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RICHARD KOEBNER

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CONTENTS

		page
	FOREWORD	
I	'IMPERIUM': THE ROMAN HERITAGE	1
II	FROM IMPERIUM TO EMPIRE	18
III	THE EMERGENCE OF THE BRITISH EMPIRE	61
IV	THE PROBLEM OF THE AMERICAN COLONIES	105
V	REVOLUTIONS AND EMPIRES	194
VI	THE IMPERIAL PROBLEM OF IRELAND	238
VII	EMPIRE IN THE NAPOLEONIC PERIOD	276
	NOTES	298
	INDEX	371

FOREWORD

Professor Richard Koebner, who held the Chair of Modern History at the Hebrew University of Jerusalem, died before this book was ready for the press. He had devoted many years to the study of the changing concepts of Empire and Imperialism from the Roman age to our day; and completed the story till the early years of the nineteenth century. He had prepared a mass of material for a second volume, which would bring the account of the development of the concept to the end of that century. Happily one of his former students at the Hebrew University, Mr. H. D. Schmidt, has been able, with the help of the Princeton University Institute of Advanced Studies, to complete the manuscript of a further study based on Koebner's notes, bringing the account of the concepts Empire and Imperialism down to the present day. This further volume will also be published by the Cambridge University Press.

Professor Koebner's manuscript was revised by his widow, by Mrs. Behr, and by the writer of this note, before it went to the press. The correction of the proofs was a difficult matter because of the extraordinary depth of his learning in the subject, and the references to official and other documents and obscure books and pamphlets. I would like to express my grateful acknowledgements to Professor C. E. Carrington of the Royal Institute of International Affairs, who has read a large part of the proofs and made many helpful observations, to Professor H. Wirszubski of the Hebrew University of Jerusalem, who did similar service for the first two chapters, and to Mr. H. D. Schmidt, who has verified references.

NORMAN BENTWICH

LONDON
July 1960

NOTE

The superior figures refer to the notes starting on p. 298.

I

'IMPERIUM': THE ROMAN HERITAGE

1. 'IMPERIUM POPULI ROMANI'

In 184 B.C. the great Scipio had to answer the charge of having accepted bribes from King Antiochus. To make his guilt evident, the tribune Naevius convened an assembly of the people. Scipio frustrated the charge without refuting it. 'If I remember rightly,' so he addressed the citizens, 'this is the anniversary of the great battle on African soil, in which I defeated Hannibal, the Carthaginian, the most determined enemy of your empire (*imperii vestri inimicissimum*) and gave you peace and victory. Let us not be ungrateful to the gods. Let us have done with that wretch and offer thanks to Jove.' Then Scipio walked to the Capitol. He was followed by the crowd. The assembly broke up, and the tribune Naevius found himself deserted.

This dignified self-assertion by Scipio Africanus was long remembered in Rome.[1] It is memorable as well for what it tells of Scipio's audience. Roman citizens had flocked to the spectacle of seeing a proud nobleman convicted of misdemeanour. They dropped the charge and hailed the defendant when he reminded them of Hannibal. But Scipio had not thought it enough to mention this formidable name. He had linked it with a lasting cause of the Roman people, the cause of their Imperium. This reminder had a share in his oratorical success. Scipio was certain of the fascination held by the words 'imperium vestrum'. In our time the spell radiating from notions of 'imperial' power has changed from enthusiasm into abhorrence. But abhorring 'imperialism' means condemning just that superiority which then enchanted the Romans. The emotive significance of *imperium*, and of all the expressions derived from it, was born on the Roman Forum.

The tribune Naevius may well have anticipated Scipio's deportment at the assembly, but the effect of the address took him by surprise. It was a new experience at that time. The Roman people at large was only beginning to realize the outstanding greatness of its power. Its leaders indeed had, some years before, after the victory over Syria at the latest, already

declared this superiority to be an established fact. The treaty which shortly after that victory was imposed on the Aetolian federation opened with the promise that the Aetolians would respect 'the dominance and majesty of the Roman people'. The Greek formula *τὴν ἀρχὴν καὶ τὴν δυναστείαν τοῦ δήμου τῶν Ῥωμαίων* was later translated by Livy 'imperium maiestatemque populi Romani', and its original interpretation was scarcely very different.[1] But time was needed for the ordinary citizen to become fully aware of his new position in the world. According to Livy, the greatness as well as the recent origin of this position had to be impressed upon the legion in Thessaly by the consul Q. Marcius Philippus as late as the year 169. He assured the soldiers that the power of Macedonia, which they were to attack, could bear no comparison with that of their own people, which was already embracing all the world—'vires populi Romani, iam terrarum orbem complectentis.' After the fall of Macedonia, the disastrous results of a failure to accept the inevitable faced yet another small community. The Rhodians had tried to intervene in the conflict between Rome and Perseus, and some senators suggested a punitive campaign. Cato, however, opposed such a step. He asked his compatriots to understand that the Rhodians, in their attempt to preserve Macedonia, were only obeying the natural desire not to be left helpless, as slaves of an all-powerful *imperium* residing in Rome.[2]

These documents testify to the rise of *imperium* as a political watchword, following the rise of Roman supremacy in the Mediterranean. During the next generation the Hellenic world became forcibly reconciled to this ascendancy, and Polybius even set out to prove that it was the goal of history. To the less sophisticated Easterner the Romans were simply *οἱ ἡγούμενοι*,[3] 'the leaders'. Tiberius Gracchus, trying to make the Roman masses conscious of social injustice, reminded them that they were always called 'the victorious people possessed of the world'.[4] As this remark shows, an orator was not limited to the word *imperium*, though this was in fact the favourite word used to describe the situation. It was put to rhetorical use in a whole gamut of conventional expressions—*imperium orbis terrae, imperium populi Romani, nostrum imperium, vestrum imperium, hoc imperium*. The term *imperium populi Romani* was, indeed, not merely rhetorical. It defined the authority in the name of which Roman magistrates wielded power abroad. But like the other expressions it had a triumphant

ring. Such a phrase could be emphatically enlarged: 'imperium orbis terrae, cui omnes gentes, reges, nationes partim vi, partim voluntate, concesserunt.'[1] But a succinct reference to 'this empire' could suffice to impress an audience—as young Cicero knew when, in defence of the countryman Sex. Roscius Amerinus, he bade the judges remember how the moral discipline of agriculture had made their forefathers become empire-builders—'rem publicam atque hoc imperium et populi Romani nomen auxerunt' ('increased the state, the empire, the renown of the Roman people').

The crime imputed to Roscius was not a political one.[2] Nevertheless, an appeal to the imperial feelings of the judges was not thought amiss. Ten years later (70 B.C.), Cicero produced the *Verrinae*. In them he wished to display not only oratory but also high-minded statesmanship. The dignity of the *imperium populi Romani* became his paramount subject. He saw it put to the test wherever a senator exposed himself to the judgement of allied or foreign peoples. If he was not respected by them, 'ubi erit imperii nomen et dignitas?' ('What will become of the repute and dignity of the *imperium*?') (IV, 25). The Sicilians were rightly indignant because they had experienced cruelty and inhumanity instead of what had been the Roman glory, 'the clemency and gentleness of our empire' (V, 150). People hanged or beaten or robbed—'quid est hoc? populi Romani imperium, populi Romani leges... ?' 'Is *this* the *imperium*, are *these* the laws of the Roman people?' (III, 66). In a different context Cicero again, some years later (66 B.C.), entreated the citizens 'sociorum salutem una cum imperii vestri dignitate defendere'. On this occasion, the first time he was actively participating in high politics, he advocated the command —the military imperium—of Pompeius against Mithridates. Throughout the whole speech 'dignity' was linked with 'glory', with the greatness of 'hoc orbis terrae imperium' (*De Imperio Cn. Pompei*, 11, 14, 53, etc.).

In both speeches Cicero presented himself, we might say, as a defender of imperial causes in the proper meaning of the word. But as he and his colleagues, friends, readers and audiences understood the expression, every public interest was or could be called an imperial interest. Up to the very end of his life, Cicero never tired of professing devotion to the *imperium populi Romani*. The speech exposing Catilina closes upon this

note in the solemn invocation of Jupiter 'quem Statorem huius urbis atque imperii vere nominamus (I, 33). The last of the Catilinarian speeches directed to the immediate execution of the conspirators closes on the same note, and introduces a co-ordination of values which was to be remembered many centuries later: 'De imperio ac libertate, de salute Italiae, de universa re publica decernite diligenter.'[1] (He may not have been the first to pair *imperium* and *libertas*.) In his last and most daring oratorical performance, in his assault on Marcus Antonius, he knew he could not go wrong in proposing to the Senate that Decimus Brutus be declared the man who 'senatus auctoritatem populique Romani libertatem imperiumque defendat'.[2]

It was customary to proclaim the honour, the greatness, the eternity of 'the Roman people's empire'. To Cicero, the concept implied paramount problems of political morality. In *De Officiis* and *De Re Publica* he expanded his views on these problems. It made a difference whether Rome was waging a war *de imperio*, or for its bare existence—'uter esset, non uter imperaret' (*De Officiis* I, 12, 38). Only by justice and wisdom had the Roman people been enabled to embrace the world within its *imperium* (*De Re Publica* III, 15, 24). The latter sentence purported to be a phrase uttered in a dialogue with Scipio when the empire of the Romans was young. But for Cicero political morality had not remained what it was in those early days, and once (*De Officiis* II, 8, 27) he nostalgically spoke of the time when 'imperium populi Romani beneficiis tenebatur, non iniuriis'. At that time, he added, one would have called its position a guardianship rather than an empire of the world—'patrocinium orbis terrae verius quam imperium'. With all his sincere reverence for the *imperium populi Romani*, Cicero was one of the first to suspect that such a concept might fall short of the higher demands of political ethics.

2. 'IMPERIUM ROMANUM'

Cicero's comments on the *imperium populi Romani* never swerved from the intrinsic meaning of 'imperium' to which he paid emphatic tribute in *De Legibus*—the legal power to enforce the law.[3] Even if it was not qualified by such attributes as *nostrum, vestrum, hoc, populi Romani, orbis terrae*, it had not the qualities of a proper name. It was not understood to denote 'the Empire', the political entity of the *orbis* governed by the

imperium populi Romani. Caesar, when rendering account to the Senate of the conquest of Gaul, kept to the same usage as Cicero. Explaining why he had decided to protect the Haedui and to fight Ariovistus, he professed to have been convinced that to evade this issue would have been shameful for him as well as for the state 'in tanto imperio populi Romani' ('when the Roman people possessed so much *imperium*') (I, 33, 2). He stated that his ultimatum to Ariovistus was based on the claim 'that the Empire of the Roman people existed as of right in Gaul' (I, 45, 3). He further claimed that this was the form of expression used by Helvetians, Britons and Germans, both when refusing and accepting Roman superiority (I, 17, 3; 18, 9; IV, 16, 4; 21, 5); thus the resentful Gauls nursed the ignominy of having become 'populi Romani imperio subiectos' ('subjected to the *imperium* of the Roman people') (V, 29, 4; VII, 1, 3).

However, both Cicero and Caesar knew of a different usage according to which 'imperium', without any attribute or circumstantial reference, could mean 'the Empire' as a territorial and administrative whole. The warnings of *De Re Publica* (III, 15, 24) concerning the moral foundation of the Roman people's world empire are a comment on a formula *fines imperii propagavit* ('he enlarged the bounds of the Empire') which adorned the monuments of great commanders. This epigraphic sentence was regarded as a proper recognition of their services by the republic.[1] Similarly, as a name which denotes the vast political unit, *imperium* occurs on a tablet commemorating a privilege given in 58 B.C. to the much harassed Isle of Delos. By decree of the Senate, financial immunity was restored to the Delians 'imperio amplificato, pace per orbem terrarum parta'.[2] The brief reference to 'enlarged Empire' recalls the equally concise name given to the Romans on Greek monuments from as early as about 130 B.C.: *οἱ ἡγούμενοι*. In marked contrast to the usage of Cicero and his friends as well as to that which he himself employed in his ceremonial style, Caesar confirmed in a grammatical treatise that *imperium* might designate the one Empire, and he also adopted this language in a private missive during the Civil War.[3]

As long as republican institutions still had a life of their own, it would have been awkward to refer so abruptly to 'the Empire' in addresses to senatorial or popular assemblies. For here the term *imperium*, devoid of explanatory attributes, constantly served a quite different purpose. In

the language of public law the word denoted the power bestowed by the people on the highest magistrates entrusted with enforcing authority, the consuls, proconsuls, praetors, propraetors, dictators, or else it referred to supreme military commands arranged for special campaigns.[1] That a Roman was 'cum imperio' meant that he had become invested with one of the highest public responsibilities.[2] Now it was the appointment to these *imperia*, or the conduct of citizens entrusted with them, which most frequently made the word *imperium* a topic of debate. There could scarcely be a subject of public oratory more momentous than the granting of *imperium* in this sense of the word. It was this that constituted the real issue in many of those speeches which paid emphatic homage to the *imperium populi Romani*, and it was—unless the immediate context unmistakably referred to the broader concept—this issue on which the speaker was understood to dwell whenever he discussed *imperium* without implementing the word by any attribute.[3] He was not expected to use the style of the inscriptions.

However, the differentiation was in practice bound up with the life of the Republic. It ceased to be important when Cicero had paid with his life for his last attempt to reserve the control of the highest *imperia* to the legal authorities of the *imperium orbis*, the Senate and the People. Speeches in the Senate and on the Forum were no longer decisive in such matters of state after the noble families of Rome had been humiliated by the triumvirs.

In 38 B.C. Caesar Octavianus had made his position paramount in Rome and the West. He forthwith claimed that from *divus* Julius, his adoptive father, he had inherited the praenomen *imperator*, though this word originally was, and for some time still remained, a military title conferred by acclamation on a high-ranking commander after victory. Seven years later, after Actium, the whole *imperium orbis* was under his sway. In 27 B.C. he had his position sanctioned by the Senate in the form of a proconsular *imperium*, valid for ten years and extending over a large territory. His incomparable position was ceremonially confirmed by the new name of *Augustus*. Four years later, his proconsular *imperium* was declared to be permanent and to include all the provinces.

Augustus was anxious to make it clear that his supreme dignity did not affect the foundations of the Republic.[4] Again and again he proclaimed

that the *imperium orbis terrarum* remained *imperium populi Romani*, and he affirmed that his praenomen *imperator* would not impair this legal principle. To avoid any ambiguity, he had, when this name was submitted to senatorial recognition, explicitly laid down that it should not be hereditary.[1] His achievements in war and peace were services rendered to the Roman people and its *imperium*. This was ceremonially declared by decrees and inscriptions which immortalized his personal glories, including the solemn account which he wrote for his own monument.[2]

But his professions of loyalty to the old imperial cause were not solely meant to demonstrate the loyalty of the *princeps* to the constitution of the republic. They were also lessons in public spirit addressed to the people at large. They were in keeping with the programme of social education on which Augustus was intent. After the havoc and humiliation wreaked upon the republican aristocracy, a new generation was to be reared in a new conception of serving the common cause. The dominant idea was that, under the guidance of the *princeps*, the ancestral traditions of Rome should come into their own again. They were to be rejuvenated by the observance of archaic rites; they were to effect the purification of public morals. A third aspect of the educational programme related to imperial matters. To decide on them had now devolved on the *princeps*. The patriot was to believe in his wisdom and to serve him faithfully in the army and in provincial administration. And while observing this discipline, the citizen was to cherish the conviction that he was doing nothing but serve the old imperial cause.

This cause was no longer to be debased by such personal ambitions as had marred the last decades of the republic. Had not Cicero already inveighed against their pernicious influence? The imperial cause was to be sincerely interpreted as a sacred vocation. This vocation had descended upon Rome when the gods sent Aeneas and Romulus there. It had been well known under the kings. It had by hard effort been brought to fulfilment in the better days of the Republic. It was now under the custody of Augustus and his house. Roman world government was to be visualized as something superhuman and as participating in the divine character of the *urbs Roma* itself.

The word *imperium* was invested with this august character. Its once most popular application, *imperium populi Romani*, was ceremonially

accepted by the *princeps*. However, for the citizen who followed his lead, this phrase was no longer felt to be the form most appropriate for expressing civic devotion. The imperial cause was most forcefully proclaimed when simply called the dominance, the 'imperium'. This word, simple and unadorned, had served a similar purpose already on republican monuments. It was now profusely used as a literary watchword. Side by side with it arose a second version of symbolic significance. This version correlated the personality of the Empire with that of the deified city. It read: Imperium Romanum.

In the early years of the principate, historical and poetical writings were harnessed to the educational aims of Augustus. Maecenas mediated between the policies of the court and the artistic ambitions of the *literati*.[1] He gave guidance to Horace, Virgil and Livy. The *Carmina*, the *Aeneis* and the introductory sections of the books *Ab Urbe Condita* all include passages in which the word *imperium* has the meaning of 'the Empire' and has the function of reminding the Romans of its greatness and the duties it implies. The poets, at the same time, use it to express homage to Augustus and his house.

Horace, in his invitation to celebrate the downfall of Egypt, recalls the days of anxiety when Cleopatra 'Capitolio . . . ruinas, funus et imperio parabat' ('was plotting to lay the Capitol in ruins, and bring death to our *imperium*') (I, 37). Not long after, his verses expressed concern for the future of the *imperium*; it could not be thought safe unless Caesar remained alive to watch over it and to prevent its ruin.[2] A few years later, he wrote the poetic sermon on civic self-sacrifice, exemplified in the martyrdom of Regulus (III, 5), and the prayer to the Fortuna of Antium (I, 35). Both poems refer to new wars fought by Augustus beyond the frontiers. The first looks forward triumphantly to the aggrandizement of the Empire, which will result from the submission of Britain and Parthia, and will make Augustus divine. The second is again concerned with the immeasurable importance of Caesar's preservation. He must come home safely with his formidable army of young Romans. 'The column' must stand lest the people be shattered by the terror of war, 'and the Empire go to pieces' (I, 35, 13–16, 29–32). When Horace, long after, added a fourth book to the *Carmina*, he felt more assured of the future. He had the collection finished with a hymn on 'The Age of Caesar'.

'Tua, Caesar, aetas' has seen the gates of Janus closed, and has restored the *veteres artes* from which have sprung the name of Latium, the vigour of Italy,

> . . . famaque et imperi
> porrecta maiestas ad ortum
> solis . . . (IV, 15, 13–15)

('the glory and majesty of empire, spread out to the rising of the sun').

Virgil opens his epic with divine prophecy, assuring the Trojan refugees that from them will descend a people destined for boundless expansion and infinite life, and endowed with 'imperium sine fine', but he hastens to add that Caesar will be the man 'imperium Oceano, famam qui terminet astris' (I, 278, 290). When later on (VI, 801) he exhorts the Romans 'regere imperio populos', he is not appealing to a collective lust of conquest but reminding the individual Roman of his duty to serve 'the Empire'. Livy, in his Preface, expresses anxieties even more sombre than those of the early Horace concerning the moral adequacy of his contemporaries to meet their imperial duties. The nations of the world still stand in awe of the Romans. They have resigned themselves to the *imperium*. But the purpose of the historian must be to show the contrast between the Romans of yore and those of the latest generations. He must inquire about 'the ways of life and public conduct, the leaders and the arts of peace and war by which the Empire was founded and made great'. He must severely scrutinize the moral decline of later ages. For there is every reason to doubt whether the present generation, fallen into unbearable vices, is equal to the task of applying the necessary remedies.[1] Livy does not name the man whose wisdom is to devise these remedies. But he soon proclaims the third of the ancient kings, Ancus Marcius, as the virtual founder of the Empire; by his victory over Veii and the foundation of Ostia he has created 'usque ad mare imperium prolatum' ('an *imperium* extending as far as the sea') (I, 33, 8). He then gives a minute account of the portents which under Tarquinius Superbus saved the Sanctuary of Terminus, the god protecting the frontiers, on Mount Tarpeius. These portents undoubtedly pointed to 'tanti imperii molem' ('so vast an extent of *imperium*') and made clear that this hill would be the stronghold of the Empire (I, 55, 3–6).

'Imperii . . . deumque locus', Rome was called by Ovid (*Tristia*, I, 5, 70).

By his time the other formula, which associated Rome and the Empire in one unified concept, had already made headway. Side by side with *imperium*, the fuller formula 'Imperium Romanum' is emphatically used by Livy and in the forensic examples of the elder Seneca. It also adorns the cenotaph of the emperor's grandson in Pisa, where Augustus is called 'custos imperi Romani'.[1] But the author who told posterity most explicitly what Imperium Romanum meant to the Augustan age was a second-rate follower of its luminaries, Valerius Maximus. The message celebrated by Horace in the sustained metres of Odes III 1 to 6 was, for the benefit of the age of Tiberius, spun out by Valerius into a vast and systematic collection of edifying anecdotes. His 'Memorable Deeds and Sayings' is a textbook of civic virtues taught by examples. He wished youth to be imbued with the virile morality of the Romans of old. And as he took his examples from Livy, so he always returned to the question put in the preface of the books *Ab Urbe Condita*. What were the moral qualities that made the Empire grow and establish itself permanently? To him it was always 'Imperium Romanum' or 'Romanum Imperium'.

This Empire, he believed, was endowed with a spirit of its own which was destined for eternity. To the challenge of danger, this spirit answered in its indomitable and confident will to survive, 'contusus et aeger' ('buffeted and sick'). Accordingly, 'the noblest ornament of the Imperium Romanum and the buttress of its strength is the tenacious tie of military discipline'. Through this stubborn discipline the Roman Empire had subdued Italy. As Ancus Marcius had been to Livy, so Tullus Hostilius was to Valerius the archaic king, who showed the Empire the way to aggrandizement. It was only in its early days that the Imperium Romanum was forced to expand in order to survive. Therefore Scipio Africanus did wisely when he ordered men to pray no longer for the growth of Roman power but for its preservation. However, the same Scipio took pride in the poem of Ennius, which celebrated his victories. This literary monument, Scipio was satisfied, would preserve his memory from oblivion for as long as the Roman Empire flourished, as long as Italy's foot was set on the neck of Africa and the Capitoline citadel was the summit of the *orbis terrarum*. A victory achieved in the service of the Roman Empire was an honour even to the vanquished; therefore L. Paulus acted gracefully when he decorated himself with the badges of the

Empire before meeting his royal captive Perseus. Caesar proved equally sensitive when insisting that honourable burial be given to the head of his adversary Pompeius; he did not wish to disgrace the man who had been 'Romani Imperii columen'. But it was Caesar who really saved the Roman Empire. He restored its internal spirit. There could be no greater ingratitude than that of the senators who murdered this 'father of our city', no greater insanity than that of Brutus who surely could not have dreamed of directing the course of the Roman Empire himself.

For Horace and Virgil, and for Valerius, the honours due to the house of Caesar were a duty never to be forgotten by the Romans. Since Rome had acquired a fatherly *princeps*, order had been restored in the world. Since the fury of violence, which dated from Sulla, had been superseded by Caesarian equity, and a righteous *princeps* had come to watch over the Roman Empire, its spirit had been safeguarded—'in publica custodia'. Jupiter, 'fidissimus Romani imperii custos', had taken care of the dynasty.[1]

The proud Republican term 'Imperium populi Romani' was transformed by the Augustans into Imperium Romanum. Both expressions referred to world-wide dominion built up in the course of a long history. Both voiced national pride. Both reminded the Romans that dominion and pride were bound up with dutiful service. But while the original term and its variants emphasized the dominance of the people, Imperium Romanum was meant to be itself a personality of a higher order which the citizen was to respect. This obedience was in effect rendered to a monarch who had taken care of the Republic, and this monarch was himself the living representative of the Imperium. The formula reconciled proud memories of Republican achievements with allegiance to the new order. The Romans remained the 'imperial' people. But imperial policy had become the prerogative of the *princeps*, and the imperial authority of the Senate and the People could never again be asserted in an effective system of collective action. In the course of time, the realization of this change profoundly affected the handling of the symbolic term.[2]

3. IMPERIUM AND IMPERATOR

Livy's nostalgic reminder that Roman imperial greatness had been established in a heroic age of the Republic never became a heresy. But only

Lucan's morbid rhetoric could let itself be carried away in the lament that the Empire together with Roman liberty had been subverted by Caesar and was buried with Pompey and Brutus.[1]

The great majority of Roman citizens and subjects had long complied with the monarchic system. And in the context of this obsequious attitude 'imperial' phraseology tended in a different direction. Already Augustus, with all his show of deference to the *imperium populi Romani*, had accepted homage in which the honour due to the Roman people was paid to him. One inscription celebrated the day on which he inaugurated the *imperium orbis terrarum*; another was dedicated 'imperio Caesaris Augusti, custodis civium Romanorum'.[2] In such demonstrations of submission it was no longer realized that the 'imperial' power of the *princeps* was technically only that of a proconsul for life. Soon the title 'imperator' was likewise allowed to refer to the paramount authority of the *princeps*. The Claudians, indeed, submitting to the injunction of Augustus, did not join the word with their names in the peculiarly solemn position of a praenomen. Nevertheless, the original usage of *imperator* as referring to military laurels was obliterated by its connection with the dignity of the *princeps*. The Senate recognized this in the case of the third *princeps*, the youth Gaius. Though innocent of soldierly merits, he was *imperator* from the first day of his principate.

It was even more important for official nomenclature that after the downfall of Nero the armies nominated the *princeps*. To them the words *imperator* and *imperium* were expressive of supreme leadership, precisely because of their military connotations. Vespasian, the victor in the rivalry of generals, successfully renewed the claim of the *princeps* to the praenomen *imperator*; it was thought fitting to his outstanding dignity.[3] It was then in all probability that the word *imperium* gained the connotation of reference to the *princeps*. There may be a conscious ambiguity in the words in which Tacitus later summarized the fundamental fact which came to light in the events of the year 69: 'evulgato imperii arcano posse principem alibi quam Romae fieri' ('the secret . . . that an Emperor could be made elsewhere than at Rome'). The armies had disposed of the Imperium Romanum by proclaiming the *imperium* of this or that leader, and this was done not in Rome but outside it. Tacitus certainly imitates the language of the armies in the account which he

gives of their political activities. 'Ego te, Vespasiane, ad imperium voco, tam salutare rei publicae, quam tibi magnificum' ('I call you to be Emperor . . . not less a benefit to the state than an honour to you'). In this address of Licinius Mucianus 'imperium' is the new dignity of Vespasian; it is explicitly distinguished from *res publica* and at the same time means far more than the *imperium* of a republican magistrate or general. Mucianus himself is said to have preferred 'transmitting imperium to obtaining it'. Of another general, Verginius Rufus, it was said that he took pleasure in being offered *imperium* by the soldiers, even though he declined the dignity. Vespasian was conscious of the risk impending to himself and his sons by his acceptance; henceforth, he knew, there were only two alternatives to their fortunes: 'For those who craved for empire there was no halfway house between the summit and the abyss.'[1]

The position to which Vespasian had been called by his army was in due course defined by the Senate in the circumstantial decree, the discovery of whose fragments was later the pride of Cola di Rienzi. One of its clauses bestowed on the ruler 'the right and power to do all such things as he may deem to serve the interests of the State'. In asserting that Augustus, Tiberius and Claudius had enjoyed the same discretionary power ('ius et potestas') the Senators construed rather than quoted legal precedents.[2] They made, however, in this context no use of the term 'imperium' and did not endorse any particular reference of the word to the power of the *princeps*. They did not wish to abrogate their own title to controlling the *imperium populi Romani*.

In fact, the postulate that there was some reality proclaimed by this legal formula still held good. Tacitus occasionally protested allegiance to it, availing himself of the 'felicity' of the age of Trajan, 'when you can feel as you like and profess what you feel'. The two *manipulares* who, suborned by Otho, canvassed for his emperorship among the troops, undertook, he says, 'to transfer the empire of the Roman people and, in fact, transferred it'. Verginius Rufus, though he was distrusted by Tacitus, indicated a similar sentiment by ordering that his epitaph should commemorate his refusal of the army's offer as a faithful act of self-denial: 'Imperium adseruit non sibi, sed patriae' ('claimed *imperium* not for himself, but for his country').[3] But both apophthegms show full

consciousness of the new interpretation of the word which was winning ground. Tacitus sometimes even stresses the meaning of absolute personal authority. In two sentences at prominent places, the one opening the *Historiae* and praising Trajan, the other opening the *Annales* and passing judgement on Augustus, he insinuates that the title *princeps* expresses restrained authority, while the word *imperium* implies the irresistible ruler.[1] Tacitus here, as so often, displays his mastery of caustic innuendo. At the same time, he conforms to what has become ceremonial language. For the *imperium* of the *imperator* was the constant theme of the homage which was offered to Trajan in the name of the Senate by his friend Plinius. Admittedly, the *Panegyricus* in the beginning invokes Jupiter in republican phraseology, calling him 'antea conditorem, nunc conservatorem imperii nostri'. But when addressing the emperor, the orator only endeavours to show how much Trajan was 'deserving imperium'. The words *imperium* and *imperator* are juxtaposed to express devoted submission. By securing Trajan's co-operation and succession, Nerva is said to have saved the Empire, when Trajan himself still persisted in deprecating the title. This reminiscence is couched in a stilted phrase in which *imperium* denotes the Empire together with the dignity of the *imperator*.[2]

The connotation of sovereignty, which since the time of the Flavians was generally read into the *imperium* of the emperor, was subsequently sanctioned by juridical doctrine. The lawyers of the century after Trajan solemnly laid down that the *imperium* of the *princeps-imperator* absorbed the *imperium populi Romani*.[3] By declaring this transference to be grounded in legislation, Gaius and Ulpian summarized as well as amplified and perpetuated the decree of the Senate on the position of Vespasian. In their definition of the competence of the *princeps* the masters of jurisprudence complied with the new imperial nomenclature. On other occasions, however, they retained the classical meanings of the term, and more than once they asserted the enduring juridical validity of the concept 'Imperium populi Romani'.[4] A historian of the second century proved equally loyal to classical tradition. Florus reads like Livy in all matters concerning the Imperium Romanum. To him the *magnitudo imperii* is exemplified in the wars in which 'imperium orbis' was contested by the Romans and the Carthaginians, and finally secured by the Roman people. Those were the days of the vigorous manhood of the

Empire. They issued, indeed, in social depravity and civil war, so that the wisdom of Augustus alone could 'restore the body of the Empire'. But Florus is so far from glorifying the Empire of the emperors that to him all the reigns after Augustus, with the sole exception of that of Trajan, are examples of 'senectus imperii', an age of 'sluggish Caesars', falling short of military glory. The desire for such glory is not easily reconcilable with the reflections in which, pondering over the decline of the Republic, Florus denounces expansion for its own sake—'non in usum, ita ad imperii speciem'—as having been responsible for public immorality.[1] Obviously, however, he keeps to the Livian view that the imperial greatness of Rome originated in civic virtues which flourished only in the remote past. This republican interpretation of Roman history is still, two centuries later, audible on occasion in Ammianus Marcellinus.[2] And as regards the fruits of peace together with those of war, the achievements of the *urbs Roma*

> Armorum legumque parens quae fundit in omnes
> Imperium . . .
>
> ('mother of arms and laws, shedding *Imperium* on all')

still fascinated the imagination of Claudian. In the midst of the Gothic invasion he gloried in Rome's generosity in bestowing citizenship on the peoples conquered in war, so that mankind now enjoyed one common name and 'we all are one people'.[3]

Claudian's eulogy reads like an improved version of Cicero's 'patrocinium orbis terrae'—the idea of the imperial people raising all other peoples to its own dignity. It has appealed to the modern belief in the civilizing effect of expanding empire and, in this sense, endeared itself to Lord Cromer.[4] But even if Claudian's verses had not been addressed to the Teutonic vicegerent of the emperor Honorius, they would have shown that the imperial Rome which they praised had long ceased to be alive. Universal citizenship was in fact incompatible with *Imperium populi Romani*. That it existed was not the effect of magnanimity on the part of the people who had founded the Empire, but of the administrative omnipotence which as early as A.D. 212 had dictated the edict of the emperor Caracalla: 'In orbi Romano qui sunt, cives Romani effecti sunt' ('those within the Roman world have become Roman citizens').

This version of the Constitutio Antonina goes far to show that since the time of the rising *dominatus* even the term Imperium Romanum was no longer felt to be adequate to the constitutional situation. *Imperium* had indeed never been a predominantly territorial concept; but the word had acquired a territorial connotation as early as in the last decades of the Republic.[1] That it was now replaced by the purely geographical term *orbis Romanus* is clearly symptomatic of a time in which all 'imperial' power had been passed on to the *imperator*. *Totus orbis* became in fact the official expression denoting 'the whole of the Empire'. The price edict of Diocletian and his Caesarian colleagues repeatedly testifies to this function[2]; on the other hand, *Imperio eorum dicatissimus*—'devoted to their imperial highnesses'—was the way a magistrate at Ephesus dedicated a votive tablet in honour of Caracalla and his family. Theodosius, the father of Honorius, addressed his subjects as 'those revering the imperium of Our Serene Highness'.[3]

The citizens of the *orbis*, the 'cives Romani' of the Empire, increasingly lost contact with the reality to which the concepts *imperium populi Romani* and *imperium Romanum* had once referred. This applies particularly to those citizens to whom in the end Latin and Roman traditions were to be entrusted, the leaders and teachers of Christianity. To them the Emperor and his functionaries embodied all that mattered in the Roman Empire. They could not feel any inhibition in thinking the terms *imperium* and *imperator* closely correlative.

'To render unto Caesar that which is Caesar's'—this sanctified principle entered the rites of the primitive Church in the West in the form of prayers 'for the Emperor and the Empire'.[4] Their juxtaposition was invested with eschatological significance. 'A Christian', so Tertullian taught, 'is hostile to nobody and cannot be hostile to the emperor. As he knows the emperor to be established in his dignity by God, he must even love and revere and honour him and wish for his preservation, together with that of the whole Roman Empire, so long as this earthly world endures. For the Empire will endure for so long.'[5] The learned Fathers of the Church knew very well that there had been a Roman Empire before the emperors; they took the transition to monarchy as a providential stage in the destinies of mundane things. Epitomizing Florus' *Epitome*, but modifying it too, Lactantius suggested that the troubles

which followed world-wide expansion signified the *prima senectus* of the Empire. To the monarchy, which got hold of this 'decrepit' empire, he gave the definition 'regimen singularis imperii'—the empire of a single man. He deemed it to be a 'second childhood', bearing the signs of final senility.[1] These were apocalyptic views, instigated by the Diocletian persecutions. Lactantius felt the time approaching when the Enemy would establish his own destructive *imperium*; he would consummate his work by changing the name of the Empire and by transferring its seat to another place. Soon another Rome was in fact established—not by the 'enemy of mankind' but by the first Christian emperor. Ecclesiastical views concerning the 'singulare imperium' of Augustus and his successors took a different turn. St. Jerome, a century after Lactantius, glorified it as having made the world penetrable by the apostles and as opening the gates to them everywhere, so that the 'singulare imperium' of the true God could be proclaimed.[2] 'Imperium vestrum'—thus, at the time of Honorius, the emperor himself was addressed by the bishops.[3]

The Christian Empire was the Emperor's Empire. In this meaning its name survived when it ceased to reside in Rome, and its titles became the exclusive privilege of the Basileus at Constantinople. After king Theoderic had established his Gothic reign in Ravenna, he insisted, indeed, on his right to have it called Imperium. His chancellor Cassiodorus made ample use of this title in official correspondence. He went so far as to insert it in letters of safe-conduct to be shown in Roman territory. But he could never claim it explicitly for the Gothic ruler and his kingdom in missives directed to the court of Constantinople.[4] Wherever the rule of the emperor was respected, it was understood that Imperium was the name of his person,[5] his rule and his sphere of dominance. Even the name of Imperium Romanum remained reserved to the realm of the Basileus. Churches of the West prayed for it under that name up to the time when a new Imperium Romanum was created by the Franks and Pope Leo III.[6]

II

FROM IMPERIUM TO EMPIRE

1. STARTING-POINTS OF THE MODERN CONCEPT

The modern concept of Empire unfailingly recalls the Roman Empires of the past: the *Imperium populi Romani* of the Republic, the *Imperium Romanum* governed by the Emperor Augustus and his successors, the Holy Roman Empire which was vested in Charlemagne and later on in the kings elected by German princes. The British Empire, the Empire français of the Napoleons, the Reich of the Hohenzollern, the Austro-Hungarian Monarchy, the State of the Tsars have, in whatever mood—whether of glorification, of misgivings, or even of abhorrence—provoked comparison with one or other of these predecessors. All these modern creations have been said to embody the spirit of Imperialism; this term has in addition been adopted for defining the political aspirations of modern Italy, modern Japan, the U.S.A. and the U.S.S.R. Wherever applied, it keeps alive reminiscences of a bygone imperial greatness which was Roman either in substance or in name. The evocation of these remote analogies has, by the very use of the terms of Empire and Imperialism, become an element in discussing the live issues of political systems which have neither originated from them nor been formed after their model. The intrinsic reasons for this interest in historical analogy differ as widely as do the auspices under which the comparison is drawn, and as did the periods of ancient and medieval history with which the comparison is commonly made in modern times. Among the reasons there is however, one, unobtrusive in appearance but certainly not negligible. This is the simple fact that the Latin term *imperium* has remained familiar to educated people in Western Europe, and that vernacular terms have been based upon it in the Romance languages and in English. Obviously, but for the familiarity of this group of words the concept of Empire itself and its derivatives could not have become so fraught with momentous meanings and passionate connotations in the language of modern politics.

