years to develop and, even then, it was and is a very loose association of independent states. It is difficult to see Britain opting for this kind of arrangement with America in the 1770s.

Endnotes

¹ I am grateful to my colleague, Dr F.D. Dow who offered valuable advice on an earlier draft of this essay.

² *The Parliamentary History of England from the earliest period to the year 1803*, ed. William Cobbett, 36 vols. (London: T.C. Hansard, 1806–1820), XVI, 177–81.

³ *Ibid.*, XVIII, 198–200.

⁴ *Ibid.*, XIX, 1022–23.

⁵ *The Writings and Speeches of Edmund Burke*, 9 vols. (Oxford: Clarendon Press, 1981–), II, ed. Paul Langford, 47–52.

⁶ *Ibid.*, II, 61–64 and 96.

⁷ *Ibid.*, II, 178–81.

⁸ Cobbett, *Parliamentary History of England*, XVI, 605. See a similar remark on 9 January 1770 in *ibid.*, XVI, 725.

⁹ The best versions of these speeches can be found in *Writings and Speeches of Burke*, II, 408–62; and III, ed. Warren M. Elofson with John A. Woods, 105–169 and 185–200.

¹⁰ *Ibid.*, II, 458.

¹¹ *Ibid.*, II, 459–60.

¹² Cobbett, *Parliamentary History of England*, XVIII, 982.

¹³ Josiah Tucker, *A Letter to Edmund Burke* (Gloucester, 1775), 44–45.

¹⁴ Peter J. Stanlis, ‘Edmund Burke and British Views of the American Revolution: A Conflict over Rights of Sovereignty’, in *Edmund Burke: His Life and Legacy*, ed. Ian Crowe (Dublin: Four Courts Press, 1997), 24–38; and Richard Bourke, ‘Liberty, Authority, and Trust in Burke’s Idea of Empire’, *Journal of the History of Ideas*, 61 (2000), 453–71.

¹⁵ Cobbett, *Parliamentary History of England*, XIX, 1010–12 and 1080–88.

¹⁶ *Writings and Speeches of Burke*, III, 323. Willoughby Bertie, Earl of Abingdon, a staunch advocate of conciliation, in his *Thoughts on the Letter of Edmund Burke, Esq. to the Sheriffs of Bristol on the Affairs of America* (Oxford, 1778), criticized this pamphlet on the grounds that Burke was still not prepared to advocate the repeal of the Declaratory Act that had done so much to enshrine the doctrine of parliamentary sovereignty.

¹⁷ Cobbett, *Parliamentary History of England*, XIX, 1088.

¹⁸ *Ibid.*, XVIII, 552–71 and 1042–52; XIX, 1068–80; XX, 901–15; and XXII, 336–57.

¹⁹ *Ibid.*, XVIII, 565.

²⁰ *Ibid.*, XVIII, 567.

²¹ Jerome R. Reich, *British Friends of the American Revolution* (Armonk, NY: M.E. Sharpe, Inc, 1998), 127–38; and George Herbert Guttridge, *David Hartley MP: An Advocate of Conciliation 1774–1783* (Berkeley, CA: University of California Publications, vol. 14: 1926).

²² For British sympathizers with America at this time, see H.T. Dickinson, ‘“The Friends of America”: British Sympathy with the American Revolution’, in *Radicalism and Revolution in Britain, 1775–1848*, ed. Michael T. Davis (London: Macmillan, 2000), 1–29; and Colin Bonwick, *English Radicals and the American Revolution* (Chapel Hill, NC: University of North Carolina Press, 1977).

²³ Matthew Robinson-Morris definitely wished to conciliate the Americans, though he accepted that they would eventually become independent: ‘All the whole of our colonies must no doubt one

day without force or violence fall off from the parent state, like ripe fruit in the maturity of time.’ *Considerations on the Measures carrying on with respect to the British Colonies in North America* (London, [1774]), 22. He hoped to delay this natural development as long as possible.

²⁴ Josiah Tucker, *A Letter from a Merchant in London to his Nephew in North America* (London, 1766); Tucker, *The True Interest of Britain* (London, 1774); Tucker, *The Respective Plans and Arguments of the Mother Country Directly Set Forth* (London, 1775); Tucker, *Four Letters on Important National Subjects* (London, 1783); and George Shelton, *Dean Tucker and Eighteenth-Century Economic and Political Thought* (London: Macmillan, 1981).

²⁵ Smith, *Wealth of Nations*, Book V, iii, 68; and Book IV, viii, 77.

²⁶ *Ibid.*, Book IV, vii, 79.

²⁷ Andrew S. Skinner, ‘Adam Smith and America: The Political Economy of Conflict’, in *Scotland and America in the Age of Enlightenment*, ed. Richard B. Sher and Jeffrey R. Smitten (Edinburgh: Edinburgh University Press, 1990), 148–62. The arguments by Tucker and Smith that independence should be granted to the colonists because what really mattered to Britain was flourishing commercial links with America was taken up by [Edmund Jenings,] *Considerations on the Mode and Terms of a Treaty of Peace with America* (London, 1778); and [Thomas Tod,] *Observations on American Independency* (Edinburgh, 1779).

²⁸ John A. Schutz, *Thomas Pownall: British Defender of American Liberty* (Glendale, CA: A.H. Clarke and Co., 1951); G.H. Guttridge, ‘Thomas Pownall’s *The Administration of the Colonies: The Six Editions*’, *William and Mary Quarterly*, 3rd series, 26 (1969), 31–46; and John Shy, ‘Thomas Pownall, Henry Ellis, and the Spectrum of Possibilities, 1763–1775’, in *Anglo-American Political Relations, 1675–1775*, ed. Alison Gilbert Olson and Richard Maxwell Brown (New Brunswick, NJ: Rutgers University Press, 1970), 155–86.