To be aware of this is not to make a satisfactory statement but to put a number of questions. That the word *imperium* has always been known leads in itself to no conclusion concerning either the connotations which made it impressive or its importance in public life. The language of politics is not made by vocabularies. The original Latin word conveyed the general meanings of command and power. It specifically denoted the legal power of command. Its purport was extended to include the territories and populations subject to a dominant power. These meanings could be predicated by the word with regard to peoples outside as well as inside the orbit of Roman law and order. But in relation to Rome the term acquired a specific character. It became a proper name. It came to design a collective personality. The notion of the Empire of the Roman people was overshadowed by that of the Roman Empire, the *Imperium Romanum*. In this context the word *imperium* identified a singular reality. Its singularity was enhanced rather than diminished by the ambiguous reference according to which the name alluded to the august head of the empire, the *imperator*, and at the same time paid honour to the greatness of the city from which the empire had taken its origin. It is in this double meaning that the Imperium was eulogized as an eternal institution by the Christian Church. And it is in this institutional meaning that the concept was reinterpreted when kings from the North were crowned emperors by the popes in Rome. This individual reference, this titular monopoly, became perennial through the Middle Ages and far into modern times. The Holy Roman Empire persisted as an institution, and as long as it persisted it could be identified as 'the Empire' without further qualification. But the original term *imperium* in its general meaning also persisted, and meanings of *empire* and *imperial* were derived from it. The question arises: which of the two semantic formations, that of the individual name or that of the general term, is responsible for the modern usage which assumes a plurality of empires, and proclaims or denounces them as being imbued with the urges or presumptions of 'imperialism'? Or have both notions blended into a new concept, however vague, and is that concept of empire which is alive today an outcome of this intermixture? This latter assumption can be accepted only if the process of semantic intermixture can be shown to have been carried out in specific places, at specific times and by specific persons in European history.

There is, from the outset, much to say in favour of the assumption of such a blending. The view that the description of modern states is in direct descent from the term as used in *the Holy Roman Empire* is untenable. That empire's right to its name was inalienable. Unless the term had acquired a more general connotation it could not make itself acceptable as a description of diverse states, whether officially or unofficially. On the other hand the word *imperium*, stripped of all the reminiscences which had come to adhere to it in the name of the Roman Empire, is rather colourless. It lacks the glamour, the character of specific grandeur which has been credited to modern states whenever they have been called empires and declared to be imperialist. There has been more than one modern empire, but not many. Within living memory individual states have qualified as empires, and the same or other states have lost their 'right' to the term. Moreover, the assumption that the general meaning of *imperium* had survived throughout the Middle Ages begs a number of questions. No doubt Latin scholars always knew it. But that is not necessarily to say that they at all times held on to its technical use as a term appropriate to define either royal government of a legal order or ascendancy abroad. For many centuries the literary instances of this broader connotation are few and far between. For the same period—up to the fourteenth century—it would be difficult to find writers schooled in Latin who would care to have had the Latin term in its general sense adapted in form and adopted in meaning by vernacular usage. The 'Roman' and 'holy' *imperium* was by then certainly familiar under its Latin name to many people who did not use Latin in daily life. The technical term could not claim the same popularity. We cannot but infer that a special effort was needed to restore the general meaning of *imperium* to a recognized status. And when this was done, it appears, those emotive connotations of the word which originated from its use as a hallowed name were absorbed into the new nomenclature, thus allowing its application to political entities outside the Holy Empire.

Seen in this perspective the vicissitudes to which the classical term was submitted from the early Middle Ages down to that time when modern vernacular usage took shape are of especial interest in connection with the formation of modern political language and thought. We must look for specific data which allow us to see, first, how the Roman Empire of the

Germans acquired its exclusive claim to the name of *imperium* and was confirmed in this claim: then how this monopoly was effectively contested, and how new specific applications issued from this semantic competition. These developments are closely connected with one of those chapters in medieval history which tell of the interplay between highly imaginative or speculative beliefs and robust political energies. They reflect the fate of the *Kaiseridee*—the policies and doctrines inspired by the historical titles of the Holy Roman Empire, and the catastrophes and disillusionments to which these aspirations were doomed. We cannot possibly, in a specific inquiry such as ours, do justice to the dramatic events, highminded political schemes and fiery imaginations which gave life to that idea. Wherever its history has a direct bearing on our semantic problem, we have for its more intimate understanding only to refer to the results of modern research.[1] Justifiably, stress will be laid on aspects of this history which, because not very colourful, are perhaps less illustrative of the imperial idea, but are nevertheless especially significant for the notion of empire as an element of political reality.

2. SACRUM IMPERIUM

The first scholars to inaugurate a revival of Latin learning in a Teutonic environment had no doubts about the general significance of *imperium*. The teachers of the young Anglo-Saxon Church availed themselves freely of the term when paying homage to their native kings or when recording their exploits. A tradition in this respect was established before 700 by Aldhelm of Malmesbury; it is most conspicuous in Bede; it was still maintained by Alcuin. The English monks did not feel inhibited by the fact that the Greek ruler in Constantinople was in the Latin churches recognized as the legitimate heir of the title *imperator*, and that the *imperium* of Constantine survived in his realm.[2] Alcuin, however, felt bound to change his attitude to the term when he had left his mother-country and made the court and the church of Charlemagne the sphere of his doctrinal, educational and diplomatic activities. He played a leading part in the measures the king took to regulate the church of his vast realm and to contest the authority of synodal decisions which had been laid down by the Greeks and sanctioned by their imperial head. Alcuin could not but agree with Charles's tenet that in the orbit of Christianity

he was equal in status to the Greek ruler. He went a step further and demonstratively called the realm of Charles the 'all-embracing empire of Christianity' and the 'hallowed empire'. Charles certainly thought the homage justified. As his supereminent position in Christendom was visibly acknowledged by Leo III, he probably thought of giving it some other symbolical expression at his residence in Aachen. Nevertheless the official adoption of imperial titles for himself and his realm was, to all appearance, not one of his genuine ambitions. He was the King of the Franks and the Langobards; this dignity, expressive of the extent of his sway over Gaul, Germany and Italy, together with the jurisdiction in the papal territories implied in his title of *Patricius Romanorum*, was sufficient secular glory for him. He deliberately evaded the risk of aspiring to the imperial titles of the rival at Constantinople, though he forcefully stood up to him in ecclesiastical matters. He built no claim on the assertions of Alcuin.

He could not, however, evade acceptance when the homage came from another quarter—when time-honoured nomenclature was overthrown and the dignity of *imperator* was bestowed on him by the people of the City of Rome and by its newly reinstated head, Pope Leo III. We lack information concerning the immediate preparations for the ceremony of 25 December 800, the coronation, the acclamation, the homage. We can only guess the motives which induced Leo to have Charles proclaimed Emperor immediately after he had submitted to a procedure in which Charles presided over the legitimation of his own tenure. It is certain that the act came as a surprise to Charles. It seems equally certain that the Roman initiative meant the fulfilment of local ambitions cherished already for a long time. By bestowing imperial honours on their secular ruler and protector the Romans emphasized their own dignity as much as his. The Roman bishop and clergy had on former occasions voluntarily rendered to Charles such ceremonial honours as were due to an emperor. A definite interpretation was given to them when Charles was proclaimed *Romanorum Imperator* and *Augustus*.[1] The Romans and the See of Rome had every reason to suppose that his world-wide power and his authority in the churches of his realm gave substance to the title. With regard to this position, however, a momentous question remained to be settled. Was the realm governed by the new Roman emperor to

participate in the dignity of its ruler? Was it forthwith to be identified as *Romanum Imperium*? Charles decided to assert this inference. He had already known before he was proclaimed Emperor of the Romans that his realm was destined to take the lead in Christendom and Christianity. He understood the ceremony at St. Peter's as having set the ultimate seal on this vocation. His kingdom was legitimately identical with that Christian Empire to which Providence had confided the task of fulfilling its purpose on earth. While it remained the kingdom of the Franks and Langobards it was also to be the 'renewed' Roman Empire.[1] He was, in his own right, its ruler, *Romanum gubernans Imperium*. He rose to the unwelcome necessity of defending the title against its other legitimate claimant, the Basileus. He finally sanctioned his interpretation of the new world-order by having his son Louis crowned in Aachen.

The Empire had been called Romanum Imperium in Charles's official title. It had been represented to the Basileus as the Empire of the West (*occidentale imperium*). Manifestly not the Romans, but the Franks were the nation on which its strength relied. Somehow the fact that the Empire was not only 'Roman' deserved recognition. Louis' clerical advisers had a fitting expression at their disposal when in 817 they helped him to distribute rights and duties between himself, his eldest son and co-emperor Lothair, and his two younger sons who were made kings in certain provinces. Lothair was proclaimed *consors et successor imperii*. The welfare, the safety and in particular the unity of 'the Empire', 'this imperium which has been granted to us by God', were repeatedly emphasized as the objects of this arrangement.[2] The simple word *imperium* was thought sufficient to denote the whole of the realm as well as the supreme power which presided over it. It had become the name of the young political entity. This mode of identification was to recur.

Soon enough, indeed, the state to which the name referred ceased to exist. The 'unity of the Empire' which had been urged in 817 was practically lost, though still for a time nominally asserted, when the sons of Louis agreed on the frontiers of their respective territories in 843. Further partitions were to follow. As a matter of fact, none of the resulting kingdoms any longer deserved the name of empire. But, once brought to the West, the glamour of imperial titles proved indestructible. For longer than a century the dignity of 'emperor' was attributed

to rulers who possessed no empire. Inside the original Carolingian domain it was made an established rule that the title belonged to a prince who won recognition in Italy and got himself crowned by the Pope. This pale reflection of the act of 800 was inaugurated by Lothair when he sent his son Louis to Rome in 850. But this was not the only device for laying claim to the title. Lothair's youngest brother Charles the Bald, king of the Western Franks, for a time insisted that the titles of Imperator and Augustus belonged to him because he had annexed Metz and now reigned over two kingdoms.[1] Demands of this kind were later revived outside Carolingian boundaries when the Roman emperorship of the 'Lombardian' kings had repeatedly proved to be a short-lived tenure, and was finally suppressed by the Roman aristocracy under the leadership of the 'Senator' Alberich. In the beginning of the tenth century the tenet gained ground in Spain that St. James of Compostela was equivalent to St. Peter in Rome, and that any king of Leon who had triumphed over the infidels was entitled to an imperial crown. Still later, Anglo-Saxon scribes hit upon the idea that their kings deserved imperial honours, apparently because they had triumphed over the Danes and unified Britain. The kings themselves, Athelstan and his successors, did not, it appears, lay stress on such demands.[2]

This widespread and persistent craving after the imperial name, however futile it turned out to be in each particular case, goes far to show that the name *imperium*, as defined at the court of Charlemagne, could also come to life again as soon as an authority was in being which could give substance to it. Such an authority arose in the kingdom which had been established in the German provinces of the Carolingian empire and become vested in a dynasty of Saxon origin. After having crushed a conspiracy of vassals in which his own son and son-in-law had taken the lead, and having immediately afterwards shown the strength and reliability of his armies by his victory over the Hungarian hosts which had devastated Germany and Italy, Otto I stood out as a leader in Western Christendom such as only Charlemagne had been before him. He had won victories for the Church in his Eastern marches; Burgundy and in some measure even the king of France recognized his superiority. He could lay claim to the title of *imperator* not only by virtue of achievement but also by right as the true successor of Charlemagne, as soon as he fulfilled the time-

honoured conditions of this claim—that his kingship be recognized in Italy and the See of Rome renew the rites of imperial coronation. Both were withheld from Otto for a long time by local powers in Northern Italy and in Rome. But by 960 his main Roman antagonist, Alberich, had died and the main Lombardian rival, Berengar of Ivrea, had become notorious as a loathsome oppressor. Many magnates preferred the sovereignty of the northern monarch to the exactions of a native ruler. Pope John XII, the son of Alberich, abandoned the policy of his father and invited Otto to receive the imperial crown. Otto accepted the honours which were offered to him. He met with little resistance when he went to Rome with his forces, and was crowned on 2 February 962. This was, however, only the beginning of the second re-establishment of Roman emperorship. It took him four years to overcome Italian adversaries, among whom Berengar and the disloyal pope were the most dangerous. In 966 he had made good not only his own claim to the Imperium, but also the claim of the realm which he represented. His young son Otto II was crowned emperor too.

The emperorship and empire acquired by the Saxons were to remain vested in the German kingdom for 840 years. I cannot deal here with the moot questions of whether the prestige implied in the titles was the main reason for the hazardous decision to fetter the newly established German kingdom to responsibilities in Italy. It is enough to say that this prestige was enormous.[1] It was of paramount interest to the men who provided the enduring mainstay of Otto's realm—the prelates and administrators of the German Church. They had been made by Otto the main beneficiaries as well as the main trustees of his political system. They manifestly welcomed the acquisition by this system of a name in which the highest secular and the highest ecclesiastical connotations were intimately blended. For this was the meaning of *imperium*. The word was prized to such a degree that it no longer needed the attribute 'Roman' to be understood as an unequalled distinction. The royal chancellery used it without that attribute.[2] To see this usage in the right perspective we have to consider that to the clerics the Latin language was not only a literary and official instrument but also a spoken language, a medium of informal intercourse. To these public servants in holy orders the simple word *imperium* was the most adequate symbol for the cause in which they served. Indeed, the

large possessions and secular prerogatives of their churches—and, in the case of the prelates, even their ecclesiastical offices—originated from the kingdom, the *regnum*. But while there was no national denomination, such as *Teutonicum*, in use for this political unit, *imperium* was a name in itself for the whole of which the centre was in the *regnum*. This reading of the word goes far to explain the wayward terminology of the chronicler Widukind of Corvey, who gave the name *imperium Francorum* to the realm governed by the Saxon kings. An anti-Roman bias is unmistakable in this nomenclature; it is still more visible in the distortions of history by which the Saxon monk made Otto's title of emperor seem to be directly earned by his triumph over the Hungarians. These vagaries would have been impossible had he not always heard from other clerics that the realm of his emperor-king was called *imperium*.[1]

This usage could not prejudice the ideas implied in the rites by which popes turned German monarchs into Roman *Augusti*. The official title of the emperor became *Romanorum imperator augustus* from the later years of Otto II. The adolescent Otto III exhausted himself in the precipitate attempt to renew the Roman Empire as a vehicle of Christian world-leadership and of effective rule over Italy. His ambitions, frustrated though they were in the world of political realities, left enduring marks in the symbolism of the imperial insignia.[2] Under Conrad II, the first Salian, the royal court and chancellery finally accepted the style of *Imperium Romanum*, and in the personality of Henry III this Empire for ten years lived up to the task of restoring the honour of the Roman Church. All this, however, did not in the eyes of erudite Germans diminish the prestige inherent in the simple name *imperium*. To them this name was expressive of the dignity of the political whole. By their use of it they implied that the realm was continuously in existence even when, for obvious reasons, it could not be represented by an emperor crowned in Rome. In letters written during the minority of Henry IV by the bishop and clergy of Bamberg *imperium* serves to denote high matters of state. The canons warn the bishop not to submit to everything the Queen dowager may demand from him *pro imperio*. They assure the archbishop Adalbert of Bremen of their confidence in his *imperii amministratio*, while their bishop admonishes his rival, Anno of Cologne, to resist attempts to

deprive him of his guardianship over *depositum illud imperii*—the king himself.[1]

This appropriation of imperial distinctions met with little competition in Latin Christendom. In Spain the kings of Leon insisted on their right to the title of 'emperors'. Their claim was reinforced in their own eyes when—as was the case almost continuously from 1033—their kingdom was united with the larger one of Castile. Alphonso VI, in anticipation of complete victory over the Moslems and of the enduring allegiance of the minor Christian principalities, styled himself 'emperor of all Spain' in 1077. Eight years later the redounding glory of his triumph inspired him to assume the titles 'Toletanus imperator' and 'Toletani imperii magnificus triumphator'.[2] These arbitrary titular creations show that in Spain *imperium* had only the function of aggrandizing the king in person and not, as in the dominions of the German king-emperor, that of identifying the enduring entity of the realm. As a matter of fact, in a territory relatively small in extent and exposed to partition on the demise of every ruler, a political consciousness which gave substance to any such identification could scarcely take shape. Even less significant was the title *imperator* sometimes conferred on Cnut of Denmark, after he had been accepted as king of England. As in the case of the Anglo-Saxon 'emperors' of the tenth century this was a mere caprice of draftsmen. The king himself was not interested in being addressed by this title and even demonstrated his respect for its German claimant by attending Conrad II's coronation in Rome. The florid diction which allowed the rule of Anglo-Saxon kings to be commemorated in expressions like 'salutare regis imperium' or 'monarchia imperii', was occasionally maintained by archaizing scribes of the twelfth century[3]; this also is only an incidental outcome of artificial styles of address.

Meanwhile the unique and indelible dignity of the Roman Empire governed by the German kings had obtained a conspicuous confirmation from the highest spiritual authority, the apostolic see. There is a seeming paradox here. Had not Gregory VII and after him Urban II and Paschalis II done their utmost to humiliate that Empire in the person of king Henry IV? True, Gregory reserved the right of the pope 'to depose emperors' even before he embarked on the fight, and in his missive to Bishop Hermann of Metz (1081) he justified the outlawry inflicted on

Henry by sentences grossly derogatory to imperial no less than to royal status. Secular rulers were inferior in authority even to the minor cleric who, in exorcising demons, officiated as *spiritualis imperator*; how much more so, therefore, were they to priests. The dignity of emperors and kings was, in the light of salvation, a most precarious one; few of those who possessed it could escape damnation. Apart from such utterances, the whole policy which denied the right of ecclesiastical investiture to secular rulers showed clearly, by the direction of its full vehemence against the head of the Empire, that its makers were bent on reducing the claims to spiritual dignity implied in imperial titles.[1] This tendency was bound to have its limits. The Papacy could not disown the most conspicuous symbol of its exalted mission. If to crown emperors was its predestined privilege, the emperorship was also a predestined dignity, and the Empire was a singular and indestructible institution. From this inference Gregory himself could not escape. More than that, he saw reason to emphasize very strongly the honour implied in the titles of emperor and empire in the initial stages of his attack on Henry. As long as he still hoped to come to terms with him he professed his desire to make the young king a worthy candidate for the Imperium. The 'glorious government of the Imperium' was, he asserted, an object closely bound up with the 'strength of the Holy Church'; *sacerdocium* and *imperium* ought to work *in unitate concordiae*; they were connected with one another as closely as were the two eyes of the body. After the excommunication he instructed the German princes that, should Henry prove unrepentant, it was their duty to elect a king in his stead who could be expected to do 'what was necessary for the Christian creed and for the salvation of the whole imperium'.[2]

In this way Gregory VII endorsed the specific meaning of the name *Imperium* as it had been established by German kings and bishops, and explicitly confirmed that it covered a singular and hallowed institution. He was, indeed, far from letting this recognition interfere with the tenet that all kingdoms were of equal status as being directly subject to the overlordship of the see of St. Peter. But in his correspondence with the royal family of Hungary, in which he expressed extreme anxiety lest the 'status of liberty' due to all *nobilissima regna* be abandoned by any recognition of Henry's suzerainty, he thought it appropriate policy to

congratulate the Queen, Henry's sister, on the 'imperial excellence' which she had inherited. And even into the letter to Hermann of Metz an incidental remark has entered which unwillingly pays respect to the institution of the Empire. If Henry is called *destructor imperii*, the Imperium cannot but be thought a body politic of particular grandeur.[1] What even Gregory VII could not deny was bound to come into even greater prominence when the 'investiture conflict' was settled by a compromise which safeguarded the principle that ecclesiastical office could not be a gift of secular authority. Effusive references to the Imperium became part of the phraseology in which the terms of the Concordat of Worms and of complementary agreements were recorded by the popes when addressing Henry V and Lothair III.[2] The honour, the greatness, the majesty of 'the Empire' became set terms in the style of the papal as well as of the imperial chancellery.

The Roman Church was apprehensive of the dangerous inferences which might be drawn from such formal recognition of imperial glories. The ceremony at Liège in 1131 in which Lothair was induced to officiate as marshal to Innocent II was a drastic action intended to make clear that the pope's claim to homage had precedence of that of the emperor. The fresco in the Lateran depicting Lothair as Innocent's vassal was witness of the same intention. These demonstrations were certainly meant to countervail the prestige acquired by the Empire as a result of having stood so long against the demands of Rome. The most durable tribute rendered to its dignity was the general credence given to the tenet that the Roman Empire, which was decreed by Providence to last until the end of all mundane things, had in the course of various 'transferences' become finally vested in the kings elected in Germany. This doctrine was now part and parcel of the historical consciousness of the Western Christian world. Naturally it was especially cherished in Germany. As there could be no doubt about its validity, Bishop Otto of Freising found himself wrestling with the problem of how to reconcile the hallowed character of the Empire with the disgrace visited upon it by the excommunication of its ruler. In his *History of the Two Cities* he could arrive at a solution only by magnifying this personal tragedy into an apocalyptic portent, and by devising a new synthesis of world history in which the providential dignity of the Empire loomed as large as the fallibility

of the world over which it presided. Outside Germany the appeals of Arnold of Brescia to the Hohenstaufen kings and Henry Plantagenet's deferential attitude in diplomatic approaches to Frederick Barbarossa testify to a fairly widespread belief that there was some providential secret of greatness embodied in the Empire of the German kings. Alphonso VII of Castile alone still refused to bow to the titular monopoly of this Empire; in 1135 he had himself crowned emperor, and during his lifetime he made lavish use of this title. He was, however, presumably aware that no recognition was forthcoming from abroad, especially not from Rome. He made no provision for making the dignity permanent in his dynasty; he even prevented such a survival by having his kingdom divided between his sons.[1] About the same time the claims of the Imperium to uniqueness obtained a strong confirmation by the revived study of Roman law. The books of Justinian knew only of one *imperator*. Their definitions also mentioned, indeed, apart from the emperor's Imperium, the *imperium—merum* and *mixtum*—of subordinate authorities; but the existence of 'imperia' outside the Roman Empire could not be deduced from these books.[2]

The Empire earned these increments of prestige at a time when the actual authority wielded by its chosen head was by no means imposing. One outcome of the Investiture contest was the rise of territorial powers inside its frontiers and the corresponding decline in strength of the central authority.[3] The long struggle between Hohenstaufens and Guelphs and the emancipation of the Italian cities accentuated this weakness for a quarter of a century. Nevertheless the proud name of Empire became to all appearance increasingly popular in Germany. It was the name which, for Germans who took an active part in public matters, turned their collective individuality into a national unit. There were numerous laymen now of the higher and lesser nobility, and even of the rising towns, who knew enough Latin to realize that *imperium* was equivalent to 'das Reich' (*rîche*) no less than was *regnum*. There are indications that preference was given to the first interpretation. Archbishop Adalbert of Mainz, who had been one of the partisans of the Papacy, told Calixtus II in 1122 that he and his fellows in the just cause had been called *destructores imperii* by the great majority of laymen. This remark affords a glimpse into spoken language. Phrases constructed with *imperium* figure conspicuously among

the early acts of Frederick Barbarossa regulating local conflicts in Germany. The emperor speaks of his duty towards all 'who live in our Empire'; he states that possessions of the monastery of Wessobrunn are 'benefices from the Empire'; he warns 'the princes of our Empire' against unjustly seizing the chattels left by churchmen.[1] The expressions last mentioned, 'tenere ab imperio', 'principes imperii', were in the course of Frederick's reign to obtain specific significance, primarily important for the feudal structure of the German Reich. However much Frederick's ambitious conception of his imperial position influenced this terminology, it could not have become stabilized if it had not sounded natural to his subjects.

The identification of the Reich with the Imperium led, it follows, to two interpretations intrinsically diverse yet not felt to be conflicting. The name referred to such world-embracing superiority as was believed always to have been the prerogative of the Imperium Romanum—and at the same time it was the dignified title due to the complex system of German principalities from which the emperor designate was chosen and which, under normal conditions, paid allegiance to him. Both connotations were an inspiration to Frederick Barbarossa. The first, the universalist one, was joyously proclaimed by Otto of Freising, who now in the *Gesta Friderici* officiated as imperial historiographer. In it consisted the challenge to the world thrown out by Rainald of Dassel, the imperial chancellor, who made the king assert that holding *urbis et orbis gubernacula* he was responsible for the *sacrum imperium*, who afterwards angrily enlightened Hadrian IV on *honor imperii* and *imperialis majestas*,[2] and whose provocative assumptions finally proved such bad diplomacy in relations with the Western kingdoms. The other connotation, according to which the Empire was in fact *imperium Teutonicorum*, entered official style, it appears, only once, when Frederick admonished the German princes to hold their own against the Lombardian rebels[3]; but it applied to the substance of the power on which he built his politics. On these politics, however, a third interpretation of the Imperium came to bear: that interpretation which had given life to the name when it was secured for the German realm two centuries earlier, namely, effective rule over Italy. How this aspiration dominated the mind of Frederick, how it became a heritage of his dynasty and was even adopted by the Guelph

Otto IV, how, after a deceptive victory over the Lombard communes, Frederick II openly prepared to govern Italy from the renewed imperial seat of Rome, how this extreme menace challenged the Papacy to a resistance of satanic ruthlessness, and how the final results of the struggle were disastrous not only for the German position in Italy, but also for the fabric of the German Empire itself, all this there is no need to elaborate here.

There is, however, a side-issue of this hundred years' struggle which calls for our attention—an issue whose contrast with the actual events goes far to illustrate the workings of the public mind of those times. The sublime attributes of the Empire which were read into its name were not impaired by the calamities which befell the bearer of that name. All the connotations of the name which had come into being in the eleventh and twelfth centuries were preserved, and even new associations were attached to them for another century after the death of Frederick II. The hallowed *honor imperii*, which was commonly assumed to be eternally attached to the Christian and Roman Empire of Constantine and Charlemagne, was seen by Innocent III to serve the interests of the See of Rome as an invaluable juridical instrument. It fitted well with his theory of the *plenitudo potestatis* owned by St. Peter's successor. He proclaimed that the Imperium was basically an institution of the Church. In the interest of the Church it had been transferred by the apostolic see from the Greeks to the Franks, and had later been entrusted to the Germans. It was the right as well as the duty of the Pope to make sure that in their hands it always lived up to its holy purpose.[1] The political interest made legitimate by this construction was gradually to counteract the effects of the 'Italian' interpretation of the imperial mission which Barbarossa, and more impetuously still, Henry VI and Frederick II had tried to bring to fulfilment. Equipped with that theory the Papacy could afterwards prevent the rise of a dominant secular power in Italy. Paradoxically enough the doctrine of the unique Roman world-empire had the function of making this empire ineffective in the country where its title originated. This did not, indeed, remain the only interpretation of the universalist idea. Its Hohenstaufen and 'Ghibelline' version, which postulated an emperor and an empire directly invested with the divine mission of maintaining peace and order on earth, gave proof of its general appeal.

When in the fourteenth century the papal interpretation was belied by enduring feuds in Italy and by the actual incapacity of the Papacy to hold its own in Rome, that idea of the divine mission was elaborated into sublime doctrines by Engelbert of Admont, by Dante Alighieri and by William of Occam.

Meantime the appropriation of the name of *Imperium* by the German nation at large had proved no less firm and widespread. Following the example of the churchmen, princes and knights, the rising urban communities emphasized their liberties and their honourable status by asserting that they belonged to the Empire—Lübeck, when it got its privilege from Frederick II, and the Hanseatic citizens when in 1252 they negotiated at Bruges under the title of special delegates of the merchants of the Empire.[1] When four years later, after the death of William of Holland, the Reich lacked even a nominal head, the Rhenish towns made a covenant for protecting *omnia bona imperii*. An enduring result of this collective appropriation of the imperial title was that *sacrum imperium*, in the form of 'das hilig Romische rich', was understood to be *a fortiori* the name of the German kingdom. This identification did not cover all official purposes; if need be, a technical distinction could be made between the 'Regnum' of Germany and the 'Imperium' legally extending to Italy and Burgundy. Nevertheless the essential identity of the Empire and the kingdom appears from such documents as the resolutions of Rhens in 1338 in which the papal interpretation of the Empire was declared void by the German electors—*a principibus electoribus imperii*.[2]

3. SCHOLARLY LANGUAGE UNDER THE HOLY EMPIRE

The coalescence of the idea of the German kingdom with the concept of the everlasting Empire is the most conspicuous fact in the history of the term *imperium* during that period which we call the Middle Ages. The question arises as to what extent the term was reserved for the denotation of that entity. Certainly the literate public always knew that the word included a reference to dominance as such, and particularly to dominion of large extent and to the territories subject to it. It would be impossible to prove that nowhere was any literary use made of this general meaning from the eleventh to the fourteenth century, while at the same time the application of the name to the German monarchy accompanied its ascent,

its struggles, its fall from power, and its disintegration. It would, however, be still more difficult to find evidence for a widespread application of such a general meaning. We mentioned English writers of the twelfth century who used 'imperial' phraseology when recalling the kings of their country in bygone times. As vernacular documents of a later date show, these epithets were never completely forgotten. But they represented a conscious archaism; they referred to the heroes of a mythical past. There was no intention of calling the Norman and Plantagenet kingdom, as then constituted, an 'empire', for this term was the acknowledged privilege of the one Empire, the hallowed Empire. Its validity was a basic feature of the Roman law books; it was, moreover, implicitly recognized by the decretals of the Church. This prescription was necessarily authoritative for the scholars of jurisprudence who, during the later part of that period, commented on what would in modern language be called the problem of sovereignty. In this context it entailed intricate demands on juridical definition and terminology. The legal systems of Justinian and of the Church had to be made compatible with the need to safeguard and even to promote the status of princes and magistrates for whom the Roman law had made no provision—such rulers as actually did not look up to the emperor as to their superior. Lawyers of Rome, of Spain, of France and Naples were passionately engaged in solving this question.[1] Seen in the context of the legal problems under discussion, the expressions to which the scholars resorted constitute again only a side-issue. Their place in the history of the notion of empire deserves, nevertheless, to be considered.

The interest of the lawyers was not provoked by any actual evidence that claims to suzerainty over other kingdoms had issued from the Hohenstaufen rulers. Even Louis VII of France's experience of the overbearing language of Rainald of Dassel, and Richard I of England's of the extortionate policies of Henry VI, could not for long give colour to the assumption that the German kings were about to cow those kingdoms into obedience on the strength of the principle of imperial overlordship.[2] And a political situation which could encourage such demands was far from probable at a time when, as had been the case since early in the thirteenth century, the commentators of the Roman and Canon Law were concerned with the question of whether and under what title rulers

outside the warranted limits of the Roman Empire were the equals of the Roman Emperor. One of the reasons for discussing the problem was merely the demand for a consistent juridical doctrine—the need to reconcile the validity postulated for the Roman law in all the countries of the ancient Roman Empire with the fact that inside this orbit there were now kingdoms which in secular matters 'recognized no superior'. The independent status of the kings of France, England, Castile, Naples and so on had the sanction of the Papacy; but this did not satisfy the lawyers. They wished to have it decided whether such independence was *de iure* or was *de facto* only. Though Innocent IV, the ruthless adversary of Frederick II, in a commentary on the decretals supported the *de iure* interpretation, no authoritative vote was to be extracted from the popes as long as they were interested in having the singular dignity of the Empire emphasized so that they might retain their right to interfere in its affairs. Doctrinal interest in the discussion was not rarely enlivened by national jealousies. A Johannes Teutonicus would proudly maintain that his emperor was *super omnes reges*, and a Vincentius Hispanus passionately rebuke him.[1] Issues of a more practical character were in question when lawyers wished to assert for their kings prerogatives in internal matters which, according to Roman law, belonged to the emperor—such as that of removing the disabilities of illegitimate birth (*legitimatio per rescriptum principis*) or the appointment of public notaries. Political contests of the first magnitude became involved only at the beginning of the fourteenth century. First a pope and then an emperor made preposterous attempts to give effect to the principle that kings in their kingdoms ought to be obedient to the emperor. Having resorted to an alliance with Albert I, the Roman emperor designate, Boniface VIII, castigated Philip IV of France for refusing to acknowledge that he was dependent on 'the monarch over all earthly kings and princes'. Ten years later Henry VII, desperately struggling for the restoration of imperial power in Italy, summoned King Robert of Naples to his court and made him liable to an indictment for high treason, because 'like other provinces the realm of Sicily was of the Empire'—*totus enim mundus imperatoris est.* In response to these challenges French and Neapolitan lawyers exerted themselves to find the most pregnant formulas for declaring all such assertions juridically void. In both cases the assertion of imperial rights was quickly

nullified by facts; the question of principle, however, continued to exercise eminent jurists such as Bartolo de Sassoferrato.

The English scholar Alanus seems, about 1210, to have been the first to devise an apophthegmatic formula for the statement that princes outside the Empire had exactly the same competences as had the emperor.[1] The ancient *ius gentium* which knew only one *imperator* in the world had, he declared, been made invalid by the authority of the Church; every prince wielded the same legal authority in his kingdom as had the Emperor in the Empire. 'Unusquisque (princeps) tantam habet iurisdictionem in regno suo, quantam habet imperator in imperio.'[2] This sentence obviously fights shy of expressing the identical rights of the emperor and the other rulers by the term *imperium* itself. It reserves this word for 'the Empire', and takes *iurisdictio* to be the common denominator. The explanatory remark shows, however, that in the eyes of the author the term *imperator* is somehow equivalent to 'a ruler entitled to full powers'. The pronouncements of later controversialists give the impression that in this respect all restraint had been abandoned, and that the term *imperium* had become directly related to kings and their kingdom at large. About the middle of the thirteenth century a French 'legist' holds that his king has jurisdiction over all the vassals in his kingdom, because he has *imperium* over all men in the realm and the same jurisdiction that the emperor has in the Empire.[3] The legal experts of Philip IV of France and of Robert of Naples went farthest in remodelling the sentence of Alanus. Guillaume Durand declared: 'Quod Dominus Rex sit imperator in regno suo ut imperare possit terrae et mari et omnes populi regni sui eius regantur imperio' ('that the lord king should be *imperator* in his kingdom, and should have power over land and sea, and that all peoples of his kingdom should be governed by his *imperium*'). A comparable statement ran: 'rex Franciae omne imperium habet in regno suo' ('the king of France has complete *imperium* in his kingdom').[4] A Neapolitan jurist hit on the formula: 'quilibet rex est caput regni et imperator imperii' ('any king is head of his kingdom and emperor of his empire').[5]

These definitions deliberately avail themselves of the terms *imperator* and *imperium* in order to stress the rightful claim of princes outside the Roman Empire to be respected as independent rulers of their states. The

sentence last mentioned seems even to make *imperium* equivalent to 'state'. In truth, however, no general terminology of political notions is based on the words. None of the pronouncements to which we could refer is so styled as to show that the expressions *imperator* and *imperium* were to be applied to royal powers and to kingdoms in every context of legal argument. In all of them the use of these terms is motivated by the comparison with the one Emperor and the one Empire; in all of them it is provoked by this particular polemical interest. The authors show no intention of having the terms adopted in statements which are not coloured by that rivalry. There is a tone of *ad hoc* argument in their dicta which makes such larger application improbable. Indeed these dicta demonstrate that the lawyers could not erase the connection between Imperium and the Holy Empire from their minds. Neapolitan jurists refused to admit that the Roman Empire had ever been holy; but they did not argue against its singular claim to the title of *imperium*. The lawyers knew, indeed, of a particular formula, authorized by Roman law, with whose assistance the term could be made technically useful for larger purposes. From the *Digest* they learned Ulpian's definitions of *merum imperium*—'the power of the sword', judicial authority in all criminal cases—and *mixtum imperium*—full competence concerning property matters (*l. 3* D II 1.3). Both terms, and *merum imperium* in particular, were from late in the thirteenth century seen to be appropriate for defining the powers conceded to princes and communities who legally depended on a higher authority but had full control within their territorial confines. They were adopted in this meaning by the imperial chancellery itself. *Merum imperium* could certainly be attributed to independent princes outside the Reich as well. Innocent IV, in his commentary on the decretals, occasionally used this expression to denote the status of 'other kings' (besides the emperor), and, in order to emphasize that these kings were independent, he added *supremum* to *merum*.[1] This was, perhaps, the nearest approach to equipping *imperium* with a general function in the legal terminology of sovereign rights. The remark of the learned pope did not, however, establish a tradition. The formula *merum imperium* was certainly too technical to recommend itself to the political purpose of pronouncing the dignity of independent statehood. Bartolo de Sassoferrato availed himself of it in this meaning—but only in order

to give to students of the law a brilliant example of what the 'dialectical' co-ordination of conflicting juridical concepts could do. Tuscan cities, he stated, did not nowadays recognize a superior; they were possessed of *merum imperium* and wielded as much power over their citizens as the Emperor wielded in the whole universe.[1]

Such complicated quibbles could not possibly provide public life in Europe with what it had a right to expect from the learned world—a doctrinal exposition of basic political notions couched in terms which were in keeping with a plurality of independent states. This task was taken in hand, not by the schools of law but by the schools of philosophy. They had been, since about 1260, provided with an authoritative text-book, the *Politics* of Aristotle. William of Moerbeke, who made the book accessible to western scholars in a Latin translation,[2] became the authority for the use of terms henceforth to be applied to the discussion of political principles. He had to decide how to interpret the terms used by Aristotle for the primary functions of government, the verb *archein* and the noun *arché*. He could have chosen *imperare* and *imperium*; but he avoided these words; he chose *principari* and *principatus*. That is to say, he let 'lawful rule' be expressed, not by the genuine terms of classical Latin, but by words which were based on the usage of his time. He referred to major and minor rulers as *principes*. He introduced *principatus* in a general meaning in which no Roman author had used it; in *principari* he employed an expression which could not be supported by any classical evidence. This terminology must not be dismissed as thoughtless barbarism. The translator had scarcely any other expression at his disposal—unless he resorted to *imperare* and *imperium*. That he did not make use of those simple and genuinely Latin words goes far to show that, in his eyes, they did not satisfactorily denote the rule of princes and magistrates in general. He was aware that to his readers *imperium* would inevitably convey the meaning in which it was the name of the political entity, 'the Empire', and of the rule of its emperor.