²⁹ John Fothergill, *Considerations relative to the North American Colonies* (London, 1765), 27–28; and *The Crisis: Or, a Full Defence of the Colonies* (London, 1766), 4–17.

³⁰ *The Constitutional Right of the Legislature of Great Britain, to Tax the British Colonies in America, impartially stated* (London, 1768), 13–14. For a similar suggestion, see *Proposals for a Plan towards a Reconciliation and Reunion with the Thirteen Provinces of America, and for a Union with the other Colonies* (London, 1778).

³¹ *Writings and Speeches of Burke*, II, 177–81; Fothergill, *Considerations relative to the North American Colonies*, 29; and [Obadiah Hulme,] *A Plan of Reconciliation between Great Britain and her Colonies* (London, 1776), 43–44.

³² See Neil York, ‘Federalism and the Failure of Imperial Reform, 1774–1775’, *History*, 86 (2001), 155–79.

³³ Reich, *British Friends of the American Revolution*, 40–43.

³⁴ [Francis Maseres,] *Considerations on the Expediency of Admitting Representatives from the American Colonies into the British House of Commons* (London, 1770).

³⁵ John Cartwright, *American Independence the Interest and Glory of Great Britain* (London, 1774); Reich, *British Friends of the American Revolution*, 15–19; and Robert E. Toohey, *Liberty and Empire: British Radical Solutions to the American Problem 1774–1776* (Lexington, KY: University Press of Kentucky, 1978), 36–52.

³⁶ The author of *A Plan for Conciliating the Jarring Political Interests of Great Britain and her North American Colonies* (London, 1775) wanted a ‘Supreme Council of Colonies and Commerce’ to replace the Board of Trade and Plantations as the body responsible for settling disputes between Britain and the colonies. The author suggested deputies should be elected to this body from both Houses of Parliament and from each assembly in North America and the West Indies, though no specific numbers were put forward.

³⁷ *Richard Price: Political Writings*, ed. D.O. Thomas (Cambridge: Cambridge University Press, 1991); D.O. Thomas, *Richard Price and America* (Aberystwyth: privately printed, 1975); Reich, *British Friends of the American Revolution*, 90–104; Toohey, *Liberty and Empire*, 90–102; and H. T. Dickinson, ‘Richard Price on Reason and Revolution’, in *Religious Identities in Britain, 1660–1832*, ed. William Gibson and Richard G. Ingram (Aldershot: Ashgate, 2004), 231–54.

³⁸ Quoted in Peter D.G. Thomas, *Tea Party to Independence: The Third Phase of the American Revolution* (Oxford: Clarendon Press, 1991), 178.

³⁹ *Ibid.*, 178–79.

⁴⁰ Cobbett (ed.), *Parliamentary History of England*, XVIII, 319–58; and Alan S. Brown, ‘The Impossible Dream: The North Ministry, the Structure of Politics and Conciliation’, in *The American Revolution and “A Candid World”*, ed. Lawrence S. Kaplan (Kent, OH: Kent State University Press, 1977), 17–19.

⁴¹ Thomas, *Tea Party to Independence*, 252.

⁴² *Ibid.*, 260–62.

⁴³ Quoted in *ibid.*, 297.

⁴⁴ Weldon S. Brown, *Empire or Independence: A Study in the Failure of Reconciliation, 1774–1783* (Louisiana: Louisiana State University Press, 1941), 75–292; Ira D. Gruber, *The Howe Brothers and the American Revolution* (New York: Atheneum, 1972), 3–302; and Charles R. Ritcheson, *British Politics and the American Revolution* (Norman, OK: University of Oklahoma Press, 1954), 200–08.

⁴⁵ Cobbett (ed.), *Parliamentary History of England*, XIX, 762–814; Ritcheson, *British Politics and the American Revolution*, 234–85; and *Proceedings of the British Commissioners at Philadelphia 1778–9: Partly in Ferguson’s Hand*, ed. Yasuo Amoh, Darren Lingley and Hiroke Aoki (Kyoto: Kakenhai Supplemental Project Research Report, 2007).

⁴⁶ Thomas, *Tea Party to Independence*, 51.

⁴⁷ H.T. Dickinson, ‘The Eighteenth-Century Debate on the Sovereignty of Parliament’, *Transactions of the Royal Historical Society*, 5th series, 26 (1976), 189–210.

⁴⁸ H.T. Dickinson, ‘Britain’s Imperial Sovereignty: The Ideological Case against the American Colonies’, in *Britain and the American Revolution*, ed. H. T. Dickinson (London: Addison Wesley Longman, 1998), 64–96; Jack P. Greene, ‘Competing Authorities: the debate over parliamentary imperial jurisdiction, 1763–1776’, *Parliamentary History*, 14 (1995), 47–63; H.T. Dickinson, ‘Sovereignty and the American Revolution’, in *The Challenge to Westminster*, ed. H.T. Dickinson and Michael Lynch (East Linton: Tuckwell Press, 2000), 50–60; and Jeffrey Goldsworthy, *The Sovereignty of Parliament: History and Philosophy* (Oxford, Clarendon Press, 1999), 192–214.

⁴⁹ Blackstone, *Commentaries on the Laws of England*, 4 vols. (Oxford, 1765–69; 18th edition, London, 1829), I, 46, 48–52, 146, and 159–60.