Moerbeke's implicit distinction between *principatus* and *imperium* was explicitly endorsed by political thinkers of the fourteenth century. It enabled Dante to define his ideal of the unique 'temporalis monarchia quam dicunt imperium' as being 'unius principatus et super omnes in tempore'. When afterwards Marsiglio of Padua applied his radical

theory of independent secular power to the imperial rights of Lewis the Bavarian, he wished to show that the Imperium ought to enjoy the powers inherent by nature in every *principatus*. To him the prerogatives of the emperor were, in principle, implied in those denoted by the latter concept; nevertheless he took pains not to confuse the two expressions. Throughout the *Defensor Pacis* political authority is called *principatus*—though occasionally the author shows himself familiar with the juridical term *imperium merum*. Fighting in the same cause, William of Occam divided his interest between the common cause of kings and the pre-ordained majesty of the Roman Empire. To him, as strictly as to Dante, *imperium* had the meaning of that 'imperium super universum orbem' which divine will had sanctioned as being 'verum et legitimum', when in effect it still was 'Imperium Romanorum'. On the other hand the popes of his own times—the Avignon popes—who by their senseless struggle against *fideles imperii* exposed Italy to ruin, deserved condemnation for tyrannical rule, *de principatu tyrannico*.[1]

Like other remonstrances of King Lewis's abettors against the papal policies and in favour of the Empire, the strictures of Occam did not take account of the most serious defect in imperial titles. He did not consider whether there was any possibility of restoring this Roman Empire to reality in the country from which it originated. In truth the fact that Italian principalities and cities were nominally 'of the Empire' had long ceased to be of vital interest to them in their mutual and internal struggles. Two Italians arose, however, who took passionate offence at this situation—Cola di Rienzo in Rome and Francesco Petrarca far away in Provence. However great the ludicrous vanity of the one and the lack of political insight in the other, there was an element of consistency in their assertion that the Imperium Romanum was virtually dead unless it could be restored in Rome and Italy. We need not dwell here on Rienzo's fantastic attempt of 1347 to establish a Roman republic which would extend its citizenship to other Italian communes and vindicate its right to elect an emperor. The only lasting influence of this tragic episode was the impression which it left on Petrarch. For it was Rienzo's rebellion which convinced the poet that a living Roman Empire could and ought to be established in Rome. And the disappointment with which this belief was rewarded was transmitted to posterity by his Latin eloquence.

For many years Petrarch refused to admit that the catastrophe of the 'tribune' was the final defeat of his idea of a restored Roman Empire. When his sympathies with Rienzo and his hopes for a Roman republic were disappointed, he indulged in another speculation. He entrusted a king emperor of the Germans with the mission in which the Romans themselves had failed. Charles IV of Luxembourg and Bohemia had not only made good his claim to the title of emperor designate, but had also, to all appearances, come to terms with the Pope in Avignon. For the first time for forty years the coronation of a Roman emperor had become a probability. Petrarch had welcomed Rienzo as a new Brutus; he now welcomed the prospect of a new Caesar taking possession of Rome and Italy. To this vision he gave eloquent expression in his letters to Charles from 1351–4. He wished to make the king consider himself a Roman. Charles was to hurry to Italy with the alacrity of Caesar, the *opifex imperii*; he was to remember Scipio who regardless of the warnings of elder statesmen had saved the tottering Empire by sheer prowess. He was to feel himself personally addressed by the mournful voice of the *matrona Romana Urbs*. When Charles blew cool and postponed the expedition, Petrarch became even more importunate. The king must understand that the honour of the Empire was bound up with the salvation of Italy. The restoration of the Empire in this sense—was that not a more dignified task for the king than the guiding of that other empire in the 'brushwoods and forests' in the north which had been unknown in the times of Roman greatness? 'For believe me, Caesar, the world has remained the same; virtue alone has declined.' Charles would have shown magnanimity—he would at all events not have committed a crime—had he declined the title of the Imperium; but, said Petrarch, it was a crime first to accept it and then to bear it negligently.[1]

In the autumn of 1354 Charles finally ceased hesitating and set out for Italy. Petrarch ought by now to have distrusted his intentions; nevertheless he professed exultant relief. 'Now to me you are no longer the King of Bohemia but the King of the Universe, the Roman Emperor, the true Caesar. Do not doubt that you will find all that I promised you—the crown, the empire, immortal glory, heaven open to you.' He could not know that between Charles and Pope Innocent VI there was a secret understanding which precluded even the semblance of a restoration of

imperial authority. Charles was to be crowned in Rome by the papal legate, but immediately after the ceremony he was to leave the city. This arrangement was in the interest of both parties. Innocent did not wish the king to be tempted to interfere with the reconstruction of the papal dominions which had just been taken in hand by Cardinal Albornoz. Charles was only too glad to be spared such temptations. He was not worried by the humiliating impression which such a studied escape might arouse. But to Petrarch 8 April 1355, when the crowned Emperor fled from Rome, was a day of indelible disgrace. He fell to open scolding. 'You, the master of the Roman Empire, are longing only for Bohemia... you bring home the iron (Italian) crown as well as the golden (imperial) one—but together with them the Imperium as a barren name'—*sterile nomen imperii*. His resentment was acrid enough to force its way even into his reflections *On Solitary Life*. 'Having seized the crown our Caesar went away to Germany—satisfied with the hiding-place of his native country and with the name of the Empire.'[1]

Petrarch's letters as well as his moralizing tracts were meant to be messages to all men who cared for erudition. They exhibited magnanimous sentiments expressed in language that aimed at the ancient Roman standards of dignity and literacy. In its content as in its form his prose was to inaugurate 'the rebirth of letters'—and in this sense it proved inspiring to generations of 'humanists' to come. It took time, however, for others to understand his dejection and draw their own inferences from it. At the moment the 'name of the Empire', which now legally adorned Charles's position in Italy, was to some people far from being 'barren', since from the emperor they could buy privileges.[2] That Charles's title was politically ineffective came as a relief not only to the Pope but also to the city which began to pride herself on having Petrarch virtually among her citizens. Florence had watched Charles's progress in Italy and his long stay at Pisa with serious apprehension. Its citizens were now uncomfortably apprehensive for their renown as the stronghold of the Guelphs in Italy. By rearming, by bribing and by entreaty they had done their best to prevent the king from interfering with their hegemony in Tuscany. They were now so glad to see him go home that they did not blush to address him in phrases reiterating the highest claims of the 'imperial idea'; they called him 'the lord of the whole world as well as

of the people and commune of Florence and of the other Italians who are subject to the Roman Empire'.[1]

This was lip-service, however. Twenty years later the Florentines took the initiative in promoting a national coalition of the Italian communes by which the yoke of foreign oppressors should be thrown off. The common enemy, this time, was not the German emperor but the French pope in whose name local governors and their mercenary bands infested Central Italy. The letters in which Florence preached the national cause to Rome and to other cities again evoked the memories of ancient greatness. The hallowed name of Italy loomed large in these appeals; the theme

[redacted]

of the Empire had no place in them. To the man who wrote these epistles it was no longer a vital theme of patriotic eloquence—as it had been to Rienzo and to Petrarch—that Rome and Italy should try to deserve anew the glory of being the cradle of the Empire. This omission acquires special significance if we remember in whose school the chancellor of Florence had learned his rhetoric and acquired his national feelings. Coluccio dei Salutati was the most devoted admirer and disciple of Petrarch. He thought him equal to the great men of antiquity, and he knew of no higher duty than to inspire prominent citizens and public servants with Petrarch's spirit. As in the Ciceronian latinity which he introduced into the official style of the city magistrates, so in the ardent love of Italy which he made them profess, he saw himself at one with his master's intentions. Salutati must have known that to Petrarch the notion of the Empire had been closely connected with the causes of Rome and Italy; but he could abandon this combination of ideas the more easily because he knew that in the end it had brought only bitterness to his teacher.[2]

The confederation of Italian cities in defence of national liberty, for which Florence agitated in 1375–6, proved stillborn when the Pope appeased the Romans by his return from Avignon. Soon enough the republic had to rely on its own efforts in its struggle for independence. For about a decade it was menaced by the ascendancy of a rival Italian ruler, the duke of Milan. Giangaleazzo Visconti even succeeded in encircling the republic with strongholds dependent on him. The Florentines faced the challenge firmly; they bided their time and knew them-

face of dangers from without clearly confirmed the Florentines in the belief that in their city the republican valour of ancient Rome had emerged anew. During the next generation this conviction encouraged the artists and the *literati* of the city to find approaches of their own to the models of classical perfection. The artists of Florence took the lead in the Italian Renaissance. Her scholars, whose main educator was Salutati, set new standards in that spiritual intercourse with the authors and heroes of antiquity and that renewal of Latin eloquence which had been admired in Petrarch. For this attitude and the literary products in which it was embodied the term *humanitas* was adopted by Salutati's most active and most fastidious pupil, Leonardo Bruni of Arezzo.[1] It is the classicist idiom of the Florentine *humanitas* that set the concept of *imperium* free for its modern career. This concept, which nowadays so easily appears to conflict with the basic principles of civic liberties, owes something, if only indirectly, to the republican self-reliance of the Tuscan commune.

4. 'IMPERIUM' REDEFINED BY ITALIAN HUMANISTS

How the adepts of *humanitas* came to take an interest in the genuine meanings of a term which they found commonly used merely as a venerable name—how they came to agree on its interpretation and made this interpretation valid for erudite society, can never be satisfactorily discovered from the literary sources. The revival of classical Latin was meant to be practised not only in all branches of literature and in epistolary style but also in refined conversation. To shine in improvised eloquence and wit was one of the perfections to which those studies aspired. This aim fitted in well with the specific Florentine tradition of graceful conversation. And wherever humanists gathered for scholarly intercourse (some, we hear, met every day at the corner of the Palazzo della Signoria) questions of adequate diction were major topics of discussion.[2] One of the outcomes of such daily practice was the flexibility given to the word *imperium* of which their literature provides evidence.[3]

An early example of the inclination to restore the word to that general application which could be learned from the classics is provided by Salutati himself. In old age the chancellor elaborated a discourse on the well-worn subject of 'tyranny'. He wanted to define the conditions under which public morality could condone tyrannicide. The word

imperium enters the discussion first in a quotation taken from Pompeius Trogus, which proves that the word *tyrannus* was not always the stigma of a bad or unlawful ruler; its original meaning referred to 'rerum publicarum imperium' and to 'defendere imperii fines'. Expatiating later on the abusive meaning of 'tyrannus' which had become commonly accepted, the author uses 'imperium' as the most suitable expression for monarchic rule. Tyrants are men 'qui per insolentiam imperii viribus abutuntur'. Or, according to the other interpretation which correlates tyranny and usurped dominance, a tyrant 'invadit imperium'. Still later, indeed, when Salutati applies his general conclusions to the special problem of Caesar and his murderers and enlarges on Caesar's successors, one cannot clearly discern whether he speaks of 'empire' in general or of the Roman Empire; but soon 'imperium' is again identified with monarchical 'res publica'.[1]

Once it was admitted to the context of eloquent moralizing on matters of state, the term recommended itself for appeals in the Ciceronian style addressed to contemporary rulers. We find it put to such use about thirty years later, far away in Normandy, by an Italian who had become bishop there but had, many years before, acquired his literary accomplishments from contact with the Florentine circle. This was Zano Castiglione, the nephew and pupil of Cardinal Branda of St. Sabina, who as Bishop of Piacenza had aided the studies of Leonardo Bruni by sending him authentic manuscripts.[2] Having been in 1432 transferred to the see of Bayeux, Zano found his diocese woefully devastated by the English soldiery in what turned out to be the beginning of the end of the Hundred Years War. He knew that the regent of England, Duke Humphrey of Gloucester, had taken a fancy to the new learning. He tried to move his heart and gain his confidence by an epistle which grew into a treatise on 'pium et iustum imperium'. It was this, he told the duke, that kings and princes owed to their subjects in return for loyalty and tax payments. Without piety and justice there could be no glory of empire; a prince's first duty was to care for the common people because they provided the foundations on which all *imperia* were built. In view of the visible decline of the English power in France the bishop thought fit to quote warnings of Cicero against the shame of losing a splendid heritage of 'imperii gloria'.

He reminded the English duke of the ominous cry 'labitur imperium, facite iustitiam ('the empire is tottering: see that justice is done').[1]

Meantime the word that came so easily from the pen of a minor scholar provided a stimulating and sometimes irritating problem for the sensitive arbiter of *humanitas*, Leonardo Bruni. To him, as his own writings show, the majesty that resided in the eloquence of the classics was to be found not in any windy wordiness but in succinctness of expression and pointed relevance of exact statement. Basic words concerning matters of state should possess definite connotations—and these connotations ought to be those which the true Roman had read into them. For the choice of the appropriate words and the shades of meaning implied in them Bruni scrutinized the classics like an attentive philologist. Nevertheless the literary use which he made of his observations was bound to bear the imprint of his austere personality.[2] When this man dealt with the term *imperium* he made his readers feel that he was not dazzled by it, but wished to determine the significance in which they should use it henceforth. Bruni changed his attitude to the word more than once; finally, however, his reading of it became so definite and so impressive as to leave a lasting imprint on its literary use. For some time it went far towards representing his republican feelings. He eagerly grasped at the fact that in republican Rome the word had been specifically related to the limited authority of magistrates and officers. Of the *imperium* of single persons he preferred to speak in this particular sense. Once in a letter to a friend he inveighed against the perversion of public morals which condoned the predatory habits of those in power—men, he said, to whom *magistratus et imperia* were confided; he may by then have thought of *condottieri* when he spoke of *imperia*. Later, just about the time when the Bishop of Bayeux was haranguing the English regent on the duties of princely empire, Bruni gave another learned friend something like a constitutional interpretation of *imperium*; the term, he declared, was by rights equivalent to 'commissa auctoritas', coercive power strictly defined by the law. He used this interpretation to prove that only barbarian usage could have led to the misconception which made *imperator* a higher dignity than *rex*.[3]

Shortly afterwards he had to decide on issues of terminology which required a less restrictive interpretation of the word. His intensive study

of Greek was about to bear fruit in the field of moral philosophy. To him the dialogues and letters of Plato, the Ethics, Politics and 'Oiconomica' of Aristotle, the orations of Demosthenes, the lives of Plutarch provided an authoritative and harmonious exposition of private and public virtues. He had undertaken to make their texts familiar to all those who cared for 'humanity', by exhibiting their true meaning in faultless Latin translation. Aristotle's books could not be omitted from the enterprise. Bruni had nothing but contempt for the unwieldy translations of the thirteenth century on which numerous philosophers and controversialists had built their doctrines. He held that in them the meaning of the originals was distorted out of all recognition.[1] From 1435 to 1437 he was at work elaborating a new Latin version of the *Politics*. The adequate presentation of the philosopher's argument was not, however, his only care; obstinate stickler for authentic Latin as he was, he laid stress on rendering the terminology of the original in words which could be verified from the classical Roman authors. This was the point in which his translation differed most conspicuously from that of William of Moerbeke, which was on every scholar's shelf. There an easy way had been taken with Aristotle's categories of governmental systems; the Greek words themselves had been adopted as Latin technical terms and new words had been derived from them. The vocabulary of political science had been built on *monarchia, oligarchia, democratia,* on *politia* and *politicus,* on *despotia, despoticus* and *despotizare*. Bruni was aware that the Roman classics had consistently eschewed such Graecisms (though they had made an exception for *tyrannus*). He replaced them throughout by genuine Latin equivalents.[2] A somewhat different problem confronted him in the elementary concepts valid for every form of government—the concepts of governing and government themselves, Aristotle's *archein* and *arché*. For these terms Latin substitutes were in use, *principari* and *principatus*. This, however, was bad Latin in the first case, inexact Latin in the second. Bruni could tolerate neither term. And he saw only one way of adequate translation. *Archein*, 'to govern' was *imperare*; this was above doubt. So nothing remained but to have *arché*, 'government' or 'legitimate power' in general, rendered by *imperium*.

To this translation he resorted consistently. The universal significance and reciprocal relationship of 'imperare' and 'imperium'—both expres-

sions intended to be applied wherever there are masters and subjects—are made evident in the chapters which deal with the household and underlie the description of systems of political rule which Aristotle in Bruni's language differentiates as *modos imperii*. Arbitrary ('despotical') rule is *imperium dominicum*, balanced ('political') rule *imperium civile*.[1] Far from being obvious and commonplace, this terminology was in its time an innovation and a conscious infringement of firmly established habits. By his refashioned Aristotle the Florentine scholar—who meantime had also become the chancellor of the republic—wished to legislate for the language of political doctrine on this point as on others. It was easier for him than it had been for earlier scholars to restore 'imperium' to the general meaning of political authority, because, as a student of antiquity and as a Florentine, he did not feel inhibited by any reverence towards the Imperium of the German-Roman Emperor. Into a courteous letter to the king of Castile he inserted the remark that Spain had given birth to the best emperors 'at the time when there really was still a Roman Empire', and that Spaniards had the best claim for thinking themselves the inheritors of that Empire.

As this phrase shows, Bruni was satisfied that classical usage rendered legitimate the use of 'imperium' in the meanings of territorial power and the spatial extent of dominance as reliably as in its identification with legitimate authority.[2] This awareness, together with the decline of the prestige of the Holy Roman Empire, suggested a further inference. A contemporary state which was remarkable for territorial aggrandisement deserved to be called *imperium*. Bruni availed himself of this licence when as an old man he reverted to historiography and wrote the *Commentary on his own Time*. Here he treated of the politics of the Luxemburg and Hapsburg emperors and had to refer to their Imperium under its official name. But his narrative naturally dwelt as markedly on the ascendancy of the Duchy of Milan, which in the hands of Giangaleazzo Visconti had almost engulfed Florence, and the politics of which deserved to be watched suspiciously even now that Florence and Milan were at peace. Bruni thought 'imperium' the most appropriate word for the state of the Visconti. *Ad imperium additae* were the words he used to describe the subjection which befell 'the great and powerful cities' of Verona and Padua when they were conquered by Giangaleazzo. And the lust for

extension of empire, 'animus extendendi imperii', had remained alive in his successor; he was therefore a dangerous ally.[1]

Bruni could be certain that this terminology would find favour with those contemporaries who counted in the establishment of literary and scholarly tradition. By the time of his death in 1444 that *humanitas* which had been brought to life in Florence had become the order of the day all over Italy. Lorenzo Valla had already established the standards of classical diction in his *Elegantiae* and inaugurated historical criticism by his 'declamation' on the *Donatio Constantini*. Flavio Biondo had begun his *Historiae ab inclinatione Romani Imperii*, the book which in substance, if not in name, inaugurated the concept of the 'Middle Ages'. The two authors, though rather different in other respects, concurred in emphasizing that the true Roman Empire had long ceased to exist. It had been brought down by the Goths, said Biondo. Its fall, proclaimed Valla, had meant that for centuries Latin had been practically an unknown language. He made even more challenging remarks. The kings who had called themselves Roman Emperors ever since Louis the Pious possessed, he said, no real claim to the title; they did not wield empire in Rome itself. If their title were to be taken seriously they would be guilty of perjury. Such beliefs were to Valla one more reason for emancipating *imperium* as a living concept from its relation to the political unit of the Roman Empire. As far as this name still retained any validity, so the preface of the *Elegantiae* proudly declared, it ought to refer not to a political entity but to a spiritual one—to those men who now cared for the standard of Latin: 'Ibi namque Romanum imperium est, ubicumque Romana lingua dominatur.'[2] How Valla interpreted the general notion of *imperium* appears from the address to secular princes with which the treatise on the Donatio opens. Here he states that 'acquisition of empire' is the legitimate interest of any ruler worth his salt; the 'conatus ampliandi imperii' was an irrepressible propensity.[3] Poggio Bracciolini used similar language when he made the morals of power a topic of his own light-minded rhetoric, and poured his irony on the claims of jurisprudence to direct the decisions of princes and republics. He developed his most telling arguments by varying the theme of *imperium*. Were justice or equity ever consulted when conquest was prepared? No, they were a hindrance to the enlargement of empire ('imperiis propagandis . . . impedimento').

We are all aware that states have attained empire by mere violence ('per vim ad summum imperium pervenisse'). This is attested not only by the 'imperia et regna' of the Assyrians, Persians, Medes and Macedonians but also by the widely expanded ('longe lateque diffusum') *imperium* of the Athenians. And it was always the most powerful empires ('summa semper imperia') which promoted letters and learning.[1]

One of the most gifted humanists could not for many years countenance language derogatory to the Holy Empire. Aeneas Sylvius Piccolomini had become secretary to the Emperor-designate Frederick III. He had taken upon himself to undo the work of the Council of Basle and to bring the king and the Empire safely into the fold of Pope Eugenius IV. Since these politics were to culminate in the early coronation of his master, he encouraged him to believe that he was to inherit the universal Empire which had been the dream of Dante. In the ornate treatise in which he instructed Frederick on 'the origin and authority of the Roman Empire' he displayed historical views which in the eyes of Bruni, Biondo, Poggio, and Valla would have been completely out of date. He conformed to their usage only in extending the title of *imperium* to the Oriental and Greek world-monarchies which had preceded the Roman Empire.[2] However, Aeneas characteristically changed his terms when as Bishop of Siena he settled in his native land and lived close to his fellow humanists. In his 'Description of Germany', dedicated to a German friend (1457), he employs *imperium* as the name of the emperor's realm only as long as he uses the word for the technical purpose of describing German institutions.3 The word takes on a different look when, after having finished the survey, the author discusses questions of political reality. Now the Empire is no longer 'Imperium Romanum', but *vestrum imperium*, which, as explicitly stated at the end, really means *Germanicum Imperium*. Aeneas now shows himself completely aware of the decline of that Empire. He compares it with the fate of the 'imperia' of the Romans, Athenians, Spartans and Carthaginians. He identifies *imperium* with *potentia*. In conclusion he does, indeed, mention the *translatio imperii* once carried out by the Roman Church; but he does so only in order to refute the reproach that this Church was responsible for the 'languishing of the German Empire'.[4]

An even wider scope was given to this title in the work on which the

Cardinal Piccolomini was engaged when he was elected to the Papacy and became Pius II. This was the introduction to contemporary history which became known under the name *De Europa*, and which formed the first part of his *Cosmographia*. In its political nomenclature it observes the practice of Bruni's *Commentarius* on an enlarged scale. The author describes how Albrecht of Austria has to secure the permission of his Hungarian subjects when he accepts the *Imperium*, the crown of the Reich; but there is also an 'imperium' of the Hungarians themselves—extending beyond the boundaries of Hungary proper into the larger territory which has fallen under their sway, the countries of the Dalmatians, Illyrians etc.[1] Similarly Aeneas states that the Silesians are 'sub imperio Bohemorum', that Ireland partially 'Anglicano paret Imperio', that Franciscus Barbarus has by land and by sea much enlarged the 'Imperium Venetum'. In his survey of the present political world, *imperium*, besides being the name of the Holy Empire, serves the purpose of denoting facts of territorial ascendancy anywhere. On occasion Aeneas plays on this twofold meaning. The Landgrave of Hesse, he tells us, refused to be a candidate for the Imperium; he said he was not equal to the heavy task, and he would rather efficiently govern the 'small empire' which he had inherited than accept a 'large empire' that he was bound to dissipate—'maluit parvo imperio a parentibus suis relicto ultiliter praeesse quam magnum accipiens dissipare'.[2]

5. THE INFLUENCE OF THE HUMANISTS ON THE MODERN CONCEPT

The early humanists offered no creative contribution to political thought. Leonardo Bruni contented himself with translating Aristotle. Aeneas Sylvius made only a modest attempt at mapping out the contemporary *imperia*. What Valla and Poggio had to say on the irresistible ambition from which 'empires' took their origin was lighthearted cynicism, by no means comparable to the ruthless penetration of Machiavelli. Nor did those *literati* fight in a particular political cause. The only bias which makes itself felt in their references to 'empires' is their delight in treating the Holy Roman Empire with manifest irreverence. This attitude, one might say, enabled them to give full effect to their linguistic feeling, and to become actively responsive to the different connotations of the

classical term. They were, however, equally aware that these connotations were well suited to political realities and that attentive Italians would not fail to realize this. *Imperium* had the meaning of sovereign authority. The word was therefore the appropriate common denominator for the independent powers of government which were nowadays effectively claimed by numerous princes and communities who had formerly looked up to a feudal suzerain. Another genuine connotation of the term was 'extent of power abroad'; for this reason some states which had grown by conquest within living memory deserved to be called *imperia*. Bruni, indeed, would have preferred to relate the word to 'office' rather than to 'sovereignty' and to 'greatness'; but in the end he took the lead in legitimizing both applications.

The political realities which confronted the humanists were not yet those of modern Europe. The independence of Italian principalities and urban republics was of short duration. Nor were Venice, Bohemia and Hungary, which Aeneas Sylvius called *imperia*, to count among the great powers of the future. Neither he nor his contemporaries could foresee the ascendancy of Spain and the Ottomans, of France and England. However, it was in relation to these great national powers that the new terminology of the Italian humanists was to prove meaningful. And this significance was not restricted to that refined Latin which they imagined to be the literary language of the future. The most enduring and most momentous effect of their innovation was on the leading vernaculars of Western Europe, on the languages which adopted *imperium* and transformed it into *empire*.

The diffusion of 'imperial' terminology is only one instance of the influence exerted by the Italian humanists on European language and thought. The vicissitudes of 'imperium' and 'empire' in the sixteenth and seventeenth centuries should be surveyed in this larger context. No doubt many lines of transmission crossed one another. For our present purpose it suffices to single out two of them which particularly helped to shape the language of politics.

One of these lines issued from Leonardo Bruni's Latin version of Aristotle. It became one of the outstanding successes of the new learning. The printing-press seized on it at an early date. It is true that from about 1550 the text of the Aretino was seen to be in need of improvement.

Numerous new translations appeared.[1] They deviated somewhat from Bruni's classical punctiliousness and readmitted such generally accepted terms as *monarchia* and *politicus*. But as they conformed to Bruni's ban on *despotia*, so they unanimously accepted his rendering of *arché*. The scholastic use of *principatus* was not reinstated. The term denoting legitimate rule had to be *imperium*. Soon the prescription was heeded in French. In 1568 Loys le Roy published a new French translation of the *Politics*, which was to supersede that given to the layman by Nicholas d'Oresme two centuries earlier. Le Roy was as careful to follow the linguistic intentions of reformed Latin as d'Oresme had been to imitate scholastic terminology. Where the old translation had spoken of *princey* he wrote *empire*.[2] Latin remained the main medium of expression for many generations of thinkers who discussed the elements of law. And in this discussion a fundamental function soon devolved on the term *imperium* in the meaning which Leonardo Bruni had laid down for it. The oppressive politics of the Counter-Reformation gave prominence to the question of whether the power of government was liable to any restriction. Polemic literature from the start availed itself of the term *imperium* to refer to the competence of the legitimate ruler, the *imperans*. The term was, indeed, not thought equivalent to absolute power, against which there was no legitimate resistance. For this ultimate authority Jean Bodin chose the term *maiestas* and translated it into French as *puissance souveraine*. However, *summum imperium* was recognized as an alternative to 'maiestas' and very often used in this meaning of 'sovereignty'. *Imperium* and *summum imperium* were later adopted by Hugo Grotius, and also helped to shape the terminology of the new doctrine of Natural Law construed by Thomas Hobbes. To him, to Spinoza, to Pufendorf and others the terms denote the results of the original compact.[3]

The technical use of the term was rather different in spirit from that to which Henry VIII gave official status in the title of the kings of England 'The Imperial Crown of this Realm'.[4] Henry's idea that the crown inherited by him deserved the distinction of being 'imperial' was originally a figment of his imagination that satisfied his youthful conceit. It based itself on medieval romances of the heroes of ancient Britain —romances which, after Henry Tudor had given stability to his acquisition of the English realm, were taken by many people as glorifying the

forbears of the new half-Welsh dynasty. In these stories the ancestral origins of kingship in Britain were seen to be linked to those of the Christian Roman Empire. Not only had Constantine the Great been proclaimed emperor on British soil; he was also the son of a British princess and heiress, who had been converted to the Christian faith. And his greatness had devolved upon that most famous Briton, King Arthur, the indomitable ruler of many lands. This hero dared to stand up to the emperor in Rome himself, because he knew himself to be a descendant of Constantine. According to another tradition his seal, on which the title *imperator* was engraved, was still preserved.[1] The young Henry VIII, easily dazzled by any semblance of greatness, found a way to have such stories woven together into a new legend in which he rejoiced in private, and at which he hinted enigmatically to Sir Thomas More. His crown, inherited from Constantine and Arthur, was 'imperial'.

On that occasion he also let be known that this dignity had in ancient days been sanctioned by the See of Rome. His fantasies took on a wholly new aspect when that authority proved an obstacle to his will. The time came when his energies were primarily concentrated on the single cause of having his marriage with Catherine of Aragon annulled and Anne Boleyn made Queen. The longer the Pope, Clement VII—who depended on Catherine's nephew, Charles V—refused to countenance the divorce, the more strongly Henry persuaded himself that he could make it legally valid on the strength of the imperial character of his kingship. His courtiers strove earnestly to find a juridical meaning for this title. The Arthurian stories proved insufficient for the purpose. For a time recourse was had to the formulas to which glossators and French jurists had given currency in the fourteenth century—the *rex imperator*, the ruler who does not 'recognize a superior'. However, no informed lawyer—nor, in consequence Parliament—could assure the king that matrimonial causes were secular issues, and that the papal authority could be invalidated by these definitions.[2] Nothing remained but to embark on a revolutionary decision, and to have it declared by law that the 'body politic' of England was bound to its 'Supreme Head and King . . . in natural humble obedience' in matters of 'Spiritualty' as well as of 'Temporalty'. The 'Act in Restraint of Appeals', which proclaimed

this in April 1533, justified it by a bold reference to historical tradition. It was asserted that Henry's titular claims were vindicated by ancient and acknowledged evidence. 'By old authentic histories and chronicles it is manifestly declared and expressed that this realm of England is an empire and so hath been accepted in the world, governed by one Supreme Head and King having the dignity and royal estate of the imperial Crown of the same.' Once sanctioned by Parliament this crown regularly figured in the Reformation Statutes. It lived on in solemn enactments until the reign of George III.

Its creation seems, on first appearance, to bear no relation to the usage of the Italian humanists. However, a man who came from this school was engaged in order to make the new style acceptable to the learned world, and his assistance was for some time thought to be of considerable value. Polydore Vergil of Urbino, Archdeacon of Wells, had been secretary to Pope Alexander VI. He owed his erudition to the traditions which had been founded at the Papal Court by Leonardo Bruni and Poggio Bracciolini, and had been promoted by Nicolas V and Pius II. During his service in Rome the scholarly cleric stood aloof from politics. In a collection of anecdotes which he compiled he showed himself familiar with the meaning of 'imperium' as fixed by the great humanists, but he also expressed abhorrence of *imperii cupiditas*.[1] His attitude to history changed when his occasional activities in England led to permanent office in that country. On the encouragement of the first Tudor king he undertook the task of writing the history of his second home in dignified Latin which would impress modern intellectuals with the ancient glories of this kingdom. His *Anglica Historia* was completed in 1513 and dedicated to Henry VIII. The king found much there to gratify his pride. Polydore Vergil had made ample use of the word *imperium* in relation to England. Like the Italian humanists and like Hector Boece, who soon followed him with a *Historia Gentis Scotorum*,[2] he thought himself fully entitled to adorn a kingdom with that term. Acquaintance with Bede and Roger of Hoveden may be the reason why the word recurs most frequently in the chapters concerning the early history of England. Moreover the legend of the 'Britannic' Constantine was also, to a certain degree, countenanced by him. He refused to accept only the Arthurian stories and of the Imperial Crown he knew nothing as yet. This, probably, was the reason

why the *Anglica Historia* had to remain unpublished for twenty years.[1] With the great crisis of 1532/3 that arose from the preparations for the definite breach with Rome, however, the book became most important for Henry VIII. As he could not buttress his claims by legal precedent, as he had nothing at his disposal but his self-invented 'imperial crown' and the interpretation which he gave to that title, he wished to have it publicly stated by learned authority that this crown and the 'empire' to which it referred were of ancient and recognized standing. Such a certificate was now provided by the Italian historian, who took it for granted that England had always been an 'imperium'. And Polydore Vergil did more. He finally agreed to the most essential tenet in Henry's reconstruction of history. In the revised version of his book he explicitly declared that the Imperial Crown was the legacy of Constantine the Great to Britain. 'The kings of England', he declared, 'are to this day possessed of an imperial diadem as of a gift which the emperor Constantine bestowed on his successors.'[2] Enriched by this revelation and by other references to the imperial character of the kingdom, the *Anglica Historia* went into print in 1534.

Its author had, on this point, irresponsibly tampered with the true humanist's interpretation of *imperium*. Scholars abroad remained unimpressed. The English Imperial Crown won firm recognition, indeed, in England—and later on in Great Britain—but it was by no means 'accepted in the world'. And the name of 'the Empire' remained by international consent reserved for the countries over which the Roman Emperor together with the German Diet presided. The estates and the military forces which served his cause in political conflicts were called *gli imperiali, les impériaux*—and even in English *the imperialists*. Besides the *Reich* only the great Mohammedan power which had conquered the Empire of the Greeks was spontaneously distinguished by having the title of Empire affixed to its name. It was 'the empire of the Turks', 'l'Imperio dei Turchi'.[3] Indeed, the western realm, which by Charles V and his conquistadors in the Indies had been enlarged to dimensions widely surpassing those of any rival power in Europe, was, by common consent, also endowed with a name which suggested a comparison with the Imperium Romanum and its predecessors in antiquity. It was called 'the Spanish Monarchy'. The word *Monarchy* was, in this application,

understood to be symbolic, not simply of a kingdom, but of a state towering over all the others. It meant nearly as much as 'universal monarchy'. This interpretation had, as far as medieval tradition was concerned, been fixed by the 'Etymologies' of Isidore of Seville; it had been adopted by Dante for defining the ideal world-order which had divine blessing. In the heyday of Spanish power the question of whether the realm had, in fact, become equal to the world-monarchies of the Assyrians, Persians, Greeks and Romans, together with the other question of whether such a hegemony was desirable, was discussed by publicists.[1] There was, however, no question of having 'the Spanish Monarchy' also called 'the Spanish Empire'. In Latin instructions to the viceroy in the East Indies the monarch referred, indeed, to 'places and parts of this empire' and to dangers to which 'our empire' might be exposed; but the name of the 'Spanish Empire' had, it appears, nothing in it to attract the Catholic kings.[2] The name of the Holy Roman Empire was respected as unique, though it was now attached to an empire hopelessly divided against itself.

The humanists—with the sole exception of Polydore Vergil—had not contested this titular monopoly. They had only drawn attention to the fact that in the present political world the intrinsic meanings of the *word* 'imperium' most fittingly applied to states outside the Holy Empire. This demonstration was understood by writers who transferred the discussion of political matters from Latin to the vernaculars of Italian, French and English. They quickly learned to speak of the entities of *imperia* and *empires*. Nevertheless, while imitating the usage of the humanists they remained to some extent under the spell of the outstanding grandeur which had been read into the word 'imperium' ever since it had particularly referred to the Imperium Romanum and its Caesars. Writers in the vernaculars, at least in France and England, showed that they were not prepared to cast off the emotive reminiscences inherent in the word as resolutely as did the Neo-Latinists.

Vernacular derivatives had, for poetical and rhetorical purposes, been formed from *imperium* long before the age of the humanists. Italian authors of about 1300 had adopted the adjective *imperialis* in its figurative meaning: *imperiale* was to them equivalent to 'majestic', and might be attached to the sun or to a great river. About the same time English

chroniclers, following their ancient Latin predecessors, would on occasion confer the epithet *empire* on the realm of the almost fabulous Anglo-Saxon rulers.[1] The awe which radiated from the word could not be forgotten even now that the humanists had set the example by applying it to facts of the contemporary political world. Scholarly language might imitate the latinised Aristotle of Leonardo Bruni by using *empire* to signify every system of government; but such indiscriminate application could not become usual in more popular literature. As far as the word referred to the authority of government it seemed more natural to reserve it for some particularly majestic government, for the rule of a masterful king or of a tyrant. And when the word was applied to power expanding abroad, to the conquest of lands and control of the sea, it was reserved for the limited group of great powers which had presided over the political scene since the sixteenth century.

'How abominable before God is the Empire or Rule of a wicked woman'—this is the argument of John Knox in 'The first blast of the trumpet'. To Shakespeare the Imperial Crown of the kings of England is an ornament of tangible existence, symbolic of all the high responsibilities of kingship; therefore he extends the 'imperial' epithets to France and Scotland. France as well as England is 'an Empery'. His Macbeth is haunted by the 'imperial theme' of becoming king, and Malcolm sees that he has become a tyrant in his 'imperial charge'. To Florizel it means little to be 'crowned the most imperial monarch' when he thinks of Perdita.[2] The heading *Of Empire* is given by Francis Bacon to an essay which discusses the fortunes and cares bound up with kingship. The rules of discretion which a king must observe and which are 'hard to keep' he calls 'the true temper of empire'. Jean-Louis Guez de Balzac, the self-styled paragon of French prose and of political virtue under Louis XIII, boasts that when his king interferes in the affairs of other states his intention is only 'faire sentir aux estrangers le bonheur de son empire'. He also inveighs against 'les ambitieux' who allow themselves to be engaged in the vile task 'à désoler les empires'.[3] In the second instance the word refers not to the king but to the kingdom. To Balzac *empire* does not signify such royal power or kingdom as would imply the tendency to overpower other countries and to become paramount in the world. For this pernicious ambition he chooses a different expression. It is 'le dessin

de la monarchie universelle'. 'Parvenir à la monarchie' may have the same meaning for him. While France is wholly innocent of this aim, the 'monster' of Spain is deeply imbued with it.[1] 'Monarchy' was liable to a stigma from which 'empire' was exempt.

Bacon was less squeamish as regards the morals of conquest. 'States that aim at greatness' stood high in his esteem. He made the accomplishment of this aim the subject of an essay which manifestly emulated Machiavelli (no. XXIX). Though its heading refers only to 'the true greatness of kingdoms and estates', the argument bestows on the notion of empire that meaning of *imperium* which had once radiated from *imperium populi Romani* and had been restored to prominence by humanist historiography—namely, extension of dominance. Bacon here inquires into the maxims of statecraft, whose observation has made nations 'fit for empire'. He emphasizes that such peoples must not be 'overcharged with taxes' and impoverished by the nobility, that they must be 'liberal of naturalization towards strangers', and that 'above all, for empire and greatness, it importeth most that a nation do profess arms as their principal honour. . . .' While the essay *Of Empire* discusses kingship, this other one relates the concept to the great nations which have grown by annexations. Bacon is deeply impressed by the Romans, who made the testimony of 'finem imperii propagavit' a lasting title of honour to a successful commander. He thinks them exemplary too in having always proffered plausible reasons besides conquest for conquest's sake when they embarked upon war. His argument culminates in the glorification of sea-power. 'To be master of the sea is an abridgement of a monarchy.' *Monarchy*, of course, means 'hegemony' here. It is at once confirmed by the statement that 'the battle of Actium decided the empire of the world'. Bacon could, as well, bring 'empire' and 'sea' into immediate connection. Shakespeare had shown Mark Antony stirred by the news that 'Sextus Pompeius . . . commands the empire of the sea'. To express naval supremacy by 'l'empire de la mer' was also familiar to French writers. Consciously or unconsciously, one borrowed the phrase from the *Aeneid*, where such an empire is claimed not by an earthly power but by Neptune. Transferred to the political world it formulated an aim which could, if related not to the 'narrow seas' but to distant oceans, give as much offence, and in a similar sense, as did 'universal monarchy'.

Hugo Grotius made it a first principle in international law that there was no state 'qui mari imperaret'.[1]

To Bacon it sounds manifestly more natural to relate the concept of empire to far-flung dominance than to the countries and spaces controlled by it. The same applies to the political thinker who probably made more lavish use of the term than any other in his century—James Harrington.[2] However, Sir William Temple, in an essay written in 1672, not so very much later than the *Oceana*, thought the use of the word to mean 'a large country' at least equally well founded. 'A nation extended over vast tracts of land, and numbers of people, arrives in time at the ancient name of kingdom, or modern of empire.'[3] The view that this use of the word is 'modern' is most important. Temple, who was to defend the superiority of 'Ancient' to 'Modern Learning', was sensitive to the fact that the application of the term to great states in general was at variance with its time-honoured reference to the Imperium Romanum. He rightly concluded that the extended use of the word was of relatively recent origin. He was not aware that it was precisely the humanists, the men who had taught Europe how to live with the ancients, who had been the first to recommend that extension of meaning.

We should be reading too much into Temple's remark if we were to take it as proof that by this time *empire* had become the favourite expression wherever great states were under discussion. French usage, which was still the model for literary English, shows that this form of expression was not widely prevalent. Bossuet might occasionally, when meditating on *empires* and their vicissitudes, imply that France was one of them. He also applied the term *imperium* explicitly to France when in 1679 he rendered account to Pope Innocent XI of the education of the Dauphin. But in the French paraphrase of this letter which he submitted to the king he did not commit himself; he wrote *royaume* wherever the Latin text had written *imperium*.[4] The great dictionaries of Richelet, Furetière and the Académie Française offer detailed statements on the variety of applications which have accrued to *empire* and *impérial*; but the meaning *étendue de pays* seems to be reserved for countries governed by emperors. As far as common usage was concerned this was too restrictive a statement. Soon after the death of Louis XIV the linguist Gabriel Gérard thought it necessary to make observations on the mutual relationship of the terms

empire and *royaume* in his dictionary of synonyms. He opined—emphasizing, however, that this was a personal statement—that the word *empire* referred to an 'Etat vaste et composé de plusieurs peuples', while *royaume* denoted a state less large and at the same time connoted 'l'unité de la nation dont il est formé'. He submitted that this distinction was borne out by the fact that Germany, Russia and the realm of the Ottomans were called *empires* while France, Spain, England and Poland were called *royaumes*.[1] The Academicians had, however, in the same year 1718 abandoned that restrictive view. In the third edition of their dictionary the article *Empire* was supplemented by the remark: 'Il se dit aussi de tous les pays qui sont sous la domination d'un grand Roi, *L'Empire François*.'

The use of the term, it appears, was somewhat arbitrary. It would have been impossible to agree on hard and fast rules for enumerating the states which could be called empires, and for determining the occasions on which this should be done. Such indecision was the natural outcome of the enlarged application which the humanists had authorized for *imperium*, and of the use which in Italian, French and English had been made of this licence. The fact had a political aspect too—though a negative one. Until about 1700 there was no strong national interest bound up with the expression. None of the great causes upon which Europe was divided or upon which its single states were divided against themselves would have strengthened its prestige by calling itself an imperial cause.

But in the country whose monarchs had secured for themselves the title of possessors of an Imperial Crown this situation was not to last. England was about to qualify its identity. By the union with Scotland it became incorporated in the kingdom of Great Britain. For this higher unit, by widespread national consent, the name of the British Empire was accepted from the beginning. This name was no vain phrase. It had been long in preparation—though it had been mooted only in connection with particular national causes. In the course of the eighteenth century it became expressive of new interests. In Great Britain and its dependencies overseas the name of Empire became overlaid with meanings which were unprecedented additions to those which had shaped its former career.

III

THE EMERGENCE OF THE BRITISH EMPIRE

I. IMPERIAL ASPIRATIONS FROM HENRY VIII TO WILLIAM III

The great events and causes associated with the name of the British Empire bear no intrinsic relation to those acts of Henry VIII and his Parliament which abrogated papal authority and placed the Imperial Crown on the English Statute Book. After long abeyance the term British Empire became acceptable, partly as a result of the traditional homage paid to the Imperial Crown in literary and political language. During the whole Tudor and Stuart periods the crown lacked an 'empire' as its counterpart. The need for such a counterpart was recognized repeatedly. But it was also understood that the realm of England in its territorial confines was not imposing enough to qualify as an 'empire'. Henry VIII, it is true, had not felt any disproportion. He had taken for granted that 'this realm of England is an Empire'. At that time as well as under Queen Elizabeth I it was claimed in courtly and political language that the kingdom was an 'Empery'. Yet this assertion could never spread very far. Though Englishmen respected their imperious monarch, they could not conceive of their homeland deriving its name from the title of his crown.[1] They were not in the position of the Germans, whose ancestors had known 'the Empire' before they knew a 'Deutschland'. The name best fitted to the classical term 'Empire' was the island, Britannia. England and Wales were not the whole of Britain. To merit this name they had to be united with Scotland. If this happened, the name British Empire could become symbolic of a national cause. Before this could happen, the union itself had to become a national cause to large sections of both countries. The prospects for this were not at all good until after the Glorious Revolution. Besides, something more was required to make the title of Empire appear justified. Emancipated by the humanists from exclusive reference to the Roman Empire, the word had become a name for majestic greatness, respected by the world at large. To Englishmen of the sixteenth and seventeenth centuries ascendancy was a salutary expectation, but it was

not one which had been secured. Compared with France and Spain, the country remained a power of the second rank—and these greater monarchies did not officially call themselves 'empires'.

These facts give a particular meaning to the sporadic instances in which, from the Reformation to the Civil War, English writers tried to give currency to the idea of a British Empire.[1] Whenever the concept occurred, it was expressive of some lofty scheme which very shortly came to nothing. When the Protector Somerset tried to force the Scots to betrothe their infant heiress Mary Stuart to his royal ward Edward VI, an officious publicist claimed that England was 'the only supreme seat of the Empire of Great Britain', but this premature claim was spurned by the Scots, who gave Mary in marriage to the heir of the French crown. 'Imperial' expectations of a different kind were aroused by the momentous enterprises of Elizabethan seamen in the western hemisphere. When in 1577 Francis Drake set out to snatch the supposed *Terra Australis* in the South Sea—assumed to be King Solomon's Ophir—from the Spaniards, the promoters of the voyage took Dr John Dee into their confidence. In the mind of this eccentric scholar geographical speculations combined inspiringly with antiquarian reminiscences. He expressed great confidence in 'the humors and inclinations of the people of this Albion being the greater portion of the British Impire'. Basing himself on such 'old and authentic chronicles' as had served Polydore Vergil and delighted Henry VIII, he referred the readers of his *Perfect Art of Navigation* to the glories of *Edgar Pacificus*, the 'imperial and godly governor' and 'Saxonical Alexander', who 'wisely knew the ancient bounds and limits of this British Impire'. 'Careful for the prosperity of this Brytish Impire under our most peaceable Queen Elizabeth', John Dee promised her and his countrymen that by their new exploits overseas they would renew the imperial splendour of that monarch of antiquity and establish a true *Imperium Britannicum*.

These hopes were singularly misplaced. One of the results of Drake's expedition was that the fabulous continent in the South Sea dissolved into thin air. Dr Dee's fantastic treatise was, however, followed by other and more plausible books and essays on the prospects of conquests and the establishment of plantations overseas. It is remarkable that none of them adopted the author's nomenclature. Sir Walter Raleigh, in recommending one of his vast American projects, wrote *The Discovery of the Large*

Rich and Bewtiful Empyre of Guiana—and wished this supposed Inca state at the doors of Spanish Peru to be controlled by an English garrison. The name British Empire had no place in this project.[1] Eagerly though colonies overseas were coveted in those days, they were—as the 'Spanish Monarchy' showed—not regarded as conferring the status of 'Empire'.

The chances of a British Empire remained bound up with the political and constitutional prospects of a kingdom of Great Britain. These prospects were increased, and the title became a serious issue, in 1603, when by Queen Elizabeth's will King James VI of Scotland was proclaimed the legitimate successor to the Imperial Crown. His intentions were manifest from the beginning. He styled himself 'King of Great Britain, France and Ireland'; he referred to 'our imperial monarchy of two great kingdoms'. He demanded that Parliament should legislate for his Scottish subjects to share the rights of Englishmen. He aimed unmistakably at governing a British nation of homogeneous civil status, though still divided into two political bodies. Parliament firmly obstructed this plan. It would go no farther than to acknowledge that Scotland had entered the orbit of the Imperial Crown. That was of the constitutional principles on which James and Parliament differed irreconcilably. The notion of the king's empire was affected by this antagonism, since acceptance meant a declaration of general sympathy with James's views. A demonstration was prepared for the King by the University of Oxford when he entered the city in August 1605. Three students, who were dressed as the 'sybils' of the Scottish saga of Macbeth and Banquo, not only hailed him as 'supreme British, Irish, Gallic Monarch', but proclaimed that under him Britain was now finally united. They also attributed the Virgilian *imperium sine fine* to his dynasty.[2] Some years later, the geographer John Speed hit upon a bold device to accustom the public at large to the idea cherished by the King. He conferred the title *The Theatre of the Empire of Great Britain* on the series of maps of England, Scotland, and Ireland, which he included in one volume. He put 'The British Empire' on the flyleaf, and dedicated the work to the King as the 'Inlarger and Uniter of the British Empire'.

Though Speed's atlas was much used, its appeal to national feeling was barren of results. 'The Empire of Great Britain' depicted in it was only the nominal counterpart of the nominal dignity of the Imperial Crown. England and Scotland had little more than their king in common. The

royal authority and the rites of the Anglican Church were not accepted as a common imperial cause by the two nations, though they were regarded by James I and Charles I as an identical cause in both kingdoms. Charles, headstrong politics in Scotland united the nations in a common cause against their king for some years. This brought from John Milton, the last and greatest of the Christian humanists, the most fervent prayer for the British Empire ever pronounced. 'O thou that . . . having first well-nigh freed us from Antichristian thraldom didst build up this Britannic Empire to a glorious and enviable height with all her Daughter Islands about her, stay us in this felicity.' An earlier passage of the treatise of 1641 which leads to this invocation—*On Reformation touching Church-Discipline in England*—precisely defines the imperial glory and felicity to which the author looks forward. 'Go on both hand in hand, O Nations, never to be disunited, be the praise and the heroic song of all posterity; merit this, but seek only virtue, not to extend your limits. . . .' This is a warning against any worldly interpretation of the Britannic Empire. In the last resort Milton's spiritual ambition is reserved for his English homeland. The burden of his prayer is that 'this great and warlike nation' may 'be found the soberest, wisest, and most Christian people' until doomsday, and be adequately rewarded then. If the Britannic Empire is mentioned, it is only because the Scots, by their 'sincere and moderate proceedings'—that is, their proceeding from the Tweed to the Tyne—by which they disarmed King Charles and put him at the mercy of Parliament, enabled the English to free themselves from the abomination of Prelacy, and thus qualify for perfection. Milton's admiration for the Scottish version of Protestantism was not to last long; under the solemn League and Covenant he learned to dread the 'classic hierarchy' of the Presbyterian 'forcers of conscience'. The name 'Britannic Empire' was no lasting inspiration to him.

Nor did the names of Britain and Empire mean anything to Oliver Cromwell, when in 1654 he forcibly established the 'Commonwealth of England, Scotland and Ireland and the dominions thereunto belonging'. His idea of a common political framework to which the three nations should forthwith pay allegiance was fully expressed by the title of Commonwealth, which had been proclaimed for England on the morrow of the execution of King Charles. The three nations were to learn to co-

operate as one 'Commonwealth and Free State'. They were ordered to unite in the service of republican and religious responsibilities. To suppose that they, or at least England and Scotland, were already united by virtue of a common 'British' nationality would have appeared completely preposterous. Still less could the title of 'Empire' be considered for a state whose very existence was bound up with the annulment of the Imperial Crown.[1] It is for other and rather doubtful reasons that Cromwell has earned the name of the first 'imperialist' in English history. This is due to his predatory and ill-conducted assault on the 'Spanish Main' of 1654–5, to his 'Western Design' of establishing a vast English dependency in the Caribbean and in Venezuela. The intention of 'promoting the Glory of God and the Gospel', by which this project was justified in the eyes of the Lord Protector, has been represented by German scholars as presaging the belief in British colonization cherished by a Seeley or a Rhodes. In fact Cromwell's plans of conquest had nothing in common with modern urges for colonial expansion, except a modicum of cocksure self-righteousness. It is misleading enough to make 'imperialism', with its supposed ingredients of hypocrisy and rapacity, the hallmark of all modern colonial organization and expansion. To make the Protector the ancestor of this type of imperialism is still less compatible with historical reality. Far from anticipating the intentions and methods of the constructive empire-builders of later generations, Cromwell's Protestant 'Western Design' was dangerously similar to the ideas of hallowed conquest which had served to justify the Catholic autocracies of New Spain.

Cromwell's Commonwealth of the three nations was not made to resemble the modern British Empire any more closely by being called 'The Commonwealth of Oceans' in James Harrington's erratic reform project. The name bestowed on England in this historical parable was not meant to point to an 'oceanic' mission. As its 'ballanced' republican constitution was supposedly determined by the distribution of landed property, so was its intrinsic strength based on agriculture. This solid foundation, in Harrington's view, made it superior not only to its Dutch rivals but also to Venice, that model of constitutional perfection. 'Colonies of the Indies' are, in Harrington's opinion, utterly useless investments. 'They are yet babes that cannot live without sucking the breasts of their mother-cities, but such as, I mistake, if when they come

of age they do not wean themselves: which causes me to wonder at princes that delight to be exhausted in that way.' Implicitly this criticism refers to Cromwell's 'Western Design'. In 1656 when Harrington concluded *Oceana* there was open war with Spain, and Cromwell had risen to the occasion by bringing the naval and military forces of the Commonwealth to bear upon European power conflicts. Harrington now hit upon the idea of making his project more commendable to the Lord Protector by assuring him that it would provide the basis of a policy of interference on the Continent. This intention gives the clue to the bellicose harangue in which the 'Archon'—Cromwell himself—addresses the constituent assembly when the whole project has become law. He prophesies that, because of its ideal constitution, the new state is certain to wield the 'empire' or, in true Ciceronian style, the 'patronage of the world'. The 'world' in this context is Europe. The boast is meant to materialize in a 'patronage' of the 'Gothick Empires' on the European continent, which are 'all sick'. Military laurels are easily won there and more easily still in Ireland, 'Panopea'. This is the only inference which Harrington draws from Robert Blake's naval victories, 'your shipping being of such a nature as makes the descent of your armies almost of equal facility in any country, so that what you take you hold'. This eulogy of England's maritime 'wings' does not fit in with the body of the Archon's constitution; for there the navy is forgotten. While the system at every level co-ordinates the organization of republican self-government with that of an efficient militia, it makes no provision for the recruiting and training of marines in Oceana-England.[1]

Harrington was not of the 'godly'. The historical reasoning on which he built his plan of Commonwealth and 'empire' was as secular as was that of his guides, Machiavelli and Bacon. He asserted, indeed, that this plan was in keeping with the decrees of Providence. But one has to understand that when he used Puritan rhetoric it was rhetoric only, a style adapted to the style of Cromwell and his confidants, but not expressive of any genuine religious ideology. Genuine Puritans, on the other hand, were never convinced that to seek glories abroad was the essence of a godly state. Cromwell's 'Western Design' had angry critics in these quarters. All this leaves little justification for the view that the Puritan Republic marks a decisive stage in the growth of British imperial

aspirations. It is not merely that the name of the British Empire had no place in the Puritan Commonwealth. It was never seriously imagined that it would grow into a world-empire. Why has it recently been stated to have led the English nation this way? This interpretation has never been part of English historical consciousness. It is in the main a construction applied by German scholars to the sociological scrutiny of modern British history. They produced the conception of two heterogeneous but connected doctrines which came to be very generally accepted in the early twentieth century; one, that modern 'imperialism' was derived from modern capitalism, the other that capitalism itself owed its specific modern features to the moral discipline of Puritan Protestantism, and was therefore essentially 'Anglo-Saxon'. Thus a conglomeration of synthetic slogans was shaped into a pattern of historical analysis. The architects of this pattern failed to pay due attention to the expressions of moral distrust in comments by English Nonconformists, in earlier as well as in later days, on national glories earned by dominance abroad.[1]

While the Commonwealth men were not the originators of an 'imperialist' ideology, they must be credited with a lasting contribution to what came to be understood as the substance of the British Empire. As *Oceana* noted in passing, they set new standards for the maritime efficiency of the nation; they gave reality to the aim of 'the Empire of the Sea'. This achievement arose out of the vital demands of self-preservation.

When Cromwell's army had subjugated Ireland and Scotland 1649–51, the Council of State demanded the construction and dispatch of numerous men-of-war to protect the regicide republic. They had to get the better of the naval forces of the royal cause led by Prince Rupert. Under the command of Robert Blake this hurriedly organized navy did its work well in Ireland, Portugal, and the Mediterranean; it was chosen by the republican governors in London to settle accounts with the Protestant Dutch competitors for supremacy in the narrow seas.

This war was preceded by legislation which reserved the monopoly of importing 'goods or commodities whatsoever of the growth, production or manufacture of Asia, Africa or America' to ships and crews of the Commonwealth and its dependencies. It ordered European merchantmen to bring to English, Irish and colonial ports such produce only as

originated in their respective home-regions. Directed immediately against the Dutch carrying-trade, this first Navigation Act of 1651 implicitly addressed an exacting challenge to the nautical and commercial energies of the nation. It had still to be proved that English shipbuilding, shipping and trade were sufficiently developed to answer it. The goal was reached only after some decades. England's superiority over European competitors in naval warfare had to undergo many tests before the nation could regard it as an accomplished fact. Blake's achievement against the Barbary corsairs and his blockade of Cadiz in Cromwell's Spanish War seemed, indeed, to inaugurate a new era of English hegemony at sea. When in 1665–7 Charles II, with the assent of public opinion, again challenged the Dutch, the two maritime powers appeared to be equally poised; the Dutch had taken the English fleet unawares in a raid on Chatham harbour. Andrew Marvell stated that this was a breach of 'Father Neptune's promise to bestow his empire old' upon 'that happy pair', the Thames and the Medway. His mournful statement showed clearly enough what kind of 'empire' had the strongest appeal to Englishmen. The Earl of Shaftesbury, in a memorandum prepared for the King, called it 'potency at sea by shipping'. About the same time Thomas Sprat, in an aside in his *History of the Royal Society*, told 'the gentlemen of our nation' that it was 'now rightly understood, that English greatness will never be supported or increased in this age by any other wars than those at sea'.[1]

The Third Dutch War of 1672/3, in which Charles tried to harness these ambitions to his scheme of lasting co-operation with Louis XIV, would have remained inconclusive for England's maritime position, even if it had led to indisputable victory; for its strategy was based on the joint action of English and French squadrons. The Dutch fleet and its commander De Ruyter had held their own against these numerically superior forces when Parliament compelled Charles to withdraw from the 'papist' alliance. The struggle for supremacy against the Dutch could not again become a national cause. Once Parliament and those other elements of society which counted as the politically responsible part of the nation had become aware of the dangers of French hegemony, Shaftesbury's 'delenda est Carthago' became out of date. The national aim of making England formidable at sea was no longer bound up with the aggressive

desire to score a spectacular triumph over one competitor. Under Charles II the additional strength given to the navy was for the purpose of joining, in an emergency, with other European Powers against French encroachments. Such an emergency, on the other hand, could never arise so long as the Stuart kings stood between the English nation and Louis XIV. But it finally became a reality with the overthrow of James II in the Revolution of 1688.

Now that under the leadership of William III England and Holland were allied against Louis as well as against the return of James, the English navy became active in a cause somewhat similar to that which had inaugurated its rise to efficiency and renown in the early years of the Commonwealth. It fought then, as it had done earlier, for the preservation of a political system accepted as embodying the liberties of Englishmen. Again there were reverses. On the first occasion strong English and Dutch naval forces could have joined battle against the French fleet off Beachy Head in June 1690, but the English admiral allowed them to retreat after having exposed the Dutch to considerable losses. Later, the incessant attacks of French privateers on English and Dutch merchantmen in the Channel proved a menace. But in 1692 the signal victory of Cape La Hogue was won. It meant that the French could neither overthrow the English battle-fleet nor prevent the crossing of English armed forces. It also set English men-of-war free for successful operations in the Mediterranean. Preparations for an invasion of England were renewed by Louis and James in 1695–6, at the same time as the Jacobite conspiracy to assassinate William in London. The revelation of this plot by William himself in Parliament on 24 February 1696 nullified the project.

Ten years later, when more spectacular successes had been scored for England in Queen Anne's and Marlborough's war, Gilbert Burnet, in a thanksgiving sermon, drew attention to the significance of the two events of 1692 and 1696. His edifying discourse took Deut. IV, 7–8 as its text. 'For what nation is there so great who hath God so nigh unto them. . . .' Surely the English had now become the chosen people of providence. 'No great nation can boast of anything like them.' The events which the bishop called to witness all dated from the past. The first was the victory over the Armada, the second the Revolution of 1688. The third and the fourth followed four years after that, and then again four years later—the

battle of La Hogue and the discomfiture of the Invasion and Assassination Plot. This last event, according to him, meant not only a momentary rescue, but the inability of the enemy to breach England's safest bulwark, its naval forces. 'Then we felt that we had a great strength at sea, ready at hand, fixed in our parts to secure and preserve us.'[1]

Objective historical judgement goes far to confirm these sentiments. The plot was a desperate attempt to invalidate the English 'strength at sea', and therefore a drastic tribute to it. Since La Hogue Britain's strength at sea had, in spite of the set-backs of the privateer's war, become visible enough to show its decisive value in both the causes which were at stake in King William's war, the liberties of England and the 'balance'—the 'liberty'—of Europe. The constitutional system of the nation as well as its newly-won position as a great European Power were manifestly bound up with maritime strength. The significance of this triangular greatness—to which the growth of British commerce was an indispensable corollary—was, under new conditions, brought home to the nation time and again in the following century. It became basic to British historical consciousness. More than that, it gave substance to the concept of the British Empire as it gained shape in that age.

Bishop Burnet's reflections of 1706 refer to the events of 1692 and 1696 as having inaugurated this consciousness. 'Then we felt', he wrote; and it is the language not of *post factum* construction but of living memory. One cannot forget that the same churchman in his book of memoirs—which won final shape as the *History of my own Time*—portrayed English public opinion of King William's day as being enlivened, not only by intense feelings of satisfaction, but by misgivings and distrust which pervaded Court and Parliament, the Army, the Navy, and English society at large. In his narrative the triumph of La Hogue is obscured by its immediate aftermath of recriminations in which Admiral Russell, his subcommanders, and the government made one another responsible for having neglected the opportunity to destroy the French fleet, while the merchants complained that their safety at sea had not improved. 'The common reflection that was made on our conduct was that the providence of God, and the valour of our men, had given us a victory, of which we knew not what use we should make.' When reporting on the 'association' by which Parliament, after the discovery of the assassination plot,

solemnly proclaimed its loyalty to King William, Burnet emphasizes the unwillingness of Tory members to have William's kingship, on this occasion, declared rightful and lawful.[1] Public opinion seems to have been far from dominated by confidence in the powerful effects of the new political system. Such confidence could not have remained unbroken if the monarch had had no prominent share in it. There were many reasons why William, as long as he lived, could never wholly possess this symbolic status. Nevertheless, contemporary evidence testifies to the truth of Burnet's retrospective assertion that the conviction of Britain's invulnerable 'strength at sea' became widespread during King William's war, and especially after the failure of the plot of 1696.

The rise of the notion of the British Empire is bound up with these convictions. They are, indeed, of a particular literary character, which, at first sight, seems to detract from their representative significance. They are provided by the poetical homage offered to the King and to the Navy by minor poets. Such semi-official poetry, when written in the expectation of reward, was little related to genuine feelings. This distrust, legitimate if the productions had been clearly instigated by their patrons, is scarcely applicable to these utterances. It seems more appropriate to say that their authors were aloof from the factious passions of the political scene and could give unstinted and eloquent expression to what many simple people felt.

'A Pindaric Poem', *Britannia Victrix*, issued anonymously soon after La Hogue, used Greek mythology to depict the feeling of relief which the event aroused in the nation.[2] Like the virgin Andromeda,

> So but of late fair Albion lay,
> Till Victory, like Perseus came
> To rescue the afflicted dame,
> Chas'd the grim tyrants of the sea,
> In narrow creeks to be inclosed,
> And to the British Ocean gave new laws.[3]

John Dennis, who about that time started his unsuccessful attempts to become the national poet of the new age, was equally aware of the historical significance of the battle. To denote what the other writer had called the 'British Ocean' he used a term which proved durable.

I sing the naval fight, whose triumph fame
More loudly than our cannon shall proclaim;
Which with heroick force burst Europe's chain,
And made fair Britain Empress of the Main.

The French admiral represents the demoniacal power which puts this empire to the test:

. . . On comes proud Tourville rattling like a storm,
Sent by some devil to dissolve (in vain)
The two vast empires of the land and main. . . .

And the challenge is accepted:

With deafning shouts the English rend the skies,
While victory hov'ring o'er their pendants flies;
The lust of empire, and the lust of praise
Does high and low to godlike courage raise.[1]

This boast seems too stilted. Pomposity was tempered with judgement in the eulogy in which in 1696 Matthew Prior, then a diplomat at The Hague, welcomed William 'at his arrival in Holland after the discovery of the conspiracy'. His verses exactly express, according to Burnet's recollection, the widespread feeling on this occasion, emphasized by the notion of empire.

Imperial Britain on the Sea looks down,
And smiling sees her Rebel Subjects frown. . . .

His Fleets in Thunder thro' the World declare,
Whose Empire they obey, whose Arms they bear. . . .[2]

These lines must not be dismissed as mere flourishes of court-poetry. They express the intention that the nation, under the name of Britain, should take part in the imperial dignity of the crown. They rest this participation on the now firmly established supremacy at sea. In this interconnection of ideas they fix the meaning of 'the British Empire'.

Matthew Prior was to herald this concept again. He emphasized it once more when in 1699 he glorified William in his *Carmen Seculare for the year 1700*. At that time, two years after the treaty of Ryswick, William's prestige abroad was in extreme contrast to the position conceded to him by his English subjects. While Louis XIV accepted him as equal partner

in the attempted settlement of the impending question of the Spanish succession, the Tory majority of his Parliament treated him more openly than ever as an untrustworthy alien. They curtailed his programme of military preparedness. They compelled him to dismiss foreigners, including Dutch and Scots, from the army, and were extremely angry about the favours bestowed by him on his Dutch confidants. Without referring explicitly to these factious and obstructive policies, Prior—in a style most unlike that soon to be used in the same cause by the author of the 'True-Born Englishman'—undertook to shame them in a poetical address to the nation. He exerted himself to show William as the selfless hero who, true to the tradition of his dynasty ('the glorious offspring of the Nassaw race, devoted lives to public liberty'), had come just in time to the rescue of the country. He understood, however, that homage offered to the King would have no general effect unless accompanied by flattery to national pride and by the expression of wishes for the commercial blessings of peace. This intention dictates the arrangement of his eulogies. Before he turns to William, he commemorates English glories, of the past:

> Illustrious virtues, who by turns have rose,
> In foreign fields to check Britannia's foes
> With happy laws her empire to sustain,
> And with full pow'r assert her ambient main.

Thus 'Britannia', her liberties, her 'empire' and sea-power are the linked emblems in which the nation is invited to see its honours expressed. Maritime ascendancy and the obvious advantages resulting from it are given pride of place. The panegyric on William is followed by a prayer which implores Providence to promote these paramount interests.

> Let Britain's ships export an annual fleece
> Richer than Argos brought to ancient Greece. . . .
> As our high vessels pass their wat'ry way,
> Let all the naval world due homage pay,
>
> With hasty reverence their top-honours lower,
> Confessing the asserted power,
> To whom by fate 'twas given, with happy sway
> To calm the earth, and vindicate the sea.

> Our prayers are heard, our master's fleets shall go
> As far as winds can bear, or waters flow,
> New lands to make, new Indies to explore,
> In worlds unknown to plant Britannia's power.[1]

This is a skilful attempt to set forth in detail what has been called 'Britannia's Empire'. 'Power', synonymous with 'Empire', is the last word, but it is not the power of conquest. It means the steady exploitation of rewarding establishments beyond the seas. This accords with the poet's prayer for woollen exports. Britain may look forward to such wealth because she preserves peace in Europe ('to calm the earth'), but both her political and her commercial ascendancy are made possible by her unopposed predominance at sea. Her sway over the 'ambient main' is clearly the factor which qualifies her for the title of empire.

The name 'Britain' in Prior's homage to William is still somewhat of a poetic licence, though not lacking all political implication. In literary usage that name referred to England alone, irrespective of the Scottish partnership, which had no direct share in its maritime power and commercial wealth. But Prior knew, from his service abroad, that to the outside world 'sa majesté britannique' represented both kingdoms, which internally had returned to their separate status at the Restoration.[2] He also knew that William eagerly wished for a real legislative union of the two nations. Prior therefore intimated that they were, in spirit at least, already united in one 'Britain'. Appealing to 'Heaven's decrees' he proclaimed that from the accession of Scotland's kings to the 'English throne . . . the fair rivals live for ever one'.[3] This assertion—and the name 'Britain' itself—had a doubtful ring at the time of this pronouncement. The English were still unwilling to admit Scotland to their commercial and colonial privileges. Scotland retaliated with an attempt at colonial competition in the Darien scheme, and adhered to this economically unsound project in the face of William's demand to have it dropped. It was as true as it always had been that only the union of the two kingdoms could give reality to the name of the British Empire; but no understanding was yet in sight.

Another use of the term 'empire' deserves notice here, though it could not change the situation. The American 'plantations', whose monopolized investment value was the main obstacle to the British union, had

themselves been called an 'empire' for many decades. When Charles I by his proclamation of 1625 made the colony of Virginia immediately dependent upon the crown, he declared 'that we hold those territories of Virginia and of the Summer Islands, as also that of New England . . . to be a part of our royal empire descended upon us'. This was not so much the proclamation of a name for the territory as a correct assertion of the King's authority. Charles availed himself of the general meaning of *imperium* to which the humanists had given currency, and to which the King of Spain had recourse when issuing instructions for the East Indies. This terminology was used again by Charles II when in his privilege for Pennsylvania in 1680 he referred to the founder's 'commendable desire to enlarge our English empire'. The emphasis is on 'English' because, with the concurrence of the King, the exclusive claim of the English nation to the profits of colonial shipping and trade had been strictly defined by Acts of Parliament. Besides being compelled to transport their produce in English and colonial ships, the colonies had to sell valuable parts of the 'enumerated commodities' to English customers only, and to buy all their European imports from English merchants. The 'Act for the Encouragement of Trade', which made the latter provision in 1663, declared that it was justified 'in regard his majesty's plantations beyond the seas are inhabited and peopled by his subjects of this kingdom of England', and that it was intended 'for the maintaining a greater correspondence and kindness between them and keeping them in a firmer dependence upon it, and rendering them yet more beneficial and advantageous unto it'. The area of the English colonies on the Atlantic seaboard under Charles II was conspicuously extended. On the North American continent its chain was made continuous by the annexation of New York from the Dutch and Delaware from the Swedes, and by the scattered settlements in the Carolinas, which stretched southward into the undefined borderland of Spanish Florida. In the West Indies, Jamaica, the only booty resulting from Cromwell's 'Western Design', was firmly held, and so were Barbados and other small islands farther east. Geographical descriptions and maps from 1685 onward brought the complex of 'plantations' under the heading of 'the English Empire in America'.[1]

The expression was useful in the proclamations of Charles I and Charles II. Edward Littleton, a planter of Barbados, who about this time

settled in London as agent for the colony, only used the term in order to complain that it meant little to Englishmen at home. They did not consider, he said, that 'we by our labour, hazards, and industry have enlarged the English trade and empire'; they had still to learn that 'the English Empire in America, what-ever we think of it ourselves, is by others esteemed considerable'. The reproach was borne out by the exceptionally high duties with which the planters of Barbados were encumbered either directly or indirectly. The import duty on sugar, payable at English ports, was a burden to them. Moreover, shortly after the accession of Charles II, they had to agree to a special tax due to the King of $4\frac{1}{2}$ per cent of the value of exports, under the pretext that the money was to be used 'for support of the government and for the public services of the island'. Finally, the regulation which made sugar an 'enumerated commodity' was considered by Littleton as a grievous injustice: 'Heretofore we might send our commodities to any part of the world. But now we must send them to England and to no place else.' The author is bitter about the effects of the Restoration. 'In former times we accounted ourselves a part of England . . . but upon the King's Restauration we were in effect made foreigners and aliens.' These and other complaints are summed up in the statement that less than justice was done in the mother country to 'the English Empire in America'.[1]

It is worth while setting this assertion beside one made by a more famous author eighty-seven years later. 'The rulers of Great Britain have, for more than a century past, amused the people with the imagination that they possessed a great empire on the west side of the Atlantic.' This sentence from the *Wealth of Nations* only makes sense in the context of the chapters on public finance, at the end of which it appears. It summarizes the verdict that 'provinces' which refuse to participate in the common burden of taxes, but put heavy demands on the taxpayers of the metropolis, are at best 'a sort of splendid and showy equipage of the empire'. Therefore they cannot appropriately be called an empire; 'this empire had hitherto existed in imagination only'. Adam Smith was fully entitled to measure the colonial system established under the Restoration by such principles of 'empire' as were consistent with his general views. But in assuming, even for a moment, that a concept of empire similar to his own had been in the minds of the legislators and the nation, he made

a misleading historical statement. Parliament never 'amused' the nation with an invented phantasy of 'empire'. As Adam Smith knew very well, it only introduced controls as every country of Europe which clung to the institution of colonies. The notion of empire was so little related to these restrictive policies that the pamphlet of the Barbados planter reads like faint anticipation of the opposition of Benjamin Franklin to such policies.

2. THE EMPIRE OF THE SEA

The particular ways in which the idea of the British Empire was projected to Englishmen in the days of King William III were substantiated by four national achievements. The nation had, in the Revolution of 1688, secured what were understood to be its liberties; it was now on a par with the Imperial Crown. It knew itself and its seaborne commerce to be impregnable with the protection of its navy; it could pride itself on 'the Empire of the Sea'. It had risen to prominent status among the Great Powers of Europe, Finally, the principle of union of the Crowns of England and Scotland had been reasserted and was expected to become, at some unknown date, transformed into the union of the kingdoms themselves. These four titles of strength combined remained the vital basis of the name. They were successfully put to the test in the new struggle for the balance of Europe in the War of the Spanish Succession. William, who had allied England to Holland and the Hapsburg monarchy in order to prevent the new danger of French hegemony, died at the moment war began; it became Queen Anne's and Marlborough's war.

The military glories and political prestige which accrued to England in this war did not immediately result in any greater popularity for 'imperial' additions to the British or the English name. The 'empire of the sea' was not openly challenged. The contributions of the navy to the conduct of the war—its vital function in the capture of Gibraltar and Minorca and in the attempted occupation of Spain—were overshadowed by the triumphs of Marlborough. These victories were won for the immediate benefit of the political system to which the title of 'The Empire' traditionally applied, the monarchy of the German-Roman emperor. The cause of the Union, and its close connection with the notion of empire appeared in the entreaties of an English pamphleteer who, at

the beginning of Anne's reign—pretending he was a Scot—tried to convince the Scots that they had no choice but to merge completely in the greater kingdom. They could not, he told them, divert the 'course of empire'; they should not try to check it. They should look up to the Queen, 'ballancing the powers of the earth, moderating universal peace and war; ruling over the globe, as she rules over the sea, placed in the ... rocky seat of everlasting empire'. They could have no more desirable task than to help her to 'fix an Empire in the deep, greater than all the rapacious conquests of the Continent'.[1] These effusions show how eagerly semi-official spokesmen grasped the opportunity to make the new heiress of the Imperial Crown appear another Elizabeth—and thereby to reap the imperial honours of the new position of England, to which the nation was not yet accustomed.[2] In linking this style to the cause of the Union the author was out of tune with the politicians who handled the matter. For some years the Parliament of Westminster showed no eagerness to make the mercantile concessions which alone could overcome the reluctance of the Scots to renounce their ancient statehood. Finally, when fierce Scottish threats made it apparent that further protraction might result in irreparable estrangement, English commissioners in 1705 met the Scottish in negotiations which were to fulfil their main demands. When this compromise was reached in the Acts of 1707, there was little reason for the partners to proclaim it as the establishment of an empire.

Nevertheless, the union of the two kingdoms definitely made the British Empire a formal entity. But the name was not given official status on this occasion. By the legislative Acts, the two kingdoms were declared to have been 'united into one kingdom by the name of Great Britain'. Nobody doubted that the 'British Empire' was a legitimate alternative to this title. Samuel Vetch, a Scot from Boston, wished the name to be used henceforth in a larger significance. His ambitions were shared by other New England colonists but were not heeded by the war-leaders in the mother country. Vetch was asking for assistance for his sorties into Canada; he pointed out to the Government the advantages which the colonists could expect from conquest for themselves 'and all the British Empire'. This reading of the term, as embracing the colonies together with Great Britain, was exceptional. John Oldmixon's historical survey

of 1708 onward introduced 'the English Empire in America' as a decorous equivalent to 'the plantations' in descriptions and occasional references.[1] These instances must not be taken as implying that the public mind had accustomed itself to the idea of one British Empire, extending over both hemispheres. English writers were satisfied that Great Britain itself was the Empire of Britain.

This significance was put to fervid use in 1712 by poetical publicists when the United Kingdom, under its new Tory leadership, broke away from its continental allies, disowned its war-hero Marlborough, and prepared to leave Spain and her Indies to the Bourbons, in exchange for commercial and colonial profits. Although the Duke had gone into 'voluntary banishment', the monument in Woodstock Park, erected not long before, still stood in his honour. The Whig epigrammatist Dr Samuel Garth saluted him:

> Go, mighty prince, and those great nations see
> Which thy victorious arms before made free;
> View that fam'd column where thy name engrav'd
> Shall tell their children who their empire saved. . . .[2]

The author compared Marlborough's undeserved disgrace to that of Scipio Africanus (he probably had in mind how Scipio had shamed his ungrateful compatriots by reminding them of his defeat of Hannibal, *imperii vestri inimicissimum*). Garth took it for granted that the name empire was now claimed by the two 'great nations' as denoting their common realm. In the opposite camp Thomas Tickell shared this assumption. Deluded by an act of Anglo-French collusion, he noted among the *Prospects of Peace* that

> By Harley's counsels Dunkirk now restor'd
> To Britain's empire owns her ancient lord.3

The term was not in daily use; but it was soon used in prose-writing of a popular character. About ten years after the Peace of Utrecht, Daniel Defoe used it in *A Tour thro' the whole Island of Great Britain*. This 'description of the most flourishing and opulent country in the world' would, he promised, provide much new information; for 'the situation of affairs in this great British Empire gives such new turns, even to nature itself, that there is matter of new observation every day presented to the

traveller's eye'. Defoe was aware that the name was predominantly an expression of English national pride. In the Scottish section of the *Tour* he would, he said, have liked to 'enlarge upon the honour it is to Scotland to be a part of the British Empire, and to be incorporated with so powerful a people under the crown of so great a monarch'; but he was afraid of being 'told, and perhaps justly too, that this was talking like an Englishman, rather than like a Briton'. He took the 'British Empire' to be synonymous with the United Kingdom of Great Britain, but felt the name to be expressive of a national self-esteem which, at heart, was 'English' rather than 'British'.

This assumption of grandeur was clearly based on English maritime and mercantile achievements. Queen Anne's ministers resolved on less dangerous interests, and diverted British war aims to Mediterranean waters, American coasts, and Atlantic trade. Those achievements of the war which had seemed least spectacular when Marlborough and Eugene won their victories were now of greatest promise. Gibraltar, Minorca and Acadia had been conquered and held, Newfoundland recaptured. France had not dared to challenge the English navy again in battle and even her privateers had finally proved ineffective. English sea-borne trade produced increased returns in the midst of war.[1] The conditions of peace were based on these successes and on the possibility of obtaining complementary concessions: the dismantling of Dunkirk and the Hudson Bay forts, the *Asiento* and other concessions for trade with the Spanish colonies. 'We are a trading nation and as such must secure our traffic'; this was the formula in which Matthew Prior summed up the policies of his government when negotiating the preliminaries for the Peace of Utrecht. He was then speaking prose to the French, not poetry to the English. Two minor verse-writers, Thomas Tickell and William Diaper, who served the Government, tried to convince the public that the advantages resulting from the negotiated peace were adequate attributes of British national greatness. Britain, they proclaimed, was now firmly allied to the sea and participated in its majesty. 'Britannia's isle' had become 'the oceans' stately queen. . . . Her trench the sea and fleets her floating wall.' 'Her powerful navy' presided 'over the boundless main', her merchants travelled safely from the polar zone to regions where, to the admiration of Nereids and Tritons, the South Sea Company would

open new markets. Almost identified with Britannia herself, Queen Anne reigned over a domain which extended 'from Albion's cliff . . .' to far Peru' and joined 'Magellan's straits to Gibraltar'. 'Its circling skies shall see no setting sun. . . . Thy realm the sea.'[1]

In 1712–13 glorification of British sea-power was thus coloured by partisanship for the Queen and the Tory peacemakers. With the accession of the House of Hanover, and the ascendancy of the Whigs, the politics which had given rise to these eulogies were brought into disrepute for some time. Harley and Matthew Prior were sent to the Tower. After a short time, however, glorification of English sea-power again became the dominant note in justifications of the Peace of Utrecht. Under the Regent Orléans France was willing to co-operate with Britain against the ambitions of Spain. British maritime power had again been spectacularly demonstrated at Cape Passaro. In 1720 Matthew Prior, now restored to London society, confirmed to the Britain of George I his promise to the Britain of William III. In his meditations on 'the Vanity of the World' he let King Solomon break out prophetically into a 'Digressive Panegyric upon Great Britain':

> Where, by the Strength of this Idea charm'd,
> Lighten'd with Glory and with Rapture warm'd,
> Ascends my Soul? what sees She White and Great
> Amidst subjected Seas? An Isle, the Seat
> Of Pow'r and Plenty; Her Imperial Throne,
> For Justice and for Mercy—sought and known . . .
> . . . her Armed Fleets She sends
> To Climates, folded yet from human Eye; . . .
> From Pole to Pole She hears her Acts resound,
> And rules an Empire by no Ocean bound;
> Knows her Ships anchor'd, and her Sails unfurl'd
> In other Indies, and a second World.
> Long shall Britannia (That must be her Name)
> Be first in Conquest, and preside in Fame.[2]

There are new strains in this eulogy. The nation which had made the princes of Hanover successors to the Imperial Crown is seated on an Imperial Throne, and a second association of epithets is introduced. The Empire of Great Britain and the empire wielded by Great Britain on the high seas are closely co-ordinated and virtually identified.

A few years later this identification is found again in a poem of very different sort. When in 1727 Spain again challenged the British navy and tried to regain Gibraltar, Sir Robert Walpole seemed to waver. The poet of the new age, James Thomson, made Britannia address her people in a stern discourse. Its motto is taken from *Aeneid*, I, ll. 134–9. Neptune's *imperium pelagi* is now definitely Britannia's Empire. With shame she sees her 'feeble and thoughtless sons' prepared to 'shrink from that Empire o'er the conquered seas', their 'well earned Empire of the deep'. Like the Tory apologists of the Peace of Utrecht, the Whig poet preaches to his countrymen that this empire means 'inexpensive power' which is 'unencumbered with the bulk immense of conquest' and, therefore, intrinsically superior to the 'huge empires' of the past which 'fell self-crushed'. But though less precarious, the empire needs to be jealously maintained. Britannia tells her sons: 'extend your reign from shore to shore'.

This new political creed, which saw the sea as the true British Empire, was given direct expression by Thomson in a lyrical exclamation inserted in *Liberty*, his poem on constitutional government (1736):

> O the dear prospect! O majestic view!
> See Britain's empire! lo! the watery vast
> Wide waves, diffusing the caerulean plain.[1]

The *imperium pelagi* had meantime been chosen by Edward Young as motto for a lengthy ode, allegedly written 'in imitation of Pindar's spirit'.[2] Its subtitle, *The Merchant*, indicated the interests which were expected most to welcome the topic. In fact the mood of aggressiveness which Thomson had expressed in *Britannia*, and incidentally in *Liberty*, foreshadowed the temper of London society in 1738. Walpole's parliamentary opponents joined with West Indian trade interests in forcing the Government into the War of Jenkin's Ear. They were openly bent on seizing the most important ports in the Caribbean from Spain, and even hoped for a general rising of the Spanish colonies, which would then open greater prospects for English commerce.[3] In the popular literature which fostered the spirit of aggression patriotic poetry took a prominent share. Two of these poems sounded the chord of 'empire' and tried to impress on the public its militant as well as its commercial

connotations. Of these poems one—Richard Glover's *London or the Progress of Commerce*—was an epic; the other—*Alfred, a Masque*, in the composition of which Thomson had the leading hand—a dramatic allegory.

Glover's *London* is an attempt to clothe economic history in mythological garb. It relates the wanderings of 'the illustrious nymph Neptunian commerce' from the coasts of Phoenicia to

> . . . Albion sea-embrac'd
> The destin'd mistress of the subject main
> . . . where grateful she bestow'd
> Th' unbounded empire of her father's floods,
> And chose thee, London, for her chief abode.

This glorious record has a moral. The goddess Commerce can no longer be served by her virtues alone. London must remember that 'Carthage bow'd at last to Rome'. Unalterably 'empire shall attend the sword, and steel shall ever conquer gold'.[1] *Alfred, a Masque* culminates in 'Rule Britannia, rule the waves' whose closing lines borrow 'the subject main' from Glover's *London*. There is also a prophetic hermit who comforts the desolate hero by visions of future ages

> . . . when the deep
> Thro' all her swelling waves, shall proudly joy
> Beneath the boundless empire of thy sons.

In the end, after 'Rule Britannia' has sounded, the hermit makes this apostrophe:

> I see thy commerce, Britain, grasp the world:
> All nations serve thee. . .
> Shores yet unfound, arise! in youthful prime,
> With towering forests, mighty rivers crowned:
> These stoop to Britain's thunder. This new world,
> Shook to its centre, trembles at her name:
> And there her sons, with aim exalted sow
> The seeds of rising empire, arts and arms.
> Britons, proceed, the subject deep command,
> Awe with your navies every hostile land.[2]

The allusions to the new war with Spain are obvious, and the general applause is almost audible. The victories eulogized are Admiral Vernon's,

whose capture of Porto Bello in November 1739 had been hailed as a forerunner of further exploits. In a singular haziness—which may be the author's rather than the seer's—the vision of these hostile coasts merges into that of rivers and forests of the colonies, where the sons of Britain sow their seed.

Matthew Prior's biblical prophet had ascribed 'Arts and Empire' to Modern Britain; twenty years later James Thomson's Anglo-Saxon prophet proclaimed that they had travelled farther west to the New World —thanks to British colonists. Ultimately the colonies acquire an honourable place in the British Empire. This is a remarkable fact. However, the overseas settlements are by no means the regions of British dominance on which the title of Empire is mainly based. They depend on 'the Empire of the deep' and promise increased moral and material rewards.

The first chapter in the career of the British Empire as a term that reminds the nation of its greatness and of its duties extends from the Battle of La Hogue to the war in the Spanish Main, 1739–40. During these decades the term grew in emphasis and in breadth of reference. It was formally authorized by the foundation of the Imperial Crown and by the union of the two kingdoms. It was felt to be substantiated by the incomparable strength of the navy and the growing revenue of English sea-borne trade. It was in rhetorical language identified with Britain's 'empire of the sea'. Additional glory was eventually expected to accrue to the Empire from the 'plantations' beyond the sea, from 'the British Empire in America'. Every one of these three connotations was still to develop its specific significance; but in the development the term appears to have lent itself to increasing emotional emphasis. As the range of its application widens, the note of arrogance sharpens. The literary examples in which we followed its early career are militant and boisterous. Prior's prayer that Britain might remain 'first in conquest' sounds mildly complacent when compared with Thomson's angry appeals to national prowess in 1727 and 1740. Both were elicited by an actual state of war; in the second instance the theatrical triumph celebrated an actual victory. The bellicose language was, however, mixed with claims to supremacy which had lost contact with political realities.

Thomson's admonition of 1727: 'extend your reign from shore to shore' was in his *Liberty* of 1736 given the more distinct form

> The winds and seas are Britain's wide domain,
> And not a sail but by permission spreads.

In the same work the poet ventured the doubtful assertion that it was British sea power that had put a limit to Louis XIV's ambitions

> Despairing Gaul her boiling youth restrains,
> Dissolved her dream of universal sway.

Glover's *London* called Albion not only 'the mistress of the subject main' but also 'the arbitress of Europe'.[1] And *Alfred, a Masque* closes on the assertion: 'They rule the balanc'd world, who rule the main.'

These extravagant assumptions were entirely unjustified. Britain was in fact far from holding the balance of Europe at that time. She had not been able to prevent the 'Family Compact' between the Bourbon monarchies of France and Spain and had left the continental powers to themselves in the tangle of the Polish Succession. Her statesmen proved unable to bring war in the West Indies to a speedy end. The forces of the nation were diverted to the new European war, which was induced by the Austrian Succession and the affairs of Germany. This anticlimax belied the expectations of 1739. In the middle of the war the Union itself was put to a severe test by the invasion of the young Pretender. Under the impact of this disappointing experience a patriot struck the Empire chord in a minor key.

> Did not high God of old ordain
> When to thy grasp he gave the scepter of the main,
> That empire in this favour'd land
> Fix'd on religion's solid base should stand?[2]

The danger passed, and the British Empire in the full meaning of the term remained intact. In the following years the name no longer implied the expectation of growing power and prestige overseas which Thomson and Glover had read into it.[3]

3. THE AMERICAN COLONIES BEFORE THE SEVEN YEARS WAR

'Trade, shipping, the Navy—not colonization—were the true imperial interests of Englishmen in the hundred years after the restoration of

Charles II.'[1] This statement of C. E. Carrington refers to the time from the second Act of Navigation to 'the Reduction of Quebec', a whole period in the history of British overseas interests. We have seen how, in the course of that century, the name 'British Empire' acquired a place in the English language and in British political consciousness. We have noticed that its main connotation was in fact 'trade, shipping and the Navy', and that the colonies figured only occasionally in its emphatic use. We have finally shown that the failure of the War of Jenkin's Ear adversely influenced its popularity towards the end of the period. From the end of the Seven Years War all this changed. The notion of the British Empire became a main topic of public opinion within the English-speaking world. After the Peace of Paris it had a particular appeal to citizens of the American mainland colonies. To them it had first of all a special bearing on the relations between themselves and the mother country. In the rising conflict the British Empire was felt to be at stake by the apologists of colonial liberty as well as by those of metropolitan authority. The name was to acquire a new attractive power in the course of the events which led to the dismemberment of the Empire that had been built up in America.

In view of these future vicissitudes we should do well to glance at the last decades preceding the Seven Years War. Two attitudes towards the inter-relation of the two concepts, 'the Colonies' (or 'the Plantations') and 'the British Empire', can be seen. The colonies were not 'the Empire' in the eyes of the British officials who dealt with their affairs. To American colonists the two concepts were already linked.

The Board of Trade and Plantations, established in 1696, was concerned, according to its instructions, with 'the plantations, not only with regard to the administration of government, but also in relation to commerce, and the manner in which those colonies could be rendered most beneficial to this Kingdom'. The identification of these interests with that of the British Empire would not have occurred to its members and officials. One of the latter, Thomas Pownall—the 'Governor Pownall' of later years—showed in 1752 that to him the concept of 'empire' was in no way related to his official duties. He defined it anew in some reflections on government in general, which he published under the title: *Principles of Policy, being the Grounds and Reasons of Civil Empire.* The book has

nothing to do with colonies. It deals with 'civil empire' in the abstract, meaning the efficient functioning of administration. The expression, as well as the basic theory applied to it, are derived from James Harrington's *Oceana*. To Pownall it is an axiom that 'Property and its influence will always have the Ballance of Power and Authority'. Deviating widely from Harrington, he draws decisive inferences from this principle, not in the sphere of constitutional arrangements, but in that of administrative discipline. Beneficial government depends on the collective wisdom of property owners. They must co-operate 'like some engine and machine, the silk-mills for instance, where a one common great first movement is communicated and distributed thro' the whole'. The idea expressed in this metaphor might be denoted also by a well-known term which still needs to be rightly interpreted—*Imperium* or 'Empire'. 'This modelling the people into various orders, and subordination of orders . . . and acting under that direction as a one whole is what the Romans called by the peculiar word Imperium, to express which particular group of ideas we have no word in English but by adopting the word Empire.' The author attempts to support this assertion by classical quotations,[1] but in truth it is wholly his own. He experimented freely with the notion of empire, which he could not have done if his superiors and colleagues at the Board of Trade and Plantations had ever spoken of the British Empire as of the sphere of their authority. There was no such tradition.

This could have happened if the central authorities had heeded entreaties which occasionally reached them from overseas. In 1736 the Council and Assembly of South Carolina addressed the King on the grave apprehension aroused in them by the policies of their new southern neighbours, the colonists of Georgia. They humbly asked His Majesty not to let these newcomers encroach on their own colony of more than seventy years' standing, whose founders had been 'moved with a pious and laudable zeal for the propagating of the Christian Faith and knowledge, and enlarging the British Empire and Dominions (at their no small expense and hazard and without any burthen or charge to the Crown or Kingdom)'. They believed that their colony had been 'of some advantage to Great Britain not only in the consumption of their woollen and other manufactures but also in the extension of the British trade and Empire several hundred miles among the native Indians'.[2] By claiming

to be pioneers of the British Empire the petitioners manifestly, but vainly, expected to impress their provincial interests on the home authorities. In 1740 and 1743 John Ashley of Barbados[1] addressed to these authorities *Memoirs and Considerations concerning the Trade and Revenues of the British Colonies in America.* While in the first series of these *Memoirs* the author introduced his recommendations only as 'proposals for rendering those colonies more beneficial to Great Britain', he struck a more elevated note on the title-page of the continuation of 1743. Here he undertook to show how 'the Traffick, Wealth and Strength of the whole may thereby be greatly increased'. Having reiterated this assertion in the preface,[2] he closed his *Memoirs* with a chapter 'On the trade, situation and strength of the British Empire, as one body, with a tendency to its colonies'. The reflections introduced by this heading are eulogistic rather than economic. 'No nation in the world is more commodiously situated for trade or war than the British Empire, taking all together as one body, viz. Great Britain, Ireland, and the Plantations and fisheries in America, besides its possessions in the East Indies and Africa.' The mother-country with its natural wealth, its maritime power and its industrious people is eloquently praised. Great Britain is presented as the majestic emporium mediating 'between the foreign Dominions of Europe, and the other branches of the British Empire'. As a result of this position the 'large surplusage that arises from the profits of the junior branches of this great empire, and particularly from its plantations and fisheries in America', cannot but result in 'a large annual addition to the stock and wealth of this elder branch of the whole body.[3] Half a century earlier Edward Littleton of Barbados had complained that the English Empire in America was not fairly appreciated in the mother country. His younger compatriot, John Ashley, writing in 1743, assumed that the idea of one British Empire, with promising younger branches overseas, ought to be an inspiration to the nation at home.

The same conviction had formed in the mind of Benjamin Franklin. It found expression in the enthusiastic predictions of his essay of 1751: the *Observations concerning the Increase of Mankind, Peopling of Countries etc.* 'There are supposed to be now upwards of one million English souls in North America.... This million doubling, suppose, but once in twenty-five years will in another century be more than the people of England, and

the greatest number of Englishmen will be on this side of the water. What an accession of power to the British Empire by sea as well as land! What increase of trade and navigation! What numbers of ships and seamen.'[1] In this vision, the idea of a greater England growing by colonization is linked to the interpretation of 'the British Empire' proclaimed in the verses of Prior and Thomson—trade, ships and seamen. The maritime interpretation of the term was not reserved for poetry. It was adopted by Franklin, a man of alert common sense, as an adequate expression for his Anglo-American national and even racial pride. It had a special appeal to him because his countrymen, 'privateers in the late war', had acquired a share in this maritime glory by their conquest of Louisburg. 'The British Empire by land', which was to win shape in America, was a still more fascinating reality to him, and he expected his feelings to be shared in the mother country.

These single instances of colonials who made the British Empire a symbol of their belief in the future of British America[2] must not be taken as evidence of a literary convention. It was possible fervently to proclaim 'the glory of Britain' on American soil without recourse to the notion of 'empire'.[3] It is only as individual utterances that the few passages to which we can refer have documentary value. They show that to men who took an active part in shaping the future of Anglo-American society the notion of the British Empire became a symbol of the new possibilities to which they looked forward.

One negative inference which may be drawn from these testimonies, and incidentally from Pownall's reflections on empire too, is worth noting. The concept of 'empire' was not understood to involve the system of prohibitions based on the English Acts of Navigation and Trade. In the twentieth century it has become common to read the implication of economic control into the concept of 'imperial' relations. The term 'imperialism' has become almost identical with devices of policy and business management which make an 'underdeveloped country' subservient to the capitalist and industrial interests of another power. The English colonies in America, certainly, were held in subservience by the mother-country. The system of regulations established by those Acts was meant to ensure that they should buy only from Britain and British dependencies; that they should reserve for the metropolitan

market such exports as were of special interest there, and that their manufacturers should not compete with British export industries.

Shortly before Pownall and Franklin wrote the sentences quoted above, Parliament had enacted new legislation, which laid particular emphasis on the last of these principles. In 1750 it had issued the Iron Act, which in the interests of British metallurgy encouraged the extraction of pig-iron and bar-iron from colonial ores, but laid a ban on colonial forges and mills which could engage in the production of machinery and steel. Pownall was bound by his own profession to be interested in this new move; Franklin regretfully referred to it in the same *Observations* in which he glorified the American prospects of the British Empire. For them the notion of empire did not connote any privileged status belonging to the mother-country in relation to the colonies. The term had nothing in it to suggest 'the dominant people', 'the master nation'. The status of the colonies inside the British Empire was not understood to be in any way analogous to that of the provinces of the Roman Empire. Though the notion of the British Empire had found acceptance as an expression of national pride, and though it could not but allude to the Roman precedent, it was not a replica of the *Imperium populi Romani.*

Having traced the career of *imperium* and 'empire' in Europe, and in particular in England, from the days of humanism to the beginnings of the United Kingdom, we cannot be surprised by this. It would not need to be stressed if historical notions of the 'old colonial system' had not become coloured by the modern catchword of 'British Imperialism'. The postulate of an imperial spirit, which is supposed to be ingrained in the British nation, and closely allied to its acquisitive instincts, has influenced descriptions of this system even more consistently than it has been used to interpret the policies of Cromwell.[1] If this spirit were anything but a vague invention, it ought to have found expression in the concept of the British Empire as soon as the phrase became current. That the term was not suspected of defining this system or used as a formulation of a natural partnership between England and the American colonies shows the fabricated character of this supposed imperial spirit.

In order to understand the attitude of Englishmen to their own colonial system, we need not demand any particular national 'spirit'. Commercial monopoly by the metropolitan country, on which the English regula-

tions of colonial trade and industry were based, was no English invention. It had been practised by all the European nations who had acquired overseas territories, before the Parliaments of Charles II and William III passed legislation to bring it about in the English settlements in America. When these settlements became the British Empire in America, the principle of national monopoly was firmly associated with the institution of overseas colonies. This institution was considered one of the foremost achievements of the European society of that time. Though little historical thought had as yet been directed to the facts of economic development, French and English authors agreed that the colonial establishments of contemporary Europeans were one of the few creations in which they had supplanted the ancients. Reflections on this subject had been set down, though not published, by Marshal Vauban.[1] There were remarks of a similar character in the article 'Colonies' in Chambers' *Cyclopaedia* (1728). Montesquieu, in a survey of the 'revolutions of commerce', which forms book XXI of *L'Esprit des lois*, concludes with a eulogy of the colonial system. This chapter and the short entry of the *Cyclopaedia* were finally put to use in the elaborate article 'Colonies', which the commerical expert Véron de Forbonnais contributed to D'Alembert's and Diderot's *Encyclopédie*. All these descriptions treat modern colonies from the point of view that, as Chambers put it, 'trade is the sole occasion and object thereof'.[2] But it is Montesquieu who demonstrated most persuasively how this aim was bound up with the exclusive commercial monopoly of the state, which assumed sovereign rights in the colony. He emphasized that the Spaniards and Portuguese, who had been the first in the field, had failed to see the real value of their discoveries. They had treated these countries as objects of conquest. 'Peoples more sagacious' (*plus raffinés qu'eux*)—that is to say, the Dutch, the French, and the English—'found them to be objects of commerce and directed their views to this interest.' They gave as example the essentially modern type; with their colonies the parent countries could engage in commerce without having to submit to the condition of reciprocal facilities which they must observe when trading with one another. Only the mother-country was entitled to trade with her colony—'very rightly so, because the whole aim of the establishment was to expand commerce, not to build up a city or a new empire'. This principle is recognised as 'a

fundamental law of Europe' (*une loi fondamentale de l'Europe*). It is supplemented by others. The mother-country is lawfully entitled to impose on any foreigner penalties for the infringement of her monopoly. Treaties regulating the reciprocal trade relations of two countries are not valid for their colonies. The coasts of a colony are accessible to foreign vessels only under conditions explicitly stipulated. The monopoly of the metropolis is strengthened by geography. Having settled far from their mother-countries and under hard climatic conditions, the colonists must buy the most vital commodities from home. Carthage had forbidden the Sardinians and Corsicans under penalty of death to till their fields. The state ensured their dependence by supplying them with food. We are, says Montesquieu, without being equally cruel, acting upon the same principle towards our colonies. As on other occasions, he leaves undefined how far the word *nous* extends. But he would not have objected to the application of this statement to English as well as to French colonial policies.

In another context, Montesquieu expressed his approval of the system of self-government which distinguished the English colonies in America. It meant, he said, that the nation had granted the form of its own government to the colonists; 'and as this form of government leads to prosperity, we see great peoples emerge in those forests to which the nation sent them'.[1] When writing this, Montesquieu probably remembered his own earlier statement that the English constitution, whose proper aim was 'political liberty', originated in the forests of Germany. He also showed some grasp of American realities. He could not foresee that within a few decades the new peoples, nursed by the American frontier-spirit, would feel possessed of their own national personality, and would abrogate that dependence on the mother-country which he believed to be secured by the regulation of their commerce and industry. In his meditations on colonies in general, however, he treated the English on the same footing as the French and the Dutch. These three nations operated almost the whole of European shipping and commerce. As Europe controlled the commerce and shipping of the three other parts of the world, this mercantile supremacy implied an incomparable potential of power such as history had never seen before.[2] The modern ascendancy of Europe, Montesquieu gave us to understand, was entirely the result of transoceanic colonization.

It was against eulogies of the European mercantile and colonial system that thirty years later Adam Smith—consciously, it appears, though not professedly—directed his strictures on the 'policy of Europe': 'The policy of Europe . . . has very little to boast of, either in the original establishment or, so far as concerns their internal government, in the subsequent prosperity of the colonies of America.'[1] Before he exposed the economic fallacies implied in monopolies, the English had had very little reason to doubt that their management of the American colonies, which tallied completely with Montesquieu's *lois fondamentales de l'Europe*, came up to the highest standards of enlightened policy. The basic legitimacy of the framework of regulations laid down in the Acts of Navigation and Trade was not doubted at that time by the enlightened among the colonists themselves. Benjamin Franklin demanded that 'Britain should not too much restrain manufactures in their colonies', and in showing rigorous restriction to be unwise he was much ahead of European doctrinaires. But he still criticized only such recent excessive measures as the Iron Act, not the principle of commercial monopoly itself. He believed that it entailed high prices for imported commodities, and also that the British exporter, paying taxes from these gains, bore fiscal burdens which otherwise would have fallen to the colonials' lot. 'This kind of secondary taxes we do not complain of', he assured Governor Shirley in 1754.[2] His veneration for the British Empire was not impaired by this blemish.

One question remains to be answered. The idea of a greater England, which Benjamin Franklin and other Americans implied when speaking of the British Empire, was borne out by many features of their everyday life which reminded them of their national origin. There were family ties, business relations, and cultural interests; there was jealous pride in the constitutional privileges which were the English birthright. But while British origin was a live issue to many colonists, there was no apparent reason for many Britons to have reciprocal feelings of relationship towards the colonists in general. People living in Britain had less occasion to think of the colonies, and in that small minority who had occasion, the number who belonged to refined society was certainly very small. The imaginative effort needed for a sympathetic approach to the colonies was obstructed for many by unpleasant impressions of

colonial morals.[1] Such impressions were, in fact, justified only in relation to certain groups of colonists—convicts who had been 'sent to the plantations', smugglers and pirates, cruel slave-drivers, reckless traders, and pioneers of the westward movement who had alienated the native Indians. Actual experience or mere report of these elements was, however, bound to reduce the respectability of colonial society as a whole in the eyes of the many Englishmen who were convinced of their own higher cultural standards. These misgivings could be efficiently counteracted only if writers presented the colonists to the literary public as the promising offspring of British society. This was slow to happen.

The colonists had scarcely any place in 'Augustan' literature; Red Indians were thought more interesting.[2] In *The Prospects of Peace*, the poem of 1712 in which Queen Anne and 'Britannia's isle, the Ocean's queen' presiding over the peace of Europe, almost blended into one glorious figure, Thomas Tickell boasted of Britain

> Her labours are to plead th' Almighty's cause,
> Her pride to teach th'untam'd barbarian laws:
> Who conquers, wins by brutal strength the prize,
> But 'tis a godlike work to civilize.

The immediate reason for this praise appeared shortly after:

> Did not the painted kings of India greet
> Our Queen and lay their sceptres at her feet . . .
> Her pitying smile accepts their suppliant claim,
> And adds four monarchs to the Christian name.[3]

We are reminded of the statue of Queen Anne erected in the same year in St Paul's Churchyard. Among the allegorical representatives of the Queen's realms rendering their homage, there was a figure impersonating the American colonies; this was a wild looking but devotedly smiling Indian.[4] Queen Anne was known to favour the recent missionary endeavours of the S.P.C.K. and the S.P.G. This pride in 'Britannia's' grandeur and power had been stimulated in England by a visit which also inspired the closing lines of Pope's 'Windsor Forest'. Two years before, four loyal Iroquois chiefs had arrived in London as the official guests of the Queen. They had accompanied a deputation of New England colonists, who wished for more British forces to be diverted to

their own seat of war in Acadia. The exotic visitors were remembered as symbols of national glory overseas.[1] The British colonists were not admitted to these glories. There was still truth in the mournful statement by the agent of Barbados, more than twenty years earlier, that people at home thought little of the 'labours, hazards and industry' of their own kin overseas. Two prominent men in the reign of George I showed that their apparent remissness in rendering homage to Queen Anne was based on deep moral distrust. Jonathan Swift thought it necessary to amplify his satire on mankind in general by maligning colonization in particular in his epilogue to *Gulliver's Travels*. All these activities for him came under the heading of piracy. One need not take his venomous criticism as a balanced judgement. But as Swift had been the literary leader in the cause which Tickell eulogized in *The Prospects of Peace*, it may be inferred that Tickell's starry-eyed verses were in his mind when he wrote his biting comment on a 'modern colony to convert and *civilize* an idolatrous and barbarous people'. Such proclamations, he said, were notoriously hypocritical in view of all that was known concerning the attitude of colonists to natives; in no other respect were colonists of interest to him.[2] Another Anglo-Irish Dean behaved very differently, though his actions were based on views which differed very little. George Berkeley was engaged in a project to establish direct contact, for young Indians and colonists alike, with the best that English Christianity and spirituality could offer. This he hoped to bring about in a college for missionaries to be built somewhere on the Bermuda Islands. He chose this colony because so far it had proved unattractive to immigrants. It was remote from the areas where settlers had grown self-righteous, merciless, and greedy to the detriment of their own souls and of those of the natives.[3] Its solitude made it appear to Berkeley an appropriate place for educating a new generation—which might, he hoped, benefit not only America, but mankind at large. This dream he set out in the stanzas *On the Prospect of planting Arts and Learning in America:*

> The Muse disgusted at an age and clime
> Barren of every glorious theme,
> In distant lands now waits a better time. . . .

There shall be sung another golden age,
The rise of empire and of arts,
The good and great inspiring epic rage,
The wisest heads and noblest hearts,

Not such as Europe breeds in her decay,
Such as she bred when fresh and young . . .
Westward the course of empire takes its way,
The four first acts already past,
A fifth shall close the drama with the day,
The world's great effort is the last.

Read in their context, the last lines cannot be understood as an eulogy of American pioneers and as a forecast of their movement across the continent. The poem is, to some extent, a critical answer to Matthew Prior's *King Solomon*, which a few years before had told 'Britannia' that she was fulfilling the prophecy that 'Arts and Empire learn to travel West'. Such complacency was hateful to Berkeley, who thought Britain on the verge of a moral ruin 'wished upon principle', and cynically indulging in an 'atheistical narrow spirit, centring all our cares upon private interest, and contracting all our hopes within the enjoyment of this present life'.[1] He longed to see the true life of the spirit regenerated in a new society on unspoiled ground. This society, which was to be nursed in the Bermuda college, was the 'empire' which Berkeley saw emerge under 'western' skies. It belongs to the literature of American Utopia, not to the history of far-seeing American prognostications.

Developments were under way which would demonstrate the inadequacy of censorious attitudes towards the cultural and moral standards of the colonists.[2] They numbered somewhat less than 350,000 at the end of Queen Anne's reign. They multiplied rapidly during the next decades, until at the outbreak of the Seven Years War their number exceeded one million and a half. The increase was most conspicuous in New England and the middle colonies, where Boston, New York and Philadelphia grew into bustling trade-centres, with ironworks, dockyards and fisheries, and effectively competed with British industries. Though the American mainland colonies scarcely ever accounted for more than a fifth of British imports and exports, the steady growth of their capacity could not escape attention. From about 1730 earlier

mercantilist doubts were abandoned, and this growth was thought to be deserving of encouragement; in that year Joshua Gee called for emigrants to America from 'such multitudes of people who are uneasy under their present circumstances in the several parts of Europe and would be glad to be under the free government of Great Britain'. Ten years later a prominent member of the British customs administration declared that—within the necessary mercantile restrictions—'Great Britain can never have too many settlements in America'.[1]

Between these two dates the appreciation of colonial America entered English literature.

> Lo! swarming southward on rejoicing suns
> Gay colonies extend—the calm retreat
> Of undeserved distress, the better home
> Of these whom bigots chase from foreign lands,
> Not built on rapine, servitude, and woe,
> And in their turn some petty tyrant's prey,
> But, bound by social freedom, firm they rise. . . .

These lines are from Thomson's *Liberty*; they followed immediately after his proud assertion that 'the winds and seas are Britain's wide domain'.[2] The sympathy of the pastoral poet no longer goes to Indians, but to colonists. This is not a personal difference of outlook; we feel from the first word that something striking has happened to gain for the colonies the aura of a new and happy home of freedom. The poet indicates the reason for this renown:

> Such as, of late, an Oglethorpe has formed,
> And, crowding round, the charmed Savannah sees.

The 'gay colonies' are 'swarming southward' from South Carolina; Thomson pays tribute to General Oglethorpe's foundation work in the new colony of Georgia. Its charter was in preparation when Berkeley finally acknowledged defeat in 1732. The same small circle of pious Anglicans who had canvassed for Berkeley's missionary project now sponsored the general's philanthropic enterprise, originally intended for the rehabilitation of persons ruined by debt. When the enthusiasm for Berkeley's plan had died down, the Georgia project proved immensely popular. Its material prospects were described in glowing colours. Its

strategic potentialities at the borders of Spanish Florida were well understood. Private donations poured in to the trustees to provide immigrants with the necessary means. Walpole's Government and Parliament, who had callously gone back on their promises to Berkeley, aided Oglethorpe's enterprise by substantial grants. The foundation was proclaimed to be a triumph of 'Liberty', not because it helped debtors out of prison, but because it provided a home for the Salzburgers, the German victims of religious persecution, who had come to England as refugees.[1] It was this special aspect of the Georgian venture which gave it a place in Thomson's politico-poetical declamation on the colonies.

But there was more than that in these lines. In the poetical language of the age, pastoral landscape, expanding prosperity, national honour and 'social freedom' were linked themes. It was a new departure of fashionable thought for 'gay' colonies to be expected to participate in these charms of civilization.[2] The admission to stylish homage suggests confidence in the economic future of their society. Manifestly there were material reasons why these prospects should be highly welcome to the mother-country. We have seen the colonies reappear, if only in passing, in Thomson's *Alfred*—and there they are, for once, hailed as 'rising empire, arts and arms'. For a poet who would attempt a more extensive appreciation of their record and future they had to wait somewhat longer. In 1757, after the outbreak of a war waged in their interest, the literary public found them surveyed in the closing canto of John Dyer's pleasant, though half-grotesque, encomium of British wool and woollens, *The Fleece*.

The American colonies are the last countries in the imaginary travels round the globe on which the author accompanies 'our manufactures exported'. Before he arrives there, he thinks of them when visiting the coast of Africa, taking account of 'the sale of wretched slaves' who 'till our fertile colonies'. Like earlier humane and refined writers, he is not happy about the slave-trade and slavery. He is even haunted by the fear that 'sable chieftains' might retaliate for the injury done to their people and 'burst their frail bonds'.[3] He fears to ask whether these victims of 'gainful commerce' are to experience worse things at their destinations, once they have survived the Middle Passage. Dyer's reflection on the colonies starts from the economic interest to which the whole poem is

dedicated, and goes on to praise them as a refuge of liberty. In the colonies a youthful civilization, full of promise, is going ahead vigorously:

> No land gives more employment to the loom,
> Or kindlier feeds the indigent; no land
> With more variety of wealth rewards
> The hand of labour: thither, from the wrongs
> Of lawless rule the freeborn spirit flies;
> Thither affliction, thither poverty,
> And arts and sciences: thrice happy clime,
> Which Britain makes the asylum of mankind.
> But joy superior far his bosom warms,
> Who views those shores in every culture dressed,
> With habitations gay, and numerous towns,
> On hill and valley; and his countrymen
> Formed into various states, powerful and rich,
> In regions far remote. . . .

Experiences in the southern colonies have acquainted the poet with idlers and criminals who have become a dishonour to the new home. He calls them 'unfit to cultivate Ohio's banks', showing that he is informed of the problems of further colonization. He praises the 'sons of nature', the Indians, but more emphatically the energetic settlers of 'Accadie' and Massachusetts, 'that join the politics of trade and war'. Of the regions further north, Newfoundland and Hudson's Bay, he declares that they have as yet been put too little to productive use. He wonders if the climate is really forbidding. Their latitude is not higher than that of France and the Rhineland; can they not submit to 'the hand of mighty labour'? Perhaps still more promising soils are waiting for colonists farther west, in the Pacific and especially in the *terra Australis incognita*:

> That portion too of land, a tract immense,
> Beneath the Antarctic spread, shall then be known,
> And new plantations on its coast arise.[1]

The poetical journey has strayed far off its projected itinerary. The colonists in America should have come into the picture only as appreciative customers of English woollens, but now they are praised as pioneers who may be trusted with the peaceful conquest of continents still unreclaimed. The commercial interest of the 'Fleece', which has been in the

mind of the poet at all other stages of his journey round the world, is almost forgotten when he comes into contact with the American settlers. Their energy inspires him for its own sake. Certainly he draws a rather complacent picture. When alluding to the 'sons of nature', he overlooks the fact that the foremost of his heroes, the frontiersmen, on 'Ohio's bank' have recklessly alienated the Red Indians. While professing some distress at the slave-trade, he is wary of making the colonists responsible for it. Nor would one assume from his panegyric that their ports had allowed customs frauds to injure the English trade interests for which he felt so warmly. The rugged features of the 'freeborn spirit' are benevolently smoothed down. The most striking omission in his description is its failure to take account of the crisis of the hour. The poem was published in 1757, when the new war with France was in full swing, and its prospects were far from promising. The exordial lines of the 'Fleece' refer to it briefly; but seem to assume that its focus is the prevention of an invasion of Great Britain:

> So may the proud attempts of restless Gaul
> From our strong borders, like a broken wave,
> In empty foam retire. . . .

The author is unaware that Britain overseas is far more in danger than Britain in Europe. He knew of the rivalries between the French and the English in the Carnatic, but censured both nations equally for offending the peaceful spirit of 'traffic'. His serene dreams of new British lands in America had not been ruffled by the military progress of the French who, for the time being, had put 'Ohio's bank' out of reach to British colonists. Either he had never realized or he had already forgotten that the new struggle with France originated in this zone, and at that time gave little promise of being decided in favour of British colonization. This lack of concern is, in one respect, characteristic of the political atmosphere in which the war opened. The North American issues of the day had failed to arouse a popular reaction comparable to that which had forced the Government into the Spanish war of 1739 on behalf of the Caribbean interests. The commercial interest invested in the continental colonies was a matter of common concern; but the societies who had developed there did not lie as near the heart of the English nation as the author of

The Fleece would have wished. The Poet Laureate, in his entreaty for a strong war effort, alluded to them only in passing in the not over-passionate lines

> Other worlds demand your care
> Other worlds to Britain dear.[1]

'The British Empire' is conspicuous by its absence in this patriotic doggerel, as well as in Dyer's effusive eulogies. The name was not forgotten, but in the dangerous early stages of the war it had a meaning for publicists only, and they took a very sombre view of the causes for which it stood. It served the purposes of *The Monitor*—a new London weekly, edited and mostly written by the polyhistor John Entick—whenever its articles were most emphatic in denouncing the ministry of the Duke of Newcastle for being out of touch with 'the spirit of liberty and loyalty for which the British nation was anciently distinguished'. In the name of the British Empire, the paper vehemently objected to subsidy treaties with the continental princes and states, who had uselessly been 'in British pay within sixty years past'.[2] It summed up the situation in an issue of December 1755, when it asked 'the British Freeholder' to decide 'whether H—r or the British Empire in America is to be the object of our care'.[3] At that time, when neither Frederick of Prussia or William Pitt had shown his hand, it would have been difficult to foresee that the European and American battlefields were not alternative, but complementary fronts.

Strangely enough, the name of the British Empire was invoked in 1757 with even deeper meaning by a critic whose strictures also became superseded by the events of the war. Malachi Postlethwayt, the assiduous collector of information and advice for the use of merchants and regulators of mercantile affairs, took stock of 'Britain's Commercial Interests'. While the French in his opinion still held the military ascendancy, he enlarged on suggestions for getting the better of them in commercial rivalry. He hoped first to make Ireland a contributing factor to British productivity. For the American colonies he urged administrative reforms that would help them 'recover their strength and stability, and become a match for our enemies'. Both suggestions implied far-reaching constitutional innovations. His schemes were quite properly summed up as making 'the whole British Empire' 'a complete union'.[4] Postlethwayt was

one of the first to elevate the term to the status of a political idea. Nevertheless, his projects of union cannot bear comparison with those of the men of America—Benjamin Franklin, Governor Bernard, and James Otis. He hoped to restore 'the security, the prosperity and the glory of the British Empire' by high-handed administrative measures, none of them built upon a real knowledge of the societies which he wished to unite. He started from the mercantilist obsession that Scotland, Ireland, and the colonies 'do all, more or less, interfere with England in her native produce and in some of her staple manufactures, and these distinct parts of the British Empire do also greatly interfere in their produce and fabrics with each other'. In the course of his writing, the wish to 'undersell' France won the upper hand over the guiding principle, which was to 'restrain' Ireland. He thought that this aim might be achieved if agriculture in Ireland were improved by British landowners, and if manufactures, especially woollens, were encouraged there by the permission of exports. Both measures together would make the joint produce of the two kingdoms invincibly cheap on foreign markets. 'An universal spirit of industry and ingenuity will spread itself through the whole British Empire and rouse and animate our traders of every rank to vie with and excel those of the whole world.' The Irish, viewing their improved position, would gratify the English 'seat of empire' by paying half their commercial gains into the British exchequer and by allowing their island to become 'an English Protestant country like Wales and Scotland'.

As for the North American colonies, the watchwords 'union' and 'empire' had a different meaning. They did not refer to an equalization of commercial rights but to an enforcement of strict discipline. 'The system of Government in America must be regulated by the mother-government system.' The present state of the colonies showed the reverse of that principle; the author saw them as 'members lopped from the body politic'. Some of them—all those which were proprietary or had elected councils or even elected governors—were constitutionally encouraged in disobedience. In all of them, metropolitan control of provincial legislation was nullified by the delay in getting reports to London and instructions from it. Governors were guilty of negligence and arbitrariness. The colonists had proved 'lukewarm . . . to their own safety and welfare', and

allowed the people of England to be 'encumbered with taxes' on their behalf. They tended 'to hang for ever on the breast of their mother-country'. At the same time they had been permitted to occupy more land than they could cultivate, and this impaired the security of their frontiers, whose fortification they had also neglected. Their greatest sin against their own safety and British interests generally was that they had forfeited 'the steady alliance and friendship of the Indian nations'. They had 'defrauded them by dishonest ways and measures' and had estranged their better elements by the abominable practice of 'intoxicating their people with our spirituous liquors . . . the better to deceive them'.

These instances of laxness on the part of the British authorities and of immorality on the part of the colonists were, in Postlethwayt's opinion, responsible for the war and its unlucky course. The French had proved thoughtful and efficient in every respect in which the British had proved wanting. They controlled immigration, 'not permitting any person to take up more land than he shall actually plant and manure within a limited time'. They 'pique themselves on treating the Indians with the strictest regard to truth, integrity, and honour' and 'they treat them with small wines, to preserve their sobriety'. Moreover, they had encircled the disunited British colonies with a unified framework of co-ordinated administration extending from Canada to Louisiana. In their principle of centralised organization, Postlethwayt saw the remedy for all the British deficiencies. 'Let all the colonies . . . be united under a legal, regular and firm establishment, settled and determined by the wisdom of a British legislature . . . after which, why should not a lord lieutenant-general be constituted and appointed, by the crown of England, as supreme governor over these colonies, to act in subordination to the voice of a British parliament?' The governor might be assisted by 'a great council, or general convention of the estates of the colonies', to which each province could annually elect two deputies. In America it meant 'to determine upon such a union in government and constitution of every part of its dominions as may tend to strengthen the whole British Empire'. Such measures 'will in all probability revive the present sinking state of the British Empire'.

There is a faint analogy with the criticisms and demands and suggestions of reform which had been discussed in Albany three years earlier.

While that conference discussed concerted organization on the Indian frontier only, Postlethwayt wanted to see established an overruling authority capable in the last resort of executing policies laid down in Westminster. Like his project for Ireland, this was a hazily conceived idea, for whose transformation into administrative reality the author himself would make no suggestion. The circumstances in which it might have appeared practicable to the British authorities and acceptable to the colonies can scarcely be imagined. No moment could have been less auspicious for the scheme than 1759, the year of the re-issue of the book. Pitt's strategy had triumphed; Quebec was taken. The assertion that the British colonial system could not stand up to the French had been refuted. Nobody could believe that the British Empire in America had too many inhabitants. A constitutional project which was so manifestly at variance with colonial self-righteousness and self-reliance was forthwith put out of court. Nevertheless, in its critical passages Postlethwayt's argument contained an element which was later to be given fatal emphasis on the British side. It made colonial society appear to be in need of lessons in disciplinary conduct—not, as the poet Dyer wished to present it, a British offspring of moral promise. The experiences accumulated in North America during the last years of the war and shortly after: haggling about requisitions, smuggling, trading with the enemy, continued maltreatment of Indians which finally provoked them to revolt, all added to the distrust to which the author of *Britain's Commercial Interest* had given vent. British resentment at 'ingratitude' on the one hand, and the buoyant self-confidence which the colonists derived from the conquest of Canada on the other—these were the conflicting ways in which constitutional interpretations of the British Empire revived and found wide acceptance, when those attempted by Malachi Postlethwayt were forgotten.

IV

THE PROBLEM OF THE AMERICAN COLONIES

I. BENJAMIN FRANKLIN, 1754–1775

At the time when Britain drifted into the war which was to be decisive for its empire overseas, there was one man only for whom the name of empire evoked a vision of new social realities which demanded political wisdom. He was Benjamin Franklin, printer, popular moralist, and amateur scientist of Philadelphia. In his *Observations*, written in 1751 and published in 1753, he tried to create a literary public which would give thought to questions concerning the increase of mankind, the policies of trade, and the distribution of races on the earth. Only in passing did he refer to the political difficulty which interfered with the fulfilment of his dreams: 'How important an affair then to Britain is the present treaty [of Aix-la-Chapelle, 1749] for settling the bounds between the Colonies and the French ... since on the room depends so much the increase of her people.' He was well aware of the weakness of the frontier beyond the Alleghanies and, like the British governors, understood that only the voluntary co-operation of the colonies concerned could offer a remedy. In 1754 he had the opportunity of making constructive suggestions in this respect. He submitted a plan of concerted action in matters of defence and Indian affairs to the conference of governors and colonial representatives held at Albany, on instructions from London. His suggestions were welcomed by the participants, but were held to be unacceptable commitments by London, as well as by the colonial assemblies. The idea which matured in Franklin's mind on that occasion was that the home country and the colonies should enter upon far-reaching mutual commitments. His vision of the British Empire transformed itself into a scheme of constitutional reform. We do not know whether he spoke of the Empire at Albany. But his mind was fixed upon that idea when late in the same year Governor Shirley of Massachusetts sought his advice as to the conclusions to be drawn from the failure of the conference. As the military initiative had now clearly become the exclusive responsibility

of the British government, Shirley was anxious to make sure that expenses would be repaid by the colonies. He made two suggestions; that the colonies should be taxed by the British central authorities, and that they should have representation in Parliament, in order that taxation should be more tolerable. Franklin sharply deprecated the first suggestion and was very sympathetic to the second. On both points the concept of the British Empire proved essential for his argument.

One cannot but admire the style of his answers. They are calculated to impress the governor by detached objectivity as much as by warm professions of enthusiasm for the common English cause of the Empire. These professions originate in Franklin's sincere feeling; but he suggests that they are also in the hearts of his countrymen. Franklin knows his twofold role—to show himself as a man of enlightened views and at the same time to impersonate the average American. The question of levying taxes by Act of Parliament was, he told Shirley, to be examined according to what the people 'will be apt to think', apart from 'what they ought to think'. Therefore it mattered 'that it is suppos'd an undoubted right of Englishmen not to be taxed but by their own consent given thro' their representatives'. It was also important to remember that, owing to the regulation of colonial trade, 'our whole centres finally amongst the merchants of Britain.' 'To pay immediate heavy taxes'—in addition to these objectionable 'secondary taxes'—must 'seem hard measure to Englishmen, who cannot conceive, that by hazarding their lives and fortunes in subduing and settling new countries, extending the Dominion, and increasing the commerce of their mother nation, they have forfeited the native rights of Britons. . . .' Significantly it is in connection with this warning that Franklin introduces his favourite topic. The American 'Englishman', he maintains, would tell those of Great Britain 'that the British Colonies bordering on the French are properly frontiers of the British Empire; and the frontiers of an empire are properly defended at the joint expense of the body of the people in such an empire'.

Shirley's second suggestion, that the colonies be directly represented in Parliament, compelled Franklin to concede that his compatriots too had much to learn concerning their obligations to the Empire. 'Such a union', he ventured to say, 'would be very acceptable to the colonies'; but he thought it one of its probable merits that 'the people of Great

Britain, and the people of the colonies, would learn to consider themselves, as not belonging to a different community with different interests, but to one community with one interest'. By adding that this outcome would 'greatly lessen the danger of future separations' he allowed his mind to dwell on such awkward contingencies as had sometimes haunted legislators at Westminster, since the Staple Act of 1663.[1] But in contrast with their belief in mercantile restrictions he proposed the daring experiment of putting 'all the old Acts of Parliament restraining the trade or cramping the manufactures of the colonies', together with the new union, to the test of popular consent on the part of the colonies. All these Acts were to be repealed, and 'the new Parliament representing the whole' was to be free to decide whether it was in 'the interest of the whole to re-enact some or all of them'. Combining all these suggestions, he gave his personal opinion:

> Now I look on the Colonies as so many countries gained by Great Britain, ... and being separated by the ocean, they increase much more its shipping and seamen; and since they are all included in the British Empire, which has only extended itself by their means, ... what imports it to the general state, whether a merchant, a smith, or a hatter, grow rich in *Old* or *New* England? ... And if there be any difference, those who have most contributed to enlarge Britain's empire and commerce ... ought rather to expect some preference.[2]

Again, 'shipping and seamen—empire and commerce'. To Benjamin Franklin the 'British Empire' retained its 'maritime' connotation even while he concentrated on its continental future in America. The moment proved inappropriate for further discussion. The British Government had precipitated military action in the Ohio valley. In June 1755 General Braddock's expedition came to a disastrous end near its destination, Fort Duquesne. The war with the French had now really begun. Shirley took command in the North, Franklin supervised commissariat services and defence measures in Pennsylvania. Early in 1757 he left America. He was appointed by the Pennsylvanian Assembly to represent its interests in London against those of the proprietors of the colony. He became a resident of London and was enabled to live as a citizen of both Englands, which was his great desire. This position protected him from being involved in the day-to-day friction between the British officers and the colonials during the war years. Shortly after his second mission to

London began in 1765, he found himself in a very different position. The conflict following the Stamp Act gave an unexpected twist to his political life. When he tried, together with agents of other colonies, to prevail upon George Grenville and prevent the introduction of the bill, he believed for a short time that he had performed his duty. So little did he expect the consequences of its passing, that he did not shrink from assuming the patronage of offices in stamp distribution. Becoming aware that American protest against the bill was growing into rebellion and that the colonies were united in resistance, he realized that a new task had fallen to him. He was resolved to become the active advocate of American liberties in England. It was to be the main justification for his permanent stay in that country. He clung to it for nine years. His main methods of agitation were political comments which he contributed anonymously to the London press.[1] The most drastic of these 'Letters to the Editor' were communicated by him to American papers and helped to show colonists what a good American he was.

The main topics were the legitimate motives of American discontent as well as reasons why Englishmen should join in them. The principal issue was parliamentary taxation before and after the Stamp Act had been repealed. Sincere though his remonstrances were, they did not by any means give expression to his ultimate political desire. His ostensible demand was the *status quo ante* 1763; the idea nearest his heart remained a reformed constitution of the British Empire which would do justice to the other English nation growing in America. The quarrels about taxation blurred this underlying issue. In the ideal arrangement they would be eliminated for ever because the colonies would be equal partners of the mother-country and would willingly bear their share of the necessary expenses of the British Empire. For a few months in 1765 he earnestly hoped that this framework of 'union' could be established immediately by the allocation of representatives to the colonies in the House of Commons. He planned that this constitutional device should become the keystone to the settlement of the actual conflict. He drafted a pamphlet which was to convince the British public of 'the impropriety and unnecessariness of the measures that produced "the recent" unhappy misunderstandings'—but began and closed with the cause of union.[2] In the introduction, which dwelt on the former 'attachment' of the

colonies to Great Britain, Franklin endeavoured to enlighten the nation on the Plan of Union which had nearly succeeded at Albany in 1754. Had this plan (which was very much his own) not been rejected by the Government (perhaps because of 'jealousy'), the whole last war—waged 'at an immense expense to this nation'—might well have been spared. Depicting 'the mischievous consequences that now attend a persisting in those measures', he ended with a warning of 'the Empire weaken'd, and the foundation laid of a total separation'. And for the concluding sections of the pamphlet the following topics were jotted down.

The strength that will arise from a cordial union

The great growth of America

The means of preventing such misunderstanding for the future and cementing the two countries in a lasting union.

Representation necessary to consolidate the Empire—to inform Government of the State of the remote parts, and them of the motives and measures of Government . . .

See Letters to Shirley . . .

America will now accept but will probably not ask for representatives—will hereafter refuse . . .

The true politics regard the *whole Empire*, and not how to benefit one part at the expense of another.

The pamphlet was never completed. Franklin found other channels of communication to demonstrate the lack of Parliamentary wisdom underlying the 'misunderstanding'. With regard to his cherished main topic—the project of 'union'—he saw himself condemned to sacrifice it. The Stamp Act Congress disavowed him. Its assertion 'that the people of these colonies are not, and from their local circumstances cannot be represented in the House of Commons' gave the lie to his assurance: 'America will now accept representatives.' He contented himself, as a prelude to his 'Examination' in the House of Commons, with having the Shirley Letters published in the *London Chronicle* on 8 February 1766. They dated from eleven years back; they recorded that an Englishman had initiated the idea of representation, so they could not harm Franklin's reputation in America. In letters addressed to reliable friends, he went on to profess the conviction that there was no adequate alternative to 'a fair and equal representation of all the parts of this Empire in Parliament'. This 'consolidating *union*' was 'the only firm basis on which its political

grandeur and prosperity can be founded'. This assertion was outweighed by the firm statement that the ideal solution had become impracticable. The right moment had been missed. He would never agree that American disinclination had been a main impediment in negotiating the issue. Without referring to any evidence, he blamed British 'pride' for having obstructed it.[1]

He did not simply resign himself. When he saw that the demand for parliamentary union could not be pursued, he at once gave thought to the constitutional presuppositions on which it would have been based. His conclusions were more radical than the postulates of his foremost compatriots for many years to come. If parliamentary taxation of the colonies could be made constitutionally unimpeachable by giving the colonies a vote in Parliament, but was arbitrary as long as they had none, it was an erroneous interpretation of the law that Parliament, as then constituted, was possessed of any authority in the colonies. The colonies —Georgia and Nova Scotia excepted—had obtained their charters from the King alone. They owed allegiance to him alone. Their Assemblies were in fact co-ordinated with, not subordinated to, the Parliament of Westminster; their status in relation to it was analogous to that of the Scottish Parliament before 1707. This interpretation postulated a constitutional arrangement as different from that accepted so far as it was from that envisaged in the dream of colonial representation. British parliamentary sovereignty, held Franklin, must sooner or later be abrogated in the colonies. This separation, however, was to be combined with a mutual understanding that would guarantee lasting co-operation, and thereby a British Empire at any rate more harmonious and more powerful than it was at the time.

The new prospect was dawning on Franklin's mind while the Stamp Act issue was still in the balance.[2] He deviated from it at this point, when in his *Examination* he conceded the competence of Parliament to subject the colonies to 'external' taxation by way of customs, and almost invited the House of Commons to try this way. In the light of what was to emerge from external taxation, this was again an inadvertent concession. Nevertheless, it was shrewd tactics, to some extent related to his general aims. He warned the Commons that in answer to British duties Americans would restrict their imports; in fact his hopes were in that direction.

After two years' visit to his home country he came back with two convictions. The one of longer standing was that British manufacturers and politicians were unjustifiably pettifogging in their repression of colonial industries. The other was that Americans indulged in 'expensive superfluities' bought from Britain.[1] A rise in the price of British imports would give an impetus to American economic self-reliance. Such ideas made him wish that the boycott measures of 1765 had lasted longer; prices rose greatly again when a new boycott movement spread in 1768. The broader issue of the thorough revision of the Trade Laws—which he had already had in mind during the Shirley correspondence—had to wait for the overall constitutional settlement. He could only write of this new goal in very confidential letters. Even these urgings ceased to have any effect before long. He had in any case to appear in line with the accepted colonial contention that 'the power of the British Government over the Colonies' was beyond dispute, and only 'the illegal and unconstitutional application of it' was opposed.

He broke his silence and made clear his ideas on the constitution of the British Empire in 1774, when, as in 1754 and 1765, he was encouraged to think that the establishment of a new constitution would be the answer to a critical question of the day. But the crisis now imminent seemed to him far more vital than former crises. Mutual provocations had taken the place of permanent friction, the Boston tea sabotage had been answered by the 'intolerable acts', and these by the first Continental Congress. Franklin now embarked on his most passionate attempts 'to preserve from breaking that fine and noble China Vase, the British Empire'. In a protracted series of conversations he 'beseeched and conqured' Englishmen whom he thought influential to assist him in his endeavour 'not to suffer . . . so glorious a fabric as the present British Empire to be demolished by these blunders'. Again he spoke of 'little misunderstandings' which were to be removed. In fact, the solution which he had to offer entailed a reformed British Empire. In spite of decisive modifications it recalled the postulates of the Letters to Shirley and the draft pamphlet of 1765.

When he dreamed of a Parliament of the whole British Empire, he assumed that it would at once revise the system of monopolies; it would re-enact only those which were clearly in the interests of the whole

Empire, and not based on such narrow claims as those of 'smithes and hatters'. This maxim was an important ingredient of his idea. He admitted another inference. Having become constituents of the legislative body of the whole Empire, the colonies would be bound to empower that body to vote taxes, which they would undertake to pay. Since the colonial representatives would easily be outvoted in the proposed new body, this was a dangerous commitment. Franklin did not openly comment on it; but he postulated a principle which the British partners would have to take into account, and which might work as a proviso against the misuse of the new parliamentary settlement. Apart from any financial burden to which the colonies submitted, either directly or indirectly, they would have to be recognized as a conspicuous asset to the Empire simply by their existence. They had given the Empire its 'frontiers', and by their own energies had enlarged its territory and its wealth. That contribution would have to be put to their credit whenever special efforts were needed to defend the Empire. In an emergency arising at those 'frontiers', the mother country would have to shoulder the larger part of the expenses. By such differential treatment the equal status of 'Old' and 'New' England inside the framework of the British Empire would be adequately provided for.

It is of great interest to see these reflections put to use when the mutual provocations of Parliament and the colonies, rather than the frontier position, aroused Franklin's anxieties. The negotiations which from August 1774 to February 1775 he conducted with Chatham, with Lord Howe, and minor but most energetic mediators, lay in the shadow of alarming conflicts, which were not obviously related to matters of principle adumbrated in the Letters to Shirley. The policy of the East India Company, the coercive acts against Massachusetts, the troops in Castle William, the Quebec Act, and on the other side, the Continental Congress and its menacing resolutions—all these problems could not be eliminated by any attempt to fix definite principles for a mutual understanding between Parliament and the colonies about tax quotas and trade laws. Franklin did not underestimate the actual conflicts. Nevertheless, he insisted on having his idea of a definite arrangement pressed on the English negotiators at this juncture. His interview with Chatham, whom he had always admired but never before met, confirmed him in this. The

great statesman laid so much stress on the Navigation Acts that Franklin again felt justified in letting the whole future of Anglo-American relations centre around them. The *Hints for Conversation* submitted by him to his friend Mr Fothergill and the Quaker merchant Barclay, who were to transmit them to higher places, aimed at 'a durable union between Britain and the Colonies', firstly by a constructive reconsideration of these laws. He wished for their re-enactment in a form emphasizing that they were meant for the interest of the whole Empire and not for English businessmen only. As the idea of a truly imperial Parliament was now definitely abandoned, it was for the colonial assemblies by enactment on their part to stress such an interpretation. It was vital that 'Acts restraining manufactures in the Colonies' should be excluded from this re-enactment; Parliament had to repeal them. 'All duties arising on the Acts of regulating trade' should be paid into the colonial treasuries. This should be the usual way in which the colonies would tax themselves for the common good. They must be exempt from any other requisition in peacetime because of 'the monopoly Britain is to have of their commerce', and also because 'new countries had many public expenses which old ones were free from'. This was Franklin's old maxim, that the creative achievements of the colonists had to be put to their credit in the balance sheet of British and colonial efforts for the Empire. In time of war, something more was to be expected from the colonies. They must commit themselves to contributions proportionate to those asked from British taxpayers in such an emergency; fixed quotas were to be determined beforehand in the general arrangement. However, Franklin envisaged an alternative: 'If Britain will give up its monopoly of the American commerce, then the aid above mentioned to be given by America in time of peace as well as in time of war.' Franklin wanted even now to keep the door open for some legislative method of incorporating the colonies with Great Britain in an imperial system of equal rights and proportionate duties.[1]

He was aware that his entreaties of 1774 were in line with those of 1754. In a note destined for Lord Howe, he assumed that the British authorities could be persuaded to interpret the revolutionary institution of the Continental Congress as analogous to the Albany Conference held in 1754, when his own constitutional ideas had acquired shape. With

some good will, he asserted, the way back to this precedent could be restored. The Government should ignore 'the measures entered into and recommended to the people by the Congress'—the truculent indictments contained in the Congress Resolves, and even the preparations for commercial boycott. Instead 'the loyal address to His Majesty' issued by the Congress side by side with these resolutions should be taken as the really important document. In this petition, the delegates had professed their ardent desire to restore 'the harmony between Great Britain and the Colonies, so necessary to the happiness of both'. Britain should show confidence in those declarations—not only by repealing punitive laws and stopping punitive actions, but also by legalizing the Congress. 'And to give their Colonies an immediate opportunity of demonstrating the reality of their professions, let their proposed ensuing Congress be authorized by government (as was that held at Albany in 1754), and a person of weight and dignity of character be appointed to preside at it on behalf of the Crown.'[1] Now that the Government was faced by a voluntary confederation of the colonies, they should remember another emergency twenty years earlier when they themselves had tried to organize the colonies for concerted action.

All his disappointments, all the visible signs of the estrangement between British public opinion and colonial leaders had not prevailed upon Benjamin Franklin to abandon his original idea of the British Empire. Nor would he allow his galling experience in the affair of Hutchinson's letters to shatter his conviction of its feasibility. In his desk he kept a solemn statement concerning 'the only true British politics', which he intended to have published together with an apologia for his conduct in that affair. These politics were 'that which aimed at the good of the whole British Empire, not that which sought the advantage of one part in the disadvantage of the others'. He deprecated 'every abridgement of the power of the mother-country where that power was not prejudicial to the liberties of the colonists', as severely as 'every diminution of the privileges of the colonists where they were not prejudicial to the welfare of the mother country'.[2] Some weeks after having tried that last suggestion, after having witnessed how a motion made by Chatham had been contemptuously dismissed in the House of Lords, he renounced this idea and persuaded himself that the British were unworthy of it.

Even then, in a letter to Joseph Galloway, which was most bitter and most despondent on this point, he declared his assent to the correspondent's constructive 'plan of union' if it was adopted by the Continental Congress.[1]

We know why these constructive plans came to the fore only when the portent of 'a war with relations' loomed on the horizon, and why, from 1766 onward, such suggestions as Franklin had to offer basically concurred with the demand for that return to the *status quo ante* which his American compatriots tried to enforce by their remonstrances. 'Of late a cry begins to arise,' he had written to Galloway in January 1769, 'can nobody propose a plan of conciliation? I was asked in company lately by a noble Lord if I had no plan of that kind to propose. My answer was, it is easy to propose a plan; mine may be expressed in a few words; *repeal* the laws, *renounce* the right, *recall* the troops, *refund* the money, and *return* to the old method of requisition.'[2] This accumulation of demands for British recanting was a negative, not a constructive solution. With regard to the colonies it meant, moreover, a convenient evasion of the demand of federation for which, as Franklin well knew, they were by no means prepared. However, a manifest and comprehensive retreat of the mother-country from all positions lately asserted would at that time have been an act no less revolutionary than any measure of constructive organization. Such a series of repeals, like any 'plan of union', would have implied a re-definition of the connection between the two sections of the British Empire. Ultimately such a re-definition was in Franklin's eyes justified and even necessitated by the inescapable fact of social growth which he observed on American soil. In his *Observations* of 1751, which as often as possible he had reprinted, he tried to communicate his vision of the new English world in America which, in foreseeable time, was bound to outgrow that of the maternal island. This vision was to him almost identical with a constitutional postulate. In the last resort it was America, and the America of the future more than that of the present, which would bring the British Empire into being. The name of the British Empire stood for that vision. Though grounded in the English tradition and nationality to which he emphatically paid allegiance, the British Empire which he wanted to see respected was an American creation. Englishmen were in duty bound to prepare for its coming by a reasonable attitude to current reality.

For all that, Franklin was thoroughly imbued with a national English spirit. Whenever he paid respect to the British Empire, the name was expressive of a genuine enthusiasm for a great national cause. This sentiment had fomented the racial speculations of the Philadelphian essayist. It reached its peak when Franklin, residing in England, let his imagination dwell on the prospects opened up by the conquest of Quebec. He was outraged by the idea—then entertained by some Englishmen—that the anticipated 'reduction of Canada' might be temporary only, and the province be restored to the French. In the desire for its retention he concurred with other Americans; but when explaining it to his Scottish friend, Lord Kames, he emphasized that he was speaking 'not merely as I am a colonist but as I am a Briton'. His reasons for hoping for its retention are basically identical with the expectations outlined in the *Observations* of 1751, except that Franklin now spoke of even greater hopes. 'I have long been of opinion that the foundations of the future grandeur and stability of the British Empire lie in America. . . . All the country from the St Lawrence to the Mississippi will, in another century, be filled with British people. . . . Britain itself will become vastly more populous by the increase of its commerce; the Atlantic sea will be covered with your trading ships.' Prospects of power combine with expectations of wealth. The American foundations of the British Empire, 'though, like other foundations, they are low and little now, . . . they are nevertheless broad and strong enough to support the greatest political structure that human wisdom ever yet erected. . . . Your naval power . . . will extend your influence round the whole globe, and awe the world.'[1]

Was this prospect held out to an eminent Briton only in order to make the 'colonist's' attitude more palatable to him and to his equals? There is no reason for such suspicion. At that moment, in January 1760, there was no general public opinion in the colonies for which Franklin could have served as spokesman. We need not doubt that he himself could not distinguish between his British and his American loyalties. If there was anything that lent colour to his image of the future British Empire, it was the feeling that history had arrived at a singular turning point. Franklin merely tried to give shape to the unfathomable possibilities of a continent west of the North Atlantic, dominated by Great Britain and

open to British colonization. At that time people were not yet used to the assertion that events had either closed or opened a period in history. Franklin apologized to his friend for ideas which might appear 'the ravings of a mad prophet'. Looking ahead, we might say that he by no means exhausted the potentialities of the event which set him thinking. Sixteen years later he signed the document which decided the secession of the old American colonies from the British Empire. This declaration stated that sometimes 'in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them. . . .' Franklin must have felt that to speak of the British and of 'the good people of these colonies' as of two distinct peoples was against the creed which he had cherished all his life. He must have remembered that formerly he would have called such an assertion not the 'ravings of a mad prophet' but treasonable disregard of the British Empire. Perhaps he was conscious too—as were his antagonists, Thomas Hutchinson and Josiah Tucker[1]—that only the retention of Canada, once fervidly advocated by him, now enabled his co-delegates to discover that separation was 'necessary' and had the blessings of nature and providence. In fact, his original belief in the British Empire and its final abnegation, to which he reluctantly conformed, had the one element of background in common. What in 1760 was called the American 'foundations of the future grandeur of the British Empire' was in 1776 assumed to be the reality that gave to the United States a 'separate and equal station . . . among the powers of the earth'. It was the vision of an American world in emergence. On the first occasion it had appeared to herald a new epoch of the British Empire; on the second it gave substance to a new political entity which denied allegiance to that Empire. To Benjamin Franklin this change of interpretation meant a tragic experience. There is no doubt that legions of Americans, apart from those who refused to accept it, equally regretted the severance. Were there, in Great Britain as well as in the colonies, men in the 1760's who felt akin to Franklin—men whose minds were haunted by the idea that the results of the Seven Years War ought to offer new prospects for the British Empire, and that Britons and Americans should exert themselves to

realize them? There were some such men, but their views of the conclusions to be drawn from the new post-war situation differed widely. As they were not coherently organized, their ideas of a British Empire, like those of Benjamin Franklin, could have no part in determining the course of events.

Nevertheless, one lasting event may be credited to their efforts in speaking and writing. Thanks to them the name of the British Empire took on in English usage the connotation of a worldwide political system that was held together by the mutual allegiance and the harmony of interests of the constituent parts.

2. ASPECTS OF BRITISH NORTH AMERICA, 1759–1764

After the conquest of Quebec Benjamin Franklin was obsessed with eager anticipation. The same feelings were natural to the men of New England, next to the French province. In Boston a day of 'public thanksgiving for the success of His Majesty's arms, more particularly in the reduction of Quebec', was held on 25 October 1759. Jonathan Mayhew, the respected pastor of West Church, showed appreciation of the event in two 'discourses' both preached that day, and later sent to London for publication. They excelled in pious hopes as well as in the profession of loyalty to 'our gracious sovereign' and to the island of Britain. Both topics gave the speaker occasion to speak of 'great Britain and her dependencies' as a whole; their respective interests were 'inseparably connected, as both she and they are, of late, more than ever convinced'. As a title for this whole, the term 'this spacious kingdom' recommended itself to the orator. He reserved 'empire' for another concept. He encouraged his audience to look forward to a conquest of the whole Canadian territory, and to the political and economic advantages which were to result from this vast enlargement.[1] He predicted that America 'would by the continuous blessing of heaven in another century or two become a mighty empire'. 'I do not mean an independent one', he felt moved to add. Though the prospect on which he dwelt was not different from Franklin's old dreams,[2] the manner of presentation definitely was. In their heart of hearts, both men were aware that only the forthcoming greatness of British America gave substance to the title of empire in the sphere of British dominion. But the Boston patriot, not being inhibited by such

affection for Britain as was ingrained in Franklin, though paying respect to British sovereignty, proclaimed America alone as a mighty empire.

It is easy to suspect an ominous intention in this slip of the tongue. However, in deprecating an interpretation of 'empire' in the sense of independence, the speaker did not wish to restrain the ambitions of his audience but only to prevent his use of the word being misunderstood. With regard to the relations of the colony and the mother-country, the disturbing factor was that the urban aristocracy and Governor Thomas Pownall, who had taken office when war efforts became stronger in 1757, had not seen eye to eye, and that Pownall was now about to resign. The eulogies of the Reverend Mayhew smoothed over the fact that the mutual misgivings were not suppressed even in the hour of relief and triumph. Pownall's successor, Francis Bernard, in his first address to the Council and the Assembly, reminded them of 'the blessings they derive from their subjection to Great Britain, without which they could not now have been a free people'. The Assembly in its answer carefully corrected this statement. It acknowledged that 'the connection between the mother country and these provinces is founded on the principles of filial obedience, protection, and justice'. Instead of professing submissive gratitude, the representatives emphasized that obligations were mutual.[1] When the annexation of Canada was made definite by the peace of Paris, Bostonian pride of liberty found a voluble spokesman in James Otis. Celebrating the occasion as moderator of the town, he understood how to mix the style of jubilation and loyalty with that of civic uprightness. He proclaimed: 'The British dominion and power may now be said, literally, to extend from sea to sea, and from the great river to the ends of the earth.' He condescended to express confidence in 'His Majesty's wise administration'. He was anxious, however, to divert the argument to the rights of every British subject in America, safeguarded by Acts of Parliament and by the laws of God and Nature, and implying all the essential privileges of Britons. His peroration dexterously combined the notions of future grandeur and of ancient rights. 'By particular charters peculiar privileges are granted, as in justice they might and ought, in consideration of the arduous undertaking to being so glorious an empire as British America is rising to.'[2] He could have spoken of the British

Empire in general in both passages in which he referred to the new territorial enlargement. The name, as contemporary utterances show, had remained familiar to Americans.[1] However, he wished to have it understood that British America was an empire in itself.

In England the nightmare of colonial emancipation inspired vociferous warnings against the annexation of Canada; but nothing was done to reclaim the word 'empire' for uses which gave more prominence to the mother-country. Indeed, when the foundation stone of Blackfriars Bridge was laid to commemorate William Pitt on 31 October 1760, the dedication was to the man

> qui vigore ingenii, animi constantia
> Imperium Britannicum
> in Asia, Africa et America
> restituit, auxit et stabilivit . . .

Nec non patriae antiquum honorem et auctoritatem inter Europae gentes instauravit.[2]

Here 'the British Empire' is reserved for the transmarine dominions, while Great Britain is '*patria*'. This style, however, was not taken from the language of politics. Its reference to the overseas empire may have been suggested by Alderman Beckford, who was by birth a West Indian and had always advocated a forward policy. Pitt himself had not inspired the phrase. He never declared that 'the British Empire' was to be the price of the war;[3] nor did this notion occur to George III and his advisers when the King's first proclamation was prepared. He said that he 'gloried in the name of Britain'. 'Briton' was substituted for 'Britain';[4] but nobody thought of the British Empire. The 'augmentation' of the 'Britannic Empire in America' was still qualified by question-marks. For more than two years it remained undecided as to where and to what extent the overseas conquests should be made permanent. The word 'empire' occasionally served in this discussion to signify prospective dimensions of maritime and territorial control.[5] When finally the new frontiers were fixed by the peace treaties, the word suggested itself as appropriate to the huge structure of countries now under British sovereignty. This recognition was not necessarily exultant. The public mind was haunted by the question of how to make the risks incurred by the annexations bearable to the national economy. '*This* empire' has a

timorous sound in the *Propositions* of an anonymous author who, like George III, thought 'expensive and bloody' the appropriate epithet for the victorious war, and professed an all-round knowledge of British production, overseas trade and national morals. Divine Providence, he conceded, had furnished the nation 'with the means of putting every part of this vast empire in a state of security'. 'The era is approaching and near at hand which will doom this mighty empire to future glory or inevitable destruction.' The author had more distinct notions of imminent dangers than of forthcoming splendours. The reckless expenditure of the war years, which had served only to enrich German army contractors and Dutch creditors, the traditional skill of French industrialists and administrators, eager to undersell the English, the idleness and insubordination 'among the lower classes of people', the practices of smuggling, protected by fraudulent customs officials, signified to him that Great Britain was unduly lulled into a state of security. This was 'the state of the republic of Genoa before it was stripped of all its foreign settlements and commerce, and sunk into despicable state'. The North American colonies might easily 'be a great detriment to the manufactures and commerce of this kingdom'. Smuggling was especially flourishing there; besides, their endeavour of 'setting up manufactures among themselves' was by no means 'insignificant'. Both portents 'may be attended with fatal consequences to us who have run ourselves so much in debt for their support'. Eventually the writer recovers a little from his misgivings towards the colonies. He admits that a system of bounties designed to give mutual advantages might make them more useful, for 'since we have made such immense conquests on the North American continent, which are to be guaranteed to us by the present treaty of peace, that mighty empire, from its favourable situation, is capable of producing the greatest part of the raw materials which are used in all our manufactured goods'.[1]

This hesitating attitude is not typical; nor are the sanguine eulogies of the Glasgow merchant Adam Anderson, who made the 'history of the great commercial interest of the British Empire' the main subject of the monumental History of Commerce which he presented to the nation after the victorious peace. He glorified the American plantations as having been exclusively responsible for 'the change in our national

circumstances' which brought the 'Britannic Empire' into being. He eulogized them as having made Great Britain independent of European imports and 'become an immense market for our Woollen, Silk, Linen, and Metallic Manufactures'. Because of his esteem for 'our fellow-subjects of America—who looked upon Britain as their mother-country' —he found trade with them preferable to that with any other country. Obviously he assumed them to be law-abiding. With regard to the British monopolies in navigation and trade, he contented himself with the statement that the colonists were 'absolutely restrained' by them.[1] He was at the same time broadminded enough to recommend them to the special attention of the 'Society for the Encouragement of Arts, Manufactures and Commerce', and to predict the blessings of posterity for 'the names of those who gave birth to what will then have naturalized to the British Empire in America every excellence of product, manufacture or improvement'. This unorthodox hope, as well as the author's belief in the undisturbed efficacy of the laws of navigation and trade, show that his opinions and impressions were remote from the administrative experience and generally accepted views and apprehensions expressed in the *Propositions*.

More systematic thought than both authors could offer was applied to the colonial system at the same time by the former Governor of Massachusetts. Thomas Pownall, now living in retirement, returned to doctrinal writing. He wanted to give the public the benefit of his generalizing speculation, as well as his administrative experience. In 1764 he published *The Administration of the Colonies*. He treated the subject with reference to immediate tasks in the remodelling of British government in North America, and saw these tasks in the broadest historical perspective. The spirit of European politics was about to undergo a fundamental transformation. Instead of military ambitions and religious passions, 'the operations of commerce' were now winning ascendancy. The centre of these interests had moved to the Atlantic and to America. In this vast region 'a grand commercial interest, the basis of a great commercial dominion, will be formed and arise'. 'This was what precisely constitutes the present crisis.' Its understanding should be the foremost task of the British Government. People were under the delusion that such a fundamental interest was actuated by governments. In fact this development

was 'not in the power of human wisdom . . . but to be in such circumstances as to interweave these nascent powers into, and to combine their influence with, the same interests that actuate our government, must be of the last importance to the glory, and perhaps the being, of such government'. Whether the English or the French were in the position to take this lead had been the real problem at issue in the war. 'The lead is now in our hands; we have such hold of the balance, that whenever this lead becomes the foundation of a dominion, it must be ours.' This challenge meant that in British politics the overseas interests must have pride of place. 'The duty of those who govern us' was to realize 'that our kingdom may be no more considered as the mere kingdom of this isle, with many appendages of provinces, colonies, settlements, and other extraneous parts; but as a great marine dominion, consisting of our possessions in the Atlantic and in America united into a one interest, in a one centre where the seat of government is.'[1]

The author of the *Principles of Policy* of 1752 can be recognized in this second book. He reappears not only in peculiarities of style (such as the 'a one' constructions) but in the pompous way of proclaiming rather than defining comprehensive discoveries concerning the mechanism of society. Pownall also resumes and redefines the fundamental tenet of his earlier essay. In the *Principles*, Harrington's idea of the intrinsic connection between property and power had implied that property-owners ought to make their common interest productive of political responsibility. The mainspring of wealth now flows from overseas trade and colonial expansion. From there, it follows, the inspiration of forthcoming British politics must be derived. The responsibility of giving effect to this inspiration is, however, no longer deemed to be borne by people active in the economic field, but attributed to the government. Pownall desires to educate legislators and ministers. The reader will be prepared for a system of basic suggestions about the constitutional, administrative and economic connections between the mother-country and the colonies. He will be disappointed. Some organic reforms of the existing system are demanded. Pownall is dissatisfied with the irresponsible attitude of the Board of Trade; he asks for a Minister of State at the head of an 'American and commercial department'. Remembering his experiences in Massachusetts he wants the Governor Council and the legislative council in

every colony to be distinct bodies.[1] He has nothing definite to say on the respective rights of Crown and Parliament on the one hand, and of the representative bodies in the colonies on the other. He states only that this question needs elucidation. The same applies to the limits between the powers of the governors, and those of the assemblies. He sets out to enlighten the mother-country on the 'nurture and government' which it owes to the colonies, but in fact merely reiterates the well-known principles underlying the laws of trade. He is most explicit when discussing details of administrative practice—courts of law, money, currency, and Indian affairs. Towards the end of his lengthy book he suggests a reform which would go far to modify the position of the colonies in the commercial system. 'British markets' should be established in foreign countries, and the colonies be admitted to them. If adequately thought out, this project would have affirmed Pownall's promise to explain how Great Britain and the colonies could be made 'a one dominion'; but on this point he contents himself with a shadowy hint.[2]

A symptom of the shapelessness inherent in the postulated 'a one dominion' is that it bears no specific name. When entitling his first edition of *The Administration of the Colonies*, Pownall did not connect his ideas with the notion of 'empire'. He did not realize that the term could lend emphasis to his tenet that henceforward the colonies should figure as main objects of national interest. The omission is the more remarkable because Pownall's *Principles* of 1752 had stressed that *imperium* or 'empire' was the only adequate term for the efforts of co-ordination which were vital to a political system.[3] The term had not vanished from his vocabulary. In unobtrusive places we may find the 'imperium of the realm' and 'the preservation of the empire'.[4] But the word was not used again with a specific function in the explanation of the author's ideas. Nor was it, we must conclude, related to problems of the colonial system by the public which he addressed.

Pownall's pretentious undertaking shows something more. With all his vanity, he would not have attempted to enlighten 'those who govern us' had he credited them with any ideas on the new conditions which might call for new policies. While writing he learned that George Grenville, upon whom the task of redressing the balance of the British finances had devolved in the spring of 1763, was about to revise the

'colonial revenue'. He therefore thought it appropriate to make only short recommendations on this point, and to exclude the principles of taxation from the list of subjects with which his book dealt at length.[1] He was not prepared to show the same reserve about colonial administration in general. He did not expect any comprehensive revision of the existing system by the statesman and the officials who were preparing the new Revenue Bills. This judgement was legitimate. Modern interpreters have assumed the opposite. The Revenue Act of 5 April 1764—commonly called the 'Sugar Act'—was preceded by the Royal Proclamation of October 1763, which established 'distinct and separate governments' in the newly annexed territories and Indian reservations beyond their boundaries. Its introduction was accompanied by the announcement of a colonial stamp duties Act, and followed by an Act prohibiting the colonial assemblies from declaring paper bills as legal tender. Every one of these Acts was motivated by specific demands. Nevertheless all these combined, the Sugar and Stamp Acts in particular, have been thought expressive of a systematic conception in which traditional 'mercantilist' views were subordinated to a new 'imperial' idea.[2] Apart from the fact that the words 'empire' and 'imperial' were still wanting in the official vocabulary, there is evidence that the initiators of the Revenue Act were not in the least conscious of indulging in views which did not conform to time-honoured principles.

Under the guidance of the minister, '*The Regulations lately made concerning the Colonies and the taxes imposed upon them*' were authoritatively explained by Thomas Whately, Secretary to the Treasury. The pamphlet was published in January 1765, when the Revenue Act had been in force for some months and the Stamp Act was ready to be submitted to Parliament.[3] A minor item of the new legislation, the prohibition of linen imports from foreign countries, was taken by the authors as an occasion for expressing their economic creed. They felt it necessary to soothe such widespread apprehensions as were vehemently put forward in the anonymous *Propositions* of 1763. They wanted to discourage the colonists from using this opportunity to develop a linen industry of their own, which might be prejudicial to British manufactures. Such a step would be at variance with the legitimate principle that ' 'tho' the

inhabitants of these kingdoms and of America are equally subjects of Great Britain, yet they serve the state in different capacities'. The obvious function of the colonists was to produce 'provisions for subsistence, commodities for commerce, the raw materials for manufacturers to work with' and not themselves to embark on manufacturing. In this respect the pamphlet concurred with the predictions of Franklin's *Observations*—that it could be relied on that any deviation from this wholesome rule in the future would be prevented by natural circumstances. The energies of the mother-country had become deflected from agriculture, and directed towards intense secondary production. High prices of landed property were matched by small prospects for improved agricultural production in Britain: 'the occupation of land' was 'rather a means of vesting than of acquiring money'. British manufacturers, on the other hand, were at present equipped with incomparable 'science, experience, skill', abundant credit and 'a constant correspondence and easy intercourse between themselves and a commerce to all parts of the globe'. High quality at low prices was guaranteed to them. The colonists had none of these advantages; 'should the Americans attempt to extend the manufactures beyond the point to which the convenience of the planter... will carry them, should they endeavour to establish them as branches of commerce, they would immediately raise the price of labour already extravagantly high'. They would soon become aware that their experiment in industrial competition was more detrimental to them than to the mother-country. Probably they would know that beforehand, and would not neglect their traditional occupations in favour of 'arts which they but imperfectly know', and the promises of gain from which were bound to be precarious. They would go on with the 'clearing of the country' and the 'improvements of land' by which they provided Britain with products which her own soil could not offer in equal quantities.[1] In other words, Grenville and his assistant relied on the common sense of the colonists for the economic balance between Great Britain and the enlarged colonial area. They abstained from any new legislative measures which—like the Iron Act of 1750—would have served to keep the colonists in their place. To British sceptics they offered the restriction of linen imports as a test, bound to demonstrate that the Americans were naturally responsive to the opportunities of primary

production, on which the British industrial interest bade them concentrate. The only regulations intended to foster the natural trend of commercial intercourse were facilities offered to the Americans—the abandonment of a British duty upon whale fins, and the granting of bounties upon hemp and flax exported to England. These were certainly not startling innovations inaugurating a new era of 'imperial economics'.

The changes of administration which proved most odious were implied in the reform of the great Act of 1764, the Sugar Act. It tried to meet three different interests—the monopoly of the British planters in the West Indies, the authority of the law, and the military supervision of the Indian frontier zone. Among the many shortcomings of the colonial customs service, the total inefficiency of the Molasses Act of 1733 was especially notorious; it was nullified by smuggling. By the new law, which reduced the duty on foreign imports to half its former amount, the Government hoped to remove the impetus to smuggling, and so enable the British West Indians to compete with the French. In view of the inveterate habits of contravention, however, this sensible arrangement was put under special control. Colonial courts were notoriously lenient in handling infringements of the laws of trade. The reform of the sugar duties was therefore made an occasion for the transference of jurisdiction in these cases to the Courts of Admiralty, whose independence could be better trusted—especially that newly established at Halifax, Nova Scotia. Though interfering harshly with the interests of the New England distilleries,[1] the legislation was well in line with the least contested maxims of the Acts of Navigation and Trade. Moreover, by enabling practice to conform to law, it was meant to satisfy elementary demands of public morality. Grenville's secretaries in the Treasury—Whately in his pamphlet, and Charles Jenkinson in a letter to the British consul in Amsterdam—emphasized these doctrinal and moral aspects of the measures.[2]

Whately was not hypocritical when he declared these aims of redress to be 'greater political purposes' than were the fiscal returns which the reformed duties would yield. Nevertheless, these duties were also explicitly destined for the 'just and necessary' purpose 'that a revenue be raised in your Majesty's dominions in America'. This revenue was to contribute to the maintenance of the British troops which were stationed

in the colonies to protect them against Indian inroads and uprisings. The colonists, it was supposed, would share this urgent task with the taxpayers of Great Britain. Welcome as the reform of the sugar duties was in this respect, by no calculation did it appear adequate as a fair assessment of that share. Preparation was made for a complementary revenue. Parliament was asked to affirm that, 'towards further defraying the said expenses, it may be proper to charge certain Stamp Duties in the said colonies and plantations'—and Parliament made a resolution to this effect. No objection was voiced by any member though Grenville, when moving the resolution on 9 March, had offered to 'take the sense of the House' on the legality of the project—'having heard without doors hints of this nature dropped'.[1] The right of Parliament to tax the colonies calls for an explanation at this fateful juncture. It had always been taken for granted that custom payments, in the colonies as well as in the mother-country, should yield a revenue. There were also precedents for the demand that stamp duties, such as were paid in Great Britain for the licensing of documents, newspapers, and the sale of certain articles, should be fixed by Parliament for the colonies. The measure had been debated more than once; Parliament had virtually reserved the right to bring it into effect. The question was, why was it expected to pass unresisted now, more confidently than before? This confidence was firm; it allowed Grenville to profess that he was willing to consider an alternative contribution, if the colonies were to suggest it.[2] The belief that stamp duties were unobjectionable was, remarkably, shared by an expert 'without doors'. In 1757 Thomas Pownall, in his capacity as Lieutenant Governor of New Jersey, had commented on a parliamentary resolution concerning other colonial money matters 'that the bringing any of the Crown's rights into dispute with the people is the sure way to lose them'.[3] In his book of 1764 he appeared to be convinced that a stamp duty could not become a matter of dispute. Among the short recommendations which he placed under the head of 'colony revenue' he explicitly mentioned a stamp duty, and asserted that, 'if duly paid', it would 'raise, from any supposed extent and number of people in the colonies, near a third more than it does raise from the same extent and number of people in England'.[4] He feared fraud, he did not expect collective resistance. In the absence of any explicit evidence, it must be assumed that

this confidence was based on the fact that by paying the tax the colonists were giving money for their military protection. The right of the Government to fix their obligations in this respect had actually been confirmed by their Assemblies during the war years, when requisitions to raise monies for defence were imposed on them. The new law provided a different—and technically far more satisfactory—method of making that right effective. Though it was unusual, the legislators and their advisers in London failed at first to understand that the colonists might think it more objectionable than requisitions had been.

Obviously the major innovations entailed in the arrangements of March 1764—the reformed sugar duties, the authority conferred on the Admiralty Court in matters of customs, and the announcement of colonial stamp duties—were practical devices for achieving aims which were not new, but had a recognized standing in the management of colonial affairs. They were designed to make the time-honoured interpretation of relations between the mother-country and the colonies an administrative reality. They were not meant to tamper with the principles of this interpretation. Recent experience in regard to administrative efficiency played a part in the schemes of Grenville and in the resolutions of Parliament. Previous legislation and procedure had proved too fallible in the thirteen colonies. No thought was given to the fact that these colonies had virtually become the centre of a subcontinent, nominally dominated by Britain. It did not occur to the legislators that a structure so greatly altered in extent needed reconsideration of its foundations. There was then no reason why they should define this structure in terms not yet applied to it in political language; no reason why they should profess to legislate, not solely for 'the British Colonies and plantations in America', but for 'the British Empire in America', or simply 'the British Empire'.

This negative remark would be irrelevant if men had not lived who had the eyes to see the fundamental change in the situation—men who drew constructive conclusions from this, and who insisted on giving the name of the British Empire a prominent place in the interpretation of the colonial system. One of these men was, as we know, Benjamin Franklin. While he, for the moment, withheld demonstrative pronouncements, two personalities in Boston, Massachusetts, were eager to determine the

spirit of the impending measures, and to bring the name of 'British Empire' forward to act as a suggestive formula. Personally, they distrusted one another; in public life they were antagonists by the very nature of their positions. One of them was the Governor Francis Bernard; the other, James Otis, lawyer and writer, had made a name for himself as a defender of civic rights.

3. THE RIVAL PROJECTS OF GOVERNOR BERNARD AND JAMES OTIS

The presentation of the ideas of these two men differed as much as their stations in public life. Bernard wrote a memorandum only to be shown, for the time, to ministers and other influential persons in London: *Principles of Law and Polity, applied to the British Colonies in America.* Otis wanted to improve the mind of the general public by an elaborate treatise, *The Rights of the British Colonies asserted and proved.*[1] The two titles indicate widely divergent aims—maxims of government on one side, fundamental rights of the governed on the other. Their ideas were likewise contrasted. Bernard had his mind fixed on maxims of statecraft 'simple, plain and certain'. He made only one doctrinal postulate: the sovereign power of the King in Parliament. Within this stable framework he introduced sweeping reforms, dictated by common sense and necessary for placing 'the American Government upon a general, constitutional, firm and durable plan'. He arranged his maxims and demands in a series of ninety-seven theses, 'as concise and augmentative as could well be'. He became vehement when he wished to impress the urgency of reform; 'if it is not done now, it will probably every day grow more difficult, till at last it becomes impracticable'.[2] For Otis 'reason' was bound up with the exhibition of erudite versatility. He quoted Locke and Sir Edward Coke, praised Harrington, refuted Pufendorf. In exploring the basis of the relations between the British Government and the colonies he discussed the origins of legitimate government in general, and the implications of Magna Carta and the Bill of Rights in particular. Otis did not mind risking perplexing antinomy on the one hand and venturesome constructions on the other. When he digressed upon passages in the lately published *Administration of the Colonies* (whose author he remembered), his argument was still more obscure, but his

emotional vehemence made up for lack of lucidity. He interspersed his remarks with laments concerning the enemies of the colonies and their sinister intentions, and with almost ecstatic affirmations of his loyal belief in His Majesty, Parliament, and British greatness.

Though the attitudes of the two Bostonians to the demands of the day were divergent, they agreed upon more than one point. Like Bernard's predecessor Pownall, they both felt that after the enormous enlargement of British North America the relationships between the old Colonies and the mother-country were in need of clarification. Unlike Pownall, both concentrated on the constitutional framework, but they were not interested in administrative detail. Both were concerned that Britain's sovereignty should be compatible with colonial self-government. Both were disturbed by the trend of politics in London. Both regretted also that the rulers of Britain were insensitive to that fundamental issue, and that in their eagerness for administrative devices they had chosen measures of taxation which were bound to foster conflict instead of harmony. In spite of dissensions in constitutional theory, they agreed on some vital assumptions. Otis did not deny that King and Parliament were possessed of 'the supreme, sacred and uncontrollable legislative power, not only in the realm, but thro' the dominions', though he proved that Parliament could act unlawfully and was about to do so.[1] Bernard conceded that American colonists had the rights of British citizens, and that internal taxation should be arranged by their own legislature. Both discussed the advisability of representation for the colonies in the British Parliament. Finally, to denote the dignity as well as the distinctive character of the political whole formed by Great Britain and its dominions they both used the same term, the name by which they wished this whole to be known in its new form: 'the British Empire'. They concurred in making this name an appeal for the display of constitutional wisdom and of political power.

This argument was not a coincidence. The Governor and the prominent Representative were brought into frequent contact in a session of the Assembly just after the Resolution in favour of a Stamp Act had passed the Commons, and the Sugar Act had become law.[2] They could hardly conceal their apprehension from one another. Their literary plans matured at that time. In all probability they discussed together details of

the propositions which they prepared. Sometimes, in their final writings, they seem to refer implicitly to their exchange of views. Bernard's argument strikes a highly combative note. 'The rule that a British subject shall not be bound by laws, or liable to taxes, but what he has consented to by his representatives, must be confined to the inhabitants of Great Britain only.' In this sentence one of the basic doctrines of Otis with all the evidence marshalled in support is tersely countered. When Bernard afterwards states the rule which he has restricted by that distinction—and declares that colonial subjects are entitled to the rights of Britons, his formula reads like a carefully trimmed variant of another axiom of the *Right of the British Colonies*. Otis, for his part, in 1764, could scarcely have been thinking of any Englishman but Bernard when he stated that 'there is no foundation for the distinction some make in England between an internal and an external tax on the colonies'.[1] While this reproof at least related to the topic at issue, his enthusiastic reflections on a possible representation of the several colonies in Parliament were merely a digression. They formed no part of his original plan of argument; and it is probable that he borrowed the idea from Bernard. To all appearances the notion of the British Empire had the same origin. In Bernard's memorandum it was firmly woven into the system of principles, while in Otis' scheme it was undefined and served his rhetoric rather than his argument.

Governor Bernard[2] looked back on four years of wrangling with the spirit Otis had proclaimed. He first realized its obstinacy when, in the exchange of addresses on his taking office, the House of Representatives told him their interpretation of 'the connection between the mother Country and these provinces'. He had learned to respect this spirit. For some time he had hoped that shrewd management would suffice to avoid conflicts on matters of constitutional principle. 'The people here are loyal and public spirited, but jealous of their liberties (of which they form high and sometimes unconstitutional ideas) to a great degree, and therefore the appearance of treating them as Independents (I mean in politics) is very agreeable to them.' He still maintained this confidence in May 1762,[3] but it proved an illusion some months later. The House of Representatives discovered that in an action of naval defence he had, with the assistance of the Council, incurred expense without consulting the Assembly. He

was indignantly censured for taking these liberties. 'It is in effect taking from the house their most darling privilege, the right of originating all taxes. It is in short annihilating one branch of the legislature.' The committee, led by James Otis, which drafted the remonstrance asserted that, if such practices were countenanced, 'it would be of little consequence to the people whether they were subject to George or Louis, the King of Great Britain or the French King'. Bernard recriminated vigorously; but when the Governor had put an end to the discussion Otis expanded the reprimand into a pamphlet which dwelt on the high constitutional principles at issue.[1] The Governor then realized that such deep-rooted dissensions could not be overcome by personal dexterity. The legal dispositions underlying the relations between the government and the colonial people were no longer satisfactory. Otis had quoted the charter of the province, hinted at 'the liberties of the people of Great Britain', and finally invoked the 'rights of mankind'. He returned defiantly to these subjects when eulogizing 'British dominion and power' in the peace celebrations of Boston. The constitutional 'jealousies' which burned in the hearts of New Englanders caused them to resort to high-sounding generalities on the one hand and to the elastic provisions of an old privilege on the other. Governor Bernard believed that this could no longer be allowed. The mutual rights and obligations of the government and the colonists must be defined; the matter was one for the central authorities. The necessity did not apply to Massachusetts alone; the neighbouring provinces, Connecticut and Rhode Island, which elected their own governors, were in a still more anomalous position. The fact that the charters of the individual colonies differed from one another was in itself an anomaly, seeing that parliamentary legislation could not but treat them as a whole. It was high time that the colonies were admitted to a unified constitutional arrangement.

In letters to influential persons in London Bernard told them that he was engaged on such a plan. He failed to elicit any response and concluded, as he later said in retrospect, that 'the unsettled state of the public offices afforded me no prospect of a proper opportunity to communicate my sentiments upon these subjects'.[2] Early in 1764 he realized that the Grenville ministry, now securely established, did not understand his demand for a constitutional settlement. Furthermore, the whole

proposal was about to be prejudiced by the provocative stamp duties bill. Therefore he decided to take the initiative during the session of the Assembly. He elaborated his idea into a system of 'Principles' for the use of the government. He hoped that by accepting his view government and parliament would be able to transform a precarious into a propitious situation. 'The people of North America, at this time, expect a revisal and reformation of the American Governments, and are better disposed to submit to it than ever they were, or perhaps ever will be again.'[1] 'At this time' referred to the emergence of the new British North America, and to the inevitable, if not yet fully articulate, change it would effect in the attitude of the old colonies to their constitutional situation. Bernard felt that, if only the British authorities would take the initiative in constitutional reform, this attitude could be moulded into durable allegiance to the mother-country, but that after this time it would probably never again be possible.

It was this feeling of urgency which inspired the Governor of Massachusetts to become the first British statesman to endow the concept of the British Empire with a constitutional significance.[2] 'A view of the present wealth, power, and extension of the British Empire is alarming as well as pleasing; we cannot but be concerned for the stability of a fabric built on so disjointed foundations, and raised to so great a height; and must be convinced that it will require much political skill to secure its duration. The most obvious means to effect this must be an union of the several parts of this vast body, and especially a connection not created by temporary expedients, or supported by enforced subjection; but established upon fixed Principles of Law and Polity and maintained by a regular, free and equitable subordination. What are the principles which will best connect the head and the members of this great Empire is the subject of the present enquiry.'

These prefatory sentences imply a sharp criticism of the incongruous method which the Ministers and Parliament thought sufficient so far for mastering the American problem. The concept of the British Empire is introduced to show this problem in its true dimensions. The constitutional implications of the term—emphasized by the expressions 'seat' and 'head of Empire'—conform, indeed, to generally accepted principles. At the outset Bernard makes his notion of the British Empire

conformable to British legal language. Equating the term *imperial* in reference to the Kingdom of Great Britain with *sovereign*, he reasserts the doctrine of the Imperial Crown (thesis 1) which is correctly interpreted as referring to the King in Parliament (th. 3). But a new relationship is soon established between these traditional concepts on the one hand and the notion of the British Empire on the other.

(th. 9) 'The Kingdom of Great Britain has, belonging to and depending upon it, divers external dominions and countries; all which together with Great Britain form the British Empire. Let, therefore, the *British Empire* signify the aggregate body of the British dominions, and the Kingdom of Great Britain the island which is the seat of the government.'

(th. 10) 'The King in Parliament is the sole and absolute sovereign of the whole British Empire.'

This statement entails a corollary laid down in th. 13 from which we omit some words to be considered later.

'The British external dominions . . . are dependent upon the Kingdom of Great Britain and must derive from it all their powers of legislation and jurisdiction.'

This maxim is, for defining the particular situation of the North American colonies, made specific as follows:

(th. 15) 'A separate legislation is not an absolute right of British subjects residing out of the seat of Empire; it may or may not be allowed, and has or has not been granted, according to the circumstances of the community.'

(th. 16) 'Where it is granted or allowed, it must be exercised in such subordination to the sovereign power from which it is derived.'

After more generalities, we arrive at the problem which is about to become a crucial issue—colonial finances. They are treated in thirty theses (29 to 58) thought out with particular subtlety. As we know, Bernard definitely reserves the maxim of 'taxation by consent' for the 'inhabitants of Great Britain only'. He goes farther and adds: 'and the rule is not strictly true even there' (th. 29). Having made the sovereignty of the King in Parliament his first principle, he need not stipulate 'virtual representation'. It is enough for him to limit the range of that sovereignty by the postulate that taxes levied from external dominions must serve 'the use of the people from whom they are raised' (th. 31).

On the strength of this, Bernard warns the authorities in London against the precarious step from the Sugar Act to the Stamp Act. If taxes are to be used for the benefit of the people, those raised in America should have two main purposes—the defence of the colonies and the support of their respective governments (th. 32, 33). Each need should be satisfied by a specific method of taxation.

It is the duty of Parliament to ensure defence in every respect. Bernard takes it for granted that the colonies are 'unable to defend themselves' (th. 32). The elementary truth that military measures must relate 'to the general whole of the country' (th. 41)—that is to say, to the colonial area as a whole—puts all defence arrangements beyond the reach of the colonies taken singly. The necessity for centralization also applies to the share the colonies have to take in defraying the costs. The impositions destined for it should be fixed by Parliament according to the colony's geographical situation, together with the acknowledged regulation of trade. 'The defence of the American Colonies, being now almost wholly a sea service, is connected with the defence of trade. Therefore, duties upon imports and exports make the most proper funds for the expenses of such defence. And, it being the proper business of the Parliament of Great Britain, to establish and determine the necessary regulations... and the duties upon the American imports and exports being interwoven with the regulations and restrictions of trade, the imposition of such duties is the proper business of the Parliament' (th. 37–39). The 'support of the governments'—that is to say, the budget of provincial administration—must on the other hand in each individual colony 'be provided for by internal taxes'; and, in contradistinction from 'the fund for defence of the country', the funds resulting from these internal taxes 'ought to be kept separate in every province' (th. 40–43). This reasonable concession entails another which is opposed to the policies of the Treasury:

(th. 44) 'Although the rights of the Parliament of Great Britain to raise taxes in any parts of the British Empire is not to be disputed, yet it would be most advisable to leave to the provincial legislature the raising of the internal taxes.'

(th. 45) 'If the sums required were fixed, there would be no inconvenience in letting the provincial legislature determine the manner in which they shall be raised.'

In recommending this rule Bernard stressed that it was likely to be 'more agreeable to the people', mainly because 'it may be difficult to form a general parliamentary tax, so as to make it equally suitable to all provinces' (th. 46–48). The right of Parliament to prescribe the taxes for the support of the provincial government could be reserved for overruling any Assembly which proved deficient on this point. Such failure, however, was in Bernard's opinion highly improbable; 'the people would soon be reconciled to the new system' when they observed the good effects of sure and adequate provision for the support of government (th. 49, 50). Bernard did not advocate a return to the 'requisitions' of the war years as an alternative to the stamp duties. The aggregate yield of taxes to be fixed by Parliament, pending the decision of the colonial legislatures about the method of collection, was in no case to be spent on defence. It should be used to put right an anomaly which urgently needed a remedy—the lack of official standards for the salaries of civil servants and judges. In Bernard's opinion, the want of such standards was the ultimate reason for constant friction between governors and legislators. The assemblies had learned 'to keep their governments dependent' (th. 51, 56). Parliament had so far neglected this vital issue; it should insist on 'a certain, sufficient and independent Civil List' (th. 52). Colonials must understand that their right 'to judge of the expediency of extraordinary and contingent expenses does not conclude for the same right as to the ordinary and necessary expenses' (th. 57). The only right which the author allowed them in the budget of administration was the finding of the means to defray it.

While deprecating the Stamp Act Bernard asked for a regulation of colonial finances which would endow Parliament with rights of control even more provocative than those asserted by the British legislators. His concept of the British Empire seemed to retrench colonial autonomy rather than to promote it. This, however, was not his last word. One way was left open for the colonies to establish a workable initiative in the affairs of the Empire, and Bernard felt that it should be courageously envisaged by the Government. In the introductory theses this possibility was adumbrated in some sentences which intervened between the definition of the British Empire and the particular rules concerning the legislative colonies.

(th. 11) 'No members of the British Empire, other than the Parliament of Great Britain, can have a right to interfere in the exercise of this sovereignty (of the King in Parliament), but by being admitted into the Parliament, as Wales, Chester, and Durham have been, and Ireland may be.'

(th. 12) 'Such an union is not necessary to the generality of the British external dominions; but it may be expedient with most of them.'

Appropriately the beginning of thesis 13 (mentioned above) in its full text ran:

'The British external dominions, *without such an union*, are dependent upon the kingdom of Great Britain. . . .' The Parliament of Great Britain might be transformed into a Parliament of the British Empire. This possibility was considered more fully and more emphatically in the paragraphs which followed immediately after the harsh demands concerning parliamentary control of colonial finances. The constitutional basis was provided by what we might call a theory of imperial citizenship.

(th. 59) 'The subjects of the British Empire, residing in its external dominions, are entitled to all the rights and privileges of British subjects, which they are capable of enjoying.'[1]

The reservation in the last words implicitly referred to representation in Parliament—and this hint was soon made explicit.

(th. 61) 'The right of having a share in the Imperial Legislature is one of these incapacities in those external dominions where a representation is impracticable.'

At once, however, the author declared that this exclusion did not apply to the American Colonies.

(th. 62) 'A representation of the American Colonies in the Imperial Legislature is not impracticable, and therefore

(th. 63) 'The propriety of a representation of the American Colonies in the Imperial Legislature must be determined by expediency only.'

What were the possible or actual reasons for such expediency? Were they of a constitutional or of a political character? Bernard emphatically deprecated the first interpretation; he asserted with equal seriousness that political reasons might decide in favour of representation and that consideration of them might become an urgent issue.

(th. 64) 'A representation of the American Colonies, in the Imperial Legislature, is not necessary to establish the authority of the Parliament over the Colonies. But

(th. 65) 'It may be expedient for quieting disputes concerning such authority, and preventing a separation in future times.'

In a few words Bernard gave a clear view of the conflicts of principle which the financial policy inaugurated by the Sugar Act was bound to arouse, and envisaged the possibility of fatal consequences which British as well as colonial politicians were still refusing to take seriously.[1] He attempted to give a warning that a new structure of imperial legislature which would give representation to the colonies might be the only safeguard against a dissolution of the British Empire.

Imperial 'union', it followed, was a vital issue. Nevertheless it was only one of the reforms which Bernard thought necessary in order that the structure of the Empire should 'stand the test of reason'. He circumstantially prepared to disclose the ideas he had in store for a radical reconstruction. It was not because of 'the want of their having representatives in the imperial legislature' that the American Colonies had provincial legislatures of their own. If they were represented in Parliament they would still need them (th. 66, 67). This statement caused him to emphasize once more the sovereignty inherent in the imperial legislature; 'otherwise there would be an empire in an empire' (th. 68). Then he recalled that not all 'external states' could as yet have a legislature of their own, and that one had to distinguish between an 'infant' and a mature state of colonies (th. 69–71). Here he was obviously thinking of the new American colonies of Canada and Florida. The old were certainly mature and therefore entitled to the 'most perfect form of government' (th. 72). He proclaimed his postulate of symmetry:

(th. 73) 'That is the most perfect form of government for a dependent which approaches the nearest to that of the sovereign state, and differs from it as little as possible.'

(th. 74) 'There is no such form of government amongst the American Colonies. And therefore

(th. 75) 'Every American Government is capable of having its constitution altered for the better.'

This improvement presupposed that the charters of the colonies which

had so far been the only legal basis for their constitution were no longer to be accepted as binding. They had been valid only for 'their infant or growing', not for their 'mature state'. 'They are in many things unconstitutional and contrary to the nature of a British government.' This was for him reason enough to reject them, in view of his principle of constitutional symmetry. But he saw another reason also. Experience had taught him that 'the charters can be pleaded against the authority of Parliament'. By such use 'they amount to an alienation of the dominions of Great Britain, and are, in effect, acts of dismembering the British Empire, and will operate as such, if care is not taken to prevent it'. The vision of an imperial catastrophe was conjured up again (th. 76–79). It soon appeared a third time. There were three radical reforms to which the abrogation of the existing charters would open the way. First, territorial boundaries should be redrawn so as to make the colonies less in number and more equal in extent (th. 80–84, 90, 91). Secondly, the legislative power in the colonies should be 'properly balanced' by the establishment of a 'third legislative' based on a colonial nobility (th. 86–89). This would be a definite assimilation of the colonial constitutions to that of the mother-country. It would follow that they should then be assimilated to one another. 'One form of government' should be established 'for all North American provinces'; no longer should one government be 'more free or more popular than another' (th. 92–94). These, Bernard declared, were 'effectual means . . . to prevent revolts in future times' (th. 85). 'There is no reason to fear them in present', he added soothingly. Such confidence, however, did not diminish the urgency of the whole reform. 'The American Colonies in general are *at this time* arrived at that state which qualifies them to receive the most perfect form of government which their situation and relation to Great Britain make them capable of.' He believed that 'the people of North America, at this time, expect a revisal and reformation of the American Government'. 'The proper and critical time to reform the American governments upon a general, constitutional, firm, and durable plan' had arrived, and if the opportunity were neglected it might not return (th. 95–97).[1]

The concept of the British Empire had a twofold constitutional meaning to Governor Bernard—not so dissimilar from that which was

intended by Franklin, who never knew him. It applied to the present legal order, and at the same time embodied the idea of a perfect order which would be adequate to the mature state of the colonies. The distinction between the 'imperial' status of Great Britain and the dependent status of the colonies was not to be sacrificed in the transformation. However, a representation of the colonies in the imperial legislature would go far to mitigate the discrimination. On the whole, on this point James Otis agreed with his antagonist. But the idea of a reformation of the existing constitutional framework was utterly repugnant to him. He was outraged by the thought that colonial charters might be 'threatened with destruction', as had happened generations ago.[1] He could not deny the legal possibility of their abrogation; but he cried out against it. It would be the gravest offence to the original colonists, to whom the charters were given 'in consideration of their sufferings and merits in discovering and settling America'. His whole book was a vindication of what he understood to be the ancient and eternally valid constitution of the colonies. The time had come for defending it against the presumptions of Parliament, for one of its first principles was that 'the supreme power cannot take from any man any part of his property, without his consent in person, or by representation'—and this principle has in fact clearly been denied in the Sugar Act, in which Parliament declared itself entitled to make the colonists pay taxes for revenue. Indeed, 'the power of Parliament is uncontrollable, but by themselves, and we must obey. They only can repel their own acts.' Parliament was now obliged to concede that it had been mistaken about the meaning of the constitution, and presumably 'the wisdom and justice of that august assembly always will afford us relief by repealing such acts'. 'It would be a most manifest contradiction for a free legislative, like that of Great Britain, to make itself arbitrary.'[2]

These sentences indicate the juridical dilemma which Otis strove to overcome. In his view—sharply opposed on this point to that of the Governor—taxation by consent was an axiom of law, in the colonies as well as in Great Britain. On the other hand, the supremacy of Parliament was also axiomatic: it was the corner-stone of that free constitution which the colonists had inherited from Britain. How could an Act of Parliament infringe the Constitution? Otis had an answer to this question,

which he took from the doctrines of John Locke. The inviolability of property, which entailed the principle of taxation by consent, was a natural right which put limits to the justifiable powers of Parliament. Otis wished to vindicate the claim of the colonies against parliamentary taxation not only on the basis of natural law but also on that of the British constitution. It is in this context that he brought the British Empire into his argument. He ventured a rather hazardous interpretation of 'the proceedings of the nation' in which that constitution was embodied—the Bill of Rights. He asserted that this Act was not only 'the basis of the Acts of union and succession since made', but also intended to 'show the rights of all British subjects, both at home and abroad'. 'The present establishment, founded on the law of God and of nature, was begun by the Convention, with a professed and real view, in all parts of the British Empire, to put the liberties of the people out of the reach of arbitrary power in all times to come.'[1]

Otis did not repeat this daring assertion in the course of his long-drawn argument. He wished to have 'the British Empire' brought to prominence once more in a passage which was bound to catch the reader's eye—his peroration. We are prepared for it by some digressions. Otis repeatedly exerted himself to demonstrate that his belief in forthcoming British greatness did not fall short of his veneration for the British Constitution. He was certain that it was the constitution which brought the greatness into being. In this vein he commented upon the exordium of Pownall's book, which he read while writing his own.

> If I have one ambitious wish, 'tis to see Great Britain at the head of the world, and to see my King, under God, the father of mankind. I pretend neither to the spirit of prophecy, nor any uncommon skill in predicting a crisis, much less to tell when it begins to be 'Nascent' or is fairly midwiv'd into the world. But if I were to fix a meaning to the two first paragraphs of the Administration of the Colonies, tho' I do not collect it from them, I should say the world was at the eve of the highest scene of earthly power and grandeur that has been ever yet displayed to the views of mankind. . . . The next universal monarchy will be favourable to the human race, for it must be founded on the principles of equity, moderation and justice. No country has been more distinguished for these principles than Great Britain, since the revolution.

Another theme which he dwelt on was 'a representation in Parliament for the several colonies'. He declared it to be demanded by 'equity' as

well as to promise 'a thousand advantages'. It would enable both countries to win 'a thorough knowledge of each other's interests; as well as that of the whole, which are inseparable'. This recommendation was coupled with a renewed prophecy of greatness at the end of the 'sum of arguments'—and here the British Empire reappeared. The colonies should, so his last thesis ran, be 'represented in some proportion to their number and estates in the grand legislature of the Nation', and 'this would firmly unite all parts of the British Empire, in the greatest peace and prosperity; and render it invulnerable and perpetual'.[1]

Little more than a year had passed since Otis had as moderator of the Boston town meeting made his speech in praise of the peace treaty. In that address emphatic references to the laws of God and nature, the privileges of Britons and 'particular charters', were combined with eulogies on the ascent of British power. This power, extending 'from sea to sea', had then been claimed by him as belonging to the colonies, and theirs was the 'Empire' too. Theirs was 'the arduous undertaking to begin so glorious an empire as British America is rising to'. Of the British Empire there had been no mention. The change in style is significant. The expression now chosen fitted the particular demand, which was for representation in Parliament. However, there was a more compelling reason for paying homage to the British Empire in the crowning phrase of a vindication of colonial rights. Though Otis urgently wished to unite the colonists in protest against British encroachments, he was—as his asseverations of loyalty show—no less interested to stir the conscience of the British public and the British Parliament. They had to understand that to concede full British rights to British subjects in America was a matter of British glory. To them, therefore, in the first place, he addressed his concept of 'British Empire' as a challenge. This appeal was made to ministerial circles in London at a time when only the Massachusetts representatives were familiar with the text of his pamphlet from readings in the legislature. He was authorized to draft the memorandum which the House sent to one of the agents for Massachusetts for his negotiations with the Government. This memorandum, which combined the constitutional arguments for taxation by consent with objections against the practical wisdom of the Sugar Act, finished on the same note as the book. 'We . . . trust that when the services and sufferings of

the British American colonies are fully known to the mother country, and the nature and importance of the plantation trade more perfectly understood at home, the most effectual measures will be taken for perpetuating the British empire in all parts of the world,—an empire built upon the principles of justice, moderation and equity. . . .[1]

In June 1764 *The Rights of the British Colonies* were ready for publication. A sensational success was expected in Boston for its vehement if untidy display of righteousness adorned by erudition. Governor Bernard was intensely aware of the 'rouse' which 'the late proceedings in Parliament' had given 'to the politicians in this country'. The growing excitement made him regret that he could now do no more than submit his ninty-seven theses to the Government by intermediaries whom he thought influential. However, he took that 'rouse' as a further proof that his constitutional ideas were timely and would be an appropriate basis for an understanding between the mother-country and the colonies. His only doubt was whether they had any chance of being accepted by the leading statesmen. He therefore regretted that his 'station' did not allow him to publish his *Principles* himself. He eagerly hoped that his friends might find it possible to get them printed. His memorandum was read with interest in the offices most closely concerned—by Lord Halifax, the Secretary of State for the Southern Department, in the Board of Trade and in the Treasury. His representation project was sympathetically discussed by Grenville's confidants.[2] But the author's distrust in the responsiveness of the English statesmen was too well justified. The *Principles* were withheld from publication until 1774 when Bernard, now in retirement, made a desperate attempt to have them accepted as a basis of understanding in a situation which justified his warnings of ten years earlier.

The project included a vital point to which the Grenville ministry was bound to object. The estimates of the Treasury were built on the supposition that the customs returns, though improved by the Sugar Act, would not add up to an adequate contribution from the colonies to the American defence budget. It was for that reason that Grenville had fixed upon stamp duties. He had, in announcing them, gone farther, and assured the Commons 'that the power and sovereignty of Parliament, over every part of the British dominions, for the purpose of raising or

collecting any tax, would never be disputed'.[1] He could not possibly commit himself to a policy which, while accepting this principle, would not risk applying it to internal taxation. At the same time Bernard's differential treatment of external and internal taxation was at variance with the constitutional views of Otis and those colonials who shared his conception of British birthright; it was bound to impair the sympathetic response from America for which Bernard hoped. The same applied to his demand that in the matter of the 'support of their governments' the colonies should submit to strict parliamentary control.[2] Moreover, discontent with the existing charter systems such as was rife in Pennsylvania and Rhode Island would not have sufficed to create widespread colonial agreement with Bernard's view that the constitutional system was in need of radical reconstruction.

One might ask whether in view of such unfavourable auspices a publication of Bernard's *Principles* in 1764 would have had any effect other than of disillusioning the author. One positive effect would have resulted in any case. His idea of the British Empire would have become a topic of discussion during the angry debates on the Sugar and Stamp Acts. The result of this might be inferred from a feature of public opinion which must be jointly attributed to his influence and that of Otis. It emerged when the *Principles* had circulated among English politicians and *The Rights of the Colonies* had become the book of the day in America. The British Empire was raised, on both sides of the Atlantic, to the level of a concept signifying a political cause, which implied a constitutional system. From early in 1765 this connotation won ground, slowly and unobtrusively. It had at this early stage of its career a topical reference to the problem of American taxation. It was accordingly given divergent interpretations. It was used by most English politicians to emphasize British sovereignty, by Americans and some of their British sympathisers to remind the mother-country of her duty to respect their rightful demands. The inspiring effect of Otis's peroration on the Americans is manifest. As for the early British pronouncements, it is probable that, directly or indirectly, they took their cue from Bernard's definitions.

We remember *The Regulations Lately Made*, the vindication of Grenville's policy written by his secretary Thomas Whately and published towards the opening of the parliamentary session, which produced the

Stamp Act. Without mentioning names the pamphlet was addressed to various objectors—British as well as American. Its intention of invalidating colonial discontent was obvious in the passages which argued the all-round competence of Parliament in matters of taxation. Here the theory of virtual representation was Whately's particular contribution to the debate; the pamphlet tried to show 'that the inhabitants of the colonies are represented in Parliament' in the same proportion as 'nine tenths of the people of Britain'.[1] By this assertion the author not only defied colonial remonstrances, but also improved on Governor Bernard's, answer to the question. Bernard had stated (in thesis 29) that the rule of taxation by consent was 'not strictly true even with regard to the inhabitants of Great Britain', for whom only it could be claimed. It was a triumph for Grenville's assistant that he could reverse the Governor's statement. The colonies, he pointed out, were 'an important part of the Commons of Great Britain; they are represented in Parliament in the same manner as those inhabitants of Britain are who have no voices in elections. . . .' 'The Parliament of Great Britain not only may, but must tax the Colonies, when the public occasions require a revenue there. . . .' This again was a retort to Bernard, who had given reasons why in matters of internal taxation there was no 'must' but an indubitable 'may'. Another and still more fundamental disagreement arose from Bernard's confidence in the old colonies' having arrived at a status of 'maturity'. The pamphlet definitely took the opposite attitude. It referred to 'instances of misconduct in the General Assemblies of certain Colonies', such as 'the extravagant increase of paper money', and declared that there was a grave 'necessity for superintendence'. In this context it had recourse to Bernard's interpretation of the British Empire but reproduced it as an exclusive assertion of British authority as it stood.

> The British Empire in *Europe* and in *America* is still the same Power: Its subjects in both are still the same people; and all equally participate in the adversity or prosperity of the whole. . . . It is an indisputable consequence of their being thus one nation, that they must be governed by the same supreme authority.[2]

A few weeks later, when this view together with the doctrine of virtual representation was declared in the House of Commons to justify the Stamp Act, some of the opponents, we are told, adopted the terminology, but put limitations for the doctrine.

'Tis true they say that the commons of England and of the British Empire are all represented in and by the House of Commons, but this representation is confessedly on all hands by construction and virtually only as to those who have no hand in choosing the representatives, and that the effects of this implied representation here and in America must be infinitely different in the article of taxation.[1]

About the same time, Thomas Pownall discovered that 'empire' was the most appropriate term for denominating that 'grand marine dominion' which it emphatically demanded without explanation. In the second edition of the *Administration of Colonies*, which was dedicated to George Grenville, the expressions of his main proposition were accordingly modified. This proposition now ran: 'that Great Britain [1st ed. 'our kingdom'] may be . . . considered . . . as a grand marine dominion, consisting of our possessions in the Atlantic and in America united into a one Empire [1st ed. 'a one interest'] . . . as the rising of this crisis above described, forms precisely the object in which government should be employed, so the taking leading measures towards the forming all these Atlantic and American possessions into a one Empire of which Great Britain should be the political and commercial center [1st ed. 'a one dominion of which Great Britain should be the commercial center'] . . . is the precise duty of government at this crisis.'[2] A more explicit declaration follows at the end of the book. Among the additions by which Pownall made his work more ponderous than perspicacious, there is an appendix of documents originating from his governorship. Their insertion is justified by the claim that 'they contain ideas of policy which respect the possession, preservation, and improvement of those acquisitions which our conquests have put into our hands,—and the forming them into some system of Empire that shall be the Empire of Great Britain'. This was as much as to say that only if reformed according to the demands of the present 'crisis' would the connection between Great Britain and her colonies deserve to be called 'a system of Empire'—and Pownall boldly endowed this new system with the name, supposedly equally new, of 'the Empire of Great Britain'. Addressing the Prime Minister, he harmonized his terminology with that of his successor in Boston, whose memorandum he had certainly been shown.

That 'the colonies are now become so important a part of the British

Empire', was still to be learned by 'the landed gentlemen' in the House of Commons. This was the judgement of the agent for Georgia, William Knox, who nevertheless became a staunch supporter of Grenville's financial policy.[1] He could look back on some years of service in America. Many people there, before and after the Seven Years War, had long regarded the name of British Empire as referring to the colonial area. Otis's peroration, therefore, found a number of echoes. His compatriot Oxenbridge Thacher repeated it almost literally. The Virginia House of Burgesses, in addressing their petition against the Stamp Act to the House of Commons in December 1764, concluded on the same note. They expressed the hope 'that British patriots will never consent to the exercise of anticonstitutional power, which even in this remote corner may be dangerous in his example to the interior parts of the British Empire, and will certainly be detrimental to its commerce'.[2]

In a lengthy article published by the *New York Mercury* the anonymous author 'chose to begin and end' with the same 'observation'. He earnestly asked the legislators not to frustrate the hopes with which the Peace of Paris had been hailed in the colonies. By then 'every British heart in America exulted at the glorious consequences which they thought they saw resulting from a successful war.... It was their opinion that Britain (which they glory in being sprung from, and making a part of it, as it entitles them to many inestimable privileges) had laid the foundation of the greatest Empire that ever existed.' This hope still held good, and it was generally felt that 'Britain as a nation, can gain nothing by the imposition of internal taxes on her colonies.... Britain by being contented with all her Colonies can yield, which all may be obtained by a wise regulation of their trade, will found the greatest empire in the world, and such a one as her American subjects will ever find it their truest interest to support.'[3] A compatriot of Otis exploited the term in another way. He compiled a historical survey of military and financial activities by which the Colony of Massachusetts had maintained itself against great dangers, and concluded: 'From its first infancy to its present age of puberty, this Colony, with no expense to the Crown, hath defended the territory granted to it, and thereby hath mightily extended the British Empire and immensily increased the British commerce....'[4]

Governor Bernard, meantime, saw his hopes for the avoidance of the

Stamp Act and the acceptance of his idea of the British Empire by his superiors dwindling. In his public addresses nothing remained for him but to connect the name of the Empire with dutiful submission to its sovereign authority. When preparing the Representatives for the Stamp Act, he bade them remember: 'In an empire, extended and diversified as that of Great Britain, there must be a supreme legislature, to which all other powers must be subordinate.' He added the entreaty: 'Surely, then, we should submit our opinions to the determinations of so august a body, and acquiesce in a perfect confidence that the rights of the members of the British Empire will ever be safe in the hands of the conservators of the liberty of the whole.'[1] The indignant Representatives could not perceive the undertones of disappointment and regret with which the words 'submit our opinions' and 'members of the British Empire' were invested in the Governor's mind on 30 May 1765.

The same day, far south at Williamsburg, Virginia, Patrick Henry proposed the inflammatory *Resolves*, which soon made the round of the colonies and started the movement for resistance.

4. RESULTS OF THE STAMP ACT CRISIS

The two Bostonians, having failed to make the notion of the British Empire the keystone of constitutional reconstruction, made new moves in the same direction when the Repeal of the Stamp Act was negotiated. They gave wide circulation to the concept, and also put emphasis on the dissonant meanings in which it could be read.

There had been no use for it in the summer of 1765, either in England, where the Act caused no apprehensions in the Rockingham Ministry, which was then taking office, or in America, where the newly-founded 'Sons of Liberty' tried by violent demonstrations to prevent the law from being implemented. The colonial delegates, however, who met in New York in October to deliberate on a disciplined action for repeal, were anxious to disclaim rebelliousness. Their desire to mitigate remonstrance by expressions of loyalty led them to have recourse to James Otis's formulas of reconciliation, while at the same time they firmly concurred with his reasons for protest. The declaration accepted by the Congress opened by professing not only 'allegiance' to the Crown, but also 'all due subordination to that august body, the Parliament of Great Britain'.

In the address to the King which accompanied the declaration on its way to London His Majesty was asked to consider that the colonists 'by their successful perseverance in the midst of innumerable dangers and difficulties, together with a profusion of their blood and treasure, have happily added these vast and valuable dominions to the empire of Great Britain'. They declared 'that by means of these settlements and the unparalleled success of your Majesty's arms, a foundation is now laid for rendering the British Empire the most extensive and powerful of any recorded in history'. The King was assured 'Our connection with this empire we esteem our greatest happiness and security'. James Otis's main suggestion, however, was explicitly disavowed. The declaration of the Congress roundly laid down 'that the people of the colonies are not, and from their local circumstances cannot be, represented in the House of Commons of Great Britain'. The southern colonies, it appears, were the most emphatic in this denial. It was reiterated in the petition directed by the Congress to the House of Commons concurrently with the address to the King. This petition, in passing, also indicated the limits within which the colonial politicians were prepared to comply with parliamentary legislation. The House was asked to consider 'whether there be not a material distinction, in reason and sound policy at least, between the necessary exercise of parliamentary jurisdiction in general acts, for the amendment of the Common Law and the regulation of trade through the whole Empire, and the exercise of that jurisdiction by imposing taxes on the colonies'.[1]

Before these messages reached their destination the tone of serious entreaty mellowed by deference by which the delegates hoped to impress the Crown and Parliament was frustrated by acts of collective remonstrance and resistance more violent and widespread than that of the summer. When November, the time at which the Stamp Act was to be put into effect, arrived, its operation was obstructed by all possible means, by the intimidation of officials and acquiescent citizens, by the destruction of instruments and by outbursts of rioting. These mob actions seemed to have the support of the colonists of higher rank who allowed them to take place. A warning no less significant was implied in the attitude of colonial merchants who stopped payments of stamp duties and threatened boycott. Moreover, 'since the insurrections against the Stamp

Act, the Americans have found the Governments so contemptibly weak and the people so superior to the royal authority that they are not a little elated upon their triumphs over the defenceless officers of the Crown; and seem to be resolved that their idea of their relation to Great Britain, however extravagant, various and inconsistent, shall be the standard of it'. This was the statement of Governor Bernard in a mournful letter—ostensibly directed to his ministerial friend Lord Barrington, but intended for the use of the Cabinet—at the centre of resistance.[1] He explained succinctly what he meant by the new 'constitutional idea' of many Americans by adding: 'The question will not be whether there shall be a Stamp Act or not; but whether America shall or shall not be subject to the legislature of Great Britain. . . .' 'In America they claim (I mean in public papers) to be perfect states, not otherwise dependent upon Great Britain than by having the same King.' This opinion had been heard before.[2] It was the opposite of the theory of Otis and was confirmed by the Congress delegates at New York.

Preserving the indignant attitude toward the Massachusetts Representatives that became his office, Bernard tried to convince the new Ministers that the catastrophe would have been avoided if their predecessors had listened to his warnings, and accepted his plan of constitutional reform. Resistance to 'parliamentary inland taxation' was to have been expected, not only because the colonists would not have it on principle, but also because its financial demands were in fact too heavy. The time lost by this unfortunate experiment should have been used for 'a regulation and reformation of the American governments'. This task was now as urgent as before. Bernard did not insist on his whole project of 1764; he particularly did not revert to the idea that the colonies should be permanently represented in the House of Commons. Nevertheless the protest of the Americans against the theory of 'virtual representation' gave him a chance to suggest a substitute device. 'It is in the power of the Parliament by admitting representatives from America to take away all pretence of their not being bound by its acts.' The individual colonies might be asked to send delegates to London who would be authorized to make an agreement with Parliament as to the amount each colony should pay for the common good. This could be done without any offence to parliamentary sovereignty. The Governor reiterated the

principle: 'The right of the Parliament of Great Britain to make laws for the American colonies is founded upon its being the supreme imperial legislature, to which all members of the Empire, whether represented or not, are subject in all matters and things and in manner and form as shall be judged most convenient for the whole.' He also asked the ministers to confirm that 'the several American Governments should maintain such standing forces as shall be thought necessary to be kept up in America as their quota of the general armament of the Empire'.[1]

Richard Jackson of the Treasury, agent for Massachusetts and Connecticut and a confidant of Governor Bernard as well as of Benjamin Franklin, was, in the meanwhile, making every effort to influence 'the conduct of those in Great Britain, who by their stations and interest in the welfare of the British Empire, should neither have wanted wisdom to direct them, nor anxious concern to have disposed them to have listened to it'. He assured Bernard that he had comforted the Governor of Connecticut by writing: 'However, the Colonies have friends; I should say, the British Empire has friends.' Thus personal communication combined with messages from the Congresses to try and impress the American interpretation of the term on British politicians.[2] Benjamin Franklin's part in this endeavour can only be guessed. The feelings and thoughts of Americans about the constitutional question of the day was made known to British politicians not only by the declarations and messages of the Stamp Act Congress, but also by numerous letters and pamphlets. General Conway, the Secretary of State, to whose department the colonies belonged, was an assiduous collector of American tracts. The legislators did not lack recommendations to make the concepts of the British Empire and of imperial concerns play a part in their decisions. Their problem was to give these concepts, on their first entrance into British politics, the double-edged implications which they wished them to acquire. King and Parliament had to reassert their authority, which had been practically nullified by the American protests. It was hard for the Commons, who had granted the stamp duties by a great majority, to contemplate retreat. King George and a great number of the Lords were even more sensitive about losing face by repealing the Act. Yet it was not possible to uphold the hated legislation unless the authorities were prepared to break down the resistance by

force. This would not only have incurred heavy expense, but would also have been harmful to the commercial interests, whose representatives were already in a state of panic and were urgently asking for conciliatory measures. It was moreover no light matter to jeopardize the loyalties that had been professed by the Congress delegates. What help in this quandary was to be obtained from the notion of the British Empire? Obedience could be made the main issue in the name of imperial authority, or the objections of the colonists could be admitted in the interests of the unity of the Empire. Whether these two meanings of the imperial relationship could be made compatible was the question which faced the British legislature now for the first time, and was destined to recur as long as the name of the British Empire was heard.

A decision was only reached when Parliament assembled after the Christmas recess on 14 January 1766; its most popular member voted with the constitutional views declared by the colonists and defended by their resistance. Pitt gave emphatic assent to the delimitation of imperial authority which had been proposed to the House of Commons by the Stamp Act Congress. In distinguishing between the power of Parliament to legislate for the colonies, especially in matters of trade, and its right 'to take money out of their pockets', he did in fact accept the legal argument of Daniel Dulany, who had not used imperial terminology. But the peroration on which his first speech culminated on that day contained a colourful paraphrase of the sentence in the petition to the Commons in which 'the regulation of trade through the whole Empire' was conceded to them.[1] Suspecting that this right might need safeguarding just then, when Parliament had been proved to have been wrong on the point of taxation, he suggested that it should be sanctioned by an explicit declaration. A tactical device, similar in form but fatefully different in its constitutional implications, was elaborated by the Government. The Stamp Act was to be repealed, but at the same time to be declared to have been lawful. A solemn declaration was to be issued reserving to the King in Parliament the right 'to make laws and statutes of sufficient force and validity to bind the Colonies and people of America *in all cases whatsoever*'. A resolution to this effect, submitted to the House by Secretary Conway on 3 February, opened the whole legislative action. Another resolution, in the same explicit contrast to Pitt's attitude, sharply rebuked

the protests in which the colonial assemblies and the Congress in New York had presumed to proclaim a different interpretation of the constitution. Parliament declared 'the votes and resolutions passed in several Assemblies of the said provinces' to be 'destructive of the legal and constitutional dependency of the said colonies on the Imperial Crown and Parliament of Great Britain'[1].

Practically the whole procedure was a subtle makeshift, calculated to make the necessary retreat become as inconclusive as possible, and thereby overcome the reluctance of uncompromising supporters of the Act. However, in formulating the resolutions Conway showed himself responsive to some of the suggestions of the man who for so long had vainly tried to impress his views on the Government. He had already encouraged Governor Bernard to make use of his favourite term when he asked him to let the restive New Englanders understand that 'it is not suitable either to the safety or dignity of the British Empire that any individuals, under the pretence of redressing grievances, should presume to violate the public peace'. Now he gladly borrowed from Bernard the terminology adequate to the legislative needs of the day. The fundamental principle of parliamentary sovereignty, on which Bernard agreed with the official view, had only recently been defined by him as importing that the Parliament was 'the supreme imperial legislature' and that 'all members of the Empire' were subject to it 'in all matters and things'.[2] Conway's resolutions were based on these phrases. 'All matters and things' became 'all cases whatsoever'. The 'imperial legislature' became the Imperial Parliament. This last expression was a stylistic innovation of constitutional significance. Legal tradition knew only of the Imperial Crown with which it was coupled in the Resolutions, and which was older than 'Great Britain' and 'the British Empire'. The term had so far served only to signify the exalted dignity of the monarchy, and, on particular occasions, to give solemnity to laws. Governor Bernard presented the ministers with a suitable change of meaning for the adjective. The term 'imperial' was made expressive of the authority wielded by the King in Parliament over the British dominions overseas—the British Empire in its largest extent. By virtue of this new meaning the British Parliament itself became 'imperial'.[3]

There was a reverse side to this success of the Governor. While he

was allowed to influence the language of politics he was not permitted to direct its making. He had given emphasis in his memoranda to the juridical principle of parliamentary sovereignty only in order to show ways in which to alleviate its rigidity by concession and constructive reform. The concession was the abandonment of 'internal taxation'. This sacrifice was now envisaged, but in a form less binding than Bernard had wished. The organic reform which he thought necessary remained the co-operation of the colonies in determining their contribution to the financial needs of the Empire. In this respect his advice was now shown some theoretical sympathy by the ex-minister to whom it had been first addressed. While fervently opposing the Repeal, George Grenville mentioned 'the great question of our Parliament's granting to America a competent number of representatives to sit in our House of Commons' and deemed it to be 'entitled to the most serious and favourable consideration'—in the event that an application to this effect 'should be properly made by the Colonies to Parliament'.[1] As the resolutions of the Stamp Act Congress had ruled out such an application, this declaration offered no help for settling the actual crisis. Among the members of the present ministerial group, a novice to Parliament, Edmund Burke, who had just entered political life as Private Secretary to Lord Rockingham and member for life, was sufficiently impressed to urge the House of Commons to consider its substantial meaning. On 3 February, when the first Conway resolution came up for discussion, he surprised the House by the constitutional maxims he related to it.[2] 'There is', he was understood to say, 'a real distinction in every country between the speculative and practical constitution of that country, arising from circumstance proper for receiving the first principles of this constitution.' In order to show how this distinction applied to British conditions he referred to 'the King's negative' and to 'the right of the clergy in convocation to tax themselves'. He suggested, in other words, that the power of Parliament to tax the colonies should, like these institutions, be considered to be still valid in principle but not in effect in legal action. 'Let them evaporate, do not expunge them.' This was dangerously toning down the meaning of the resolution; but more was to come. 'The British Empire must be governed on a plan of freedom, for it will be governed by no other. They were mere corporations,

fishermen and furriers; they are now commonwealths. Give them an interest in [t]his allegiance, give them some resemblance of the British constitution, some idea of popular representation. Draw the line where you please between perfect and no representation, but draw the line somewhere between the two extremes.'

'Give them some resemblance of the British constitution'—these words recall Bernard's tenet, 'that is the most perfect form of government for a dependent which approaches the nearest to that of a sovereign state' and his recommendation of a 'representation of the American Colonies in the imperial legislature' (theses 73, 64). Burke was wary of completely adopting this most far-reaching innovation or even Bernard's last suggestion, to make colonial representatives join the Parliament. He generally avoided committing himself to any measure not authorized by his betters, but he dared confess that he agreed to the resolution only because he had not a more adequate proposal. By postulating 'a plan of freedom' for the British Empire which would materialize in institutional reform he showed himself impressed by Bernard's warnings as well as by other messages which had come from America. He had already manifested responsiveness some days before when he joined Pitt in the recommendation that the House should officially take account of the resolutions of the Stamp Act Congress. Now, in the debate of 3 February, Pitt, though vehemently opposing the 'all cases whatsoever' clause and scorning Burke's defence of it, joined him in the demand that the Americans should be respected as partners in the Empire. 'America was of mean beginnings. So was Rome. But the scanty fountain is now become a large stream covered with sails and floated with commerce.' 'I wish this to be an Empire of freemen; it will be stronger for it and will be the more easily governed.'

Both orators fared ill that day. Burke's distinction between speculative and practical institutions got a rough handling from every quarter. Colonel Barré, who moved the amendment to delete the 'whatsoever' clause, discussed colonial representation in Parliament only in order to reject it as being unfair to the colonies because it would make them a permanent minority. More ominously still, Burke's as well as Barré's and Pitt's profession of esteem for the colonies elicited contemptuous retorts from other members.[1] To Burke the debate proved an experience

of lasting significance. He remained firm in his new conviction that the American spirit of liberty should not be offended by high-handed legislation; but he became no less convinced that it was inappropriate for projects of constitutional innovation. As for the interpretation of the 'imperial' relationship, the decisive verdict was spoken in the House of Lords some days later. The Lord Chancellor asserted 'the *summum imperium* of Great Britain'. The Chief Justice, Lord Mansfield, thought the occasion suitable for advising the legislators strongly to deny the interpretation of colonial rights professed by 'Otis's pamphlet'. This book was highly dangerous. 'It may be called silly and mad, but mad people, or persons who have entertained silly and mad ideas, have led the people to rebellion and overturned empires.' The oracle of English jurisprudence went on to lay down the imperial competence of Parliament. Lord Mansfield stated 'that the British legislature, as to the power of making laws, represents the whole British Empire and has authority to bind every part and every subject without the least distinction, whether the law binds places within the realm or without'. Once more Governor Bernard's definitions were accepted and his political intentions left unconsidered.[1] The new interpretation of 'imperial' finally entered the Statute Book in the American Declaratory Act which together with the Repeal of the Stamp Act became law in March 1766. A simple verbal device sufficed for its ratification. 'The Imperial Parliament', which had for the first time figured in the third of the resolutions proposed by General Conway, was inserted into a sentence the context of which was taken from an Act of 1719 where the dependence of Ireland upon the British Government was asserted. In the Irish Act (6 Geo. I, c. v) this authority had been called 'the Imperial Crown of Great Britain'. In the new Act (6 Geo. III, c. 12) the colonies in America were declared 'to be subordinate and dependent upon the Imperial Crown *and Parliament* of Great Britain'. The omnipotence of imperial authority was thought sufficient to guarantee imperial unity. History was to refute this assumption.

In the early stages of its discussions Parliament had been brought face to face with the interpretation of the British Empire which the most respected American was ready to offer. Benjamin Franklin was summoned to the Bar of the House of Commons to undergo an 'Examination'

on his and other colonials' views on their obligations to the mother-country. By having his letters to Shirley of 1754 published in the *London Chronicle* he prepared his interrogators for the occasion. If, however, he expected to be asked questions concerning the British Empire he was disappointed. Finally he made a spontaneous pronouncement. He was asked whether the North Americans would willingly support Great Britain in a war in which she was engaged in Europe. His answer ran: 'I do think they would, as far as their circumstances would permit. They consider themselves as a part of the British Empire and as having one common interest with it; they may be looked on here as foreigners, but they do not consider themselves as such. They are zealous for the honour and prosperity of this nation. . . .' But Franklin impaired this profession of loyalty by an abrupt change of the theme. He transferred the discussion from a European war of the future to the American war of the past. This war, he declared, was wrongly 'spoke of here as entered into for the defence, or for the sake of the people in America'. It had been effected for causes purely British—'for the defence of territories of the Crown the property of no American' and for the monopolization of the trade interests of British manufacturers. The colonies had, before Braddock's campaign, been 'in perfect peace with both French and Indians'. It was through unselfish loyalty that in that war they had 'no scruple of contributing their utmost towards carrying it on and bringing it to a happy conclusion'. The sincere element in this provocative comment was the blow aimed at British industrial monopolies. However, his interpretation of the war which had brought the Americans into their present defiant position stood in glaring contrast to the concern for the American frontier which he had professed in the *Observations* to the conquest of Canada. It could scarcely be said that he was sincere now. He wanted to show the people at home, among whom similar opinions were already to be heard, what a sturdy American he was.[1] Moreover, he thought it timely to warn the British legislators that they must not bank on American gratitude if they cared for the preservation of American loyalty. This warning proved ill-placed. Franklin earned angry retorts, and the profession of whole-hearted attachment which he had made in the name of the Americans failed to impress.

To observant people outside Parliament, the precarious character of

this attachment had been sufficiently brought home by the riots and acts of commercial obstruction. The merchants of London had forced the Repeal by their petitions. Some of them, under the impact of the crisis, turned publicists; they gave thought to the future of the British Empire and prominence to its name. To one of them this name was significant of the solidarity of British and colonial trading interests. While advocating the Repeal of the Stamp Act, he laid more stress on the restrictions imposed on the commercial intercourse between British North America and the foreign colonies. His criticism was intrinsically aimed at the whole system—though he deprecated such colonial imports as would 'manifestly tend to destroy the trade of some other parts of the British Empire'. He stated that the Americans had 'heretofore sustained' the system 'with the most admirable patience' and only been aroused by the 'inconveniences' implied in the Sugar Act. If they were removed, 'there would be no disadvantage to the British Empire in general'. The colonies, which still used the 'tender name' of 'home' for Great Britain, would certainly have accepted any plan conceived in their interest 'consistent with the good of the whole British Empire'. As for the stamp duties, the author agreed with the complaint of the colonies that it would deprive them of necessary specie. It should be replaced by tax payments in kind, preferably in hemp or flax, providing 'means of fitting out a fleet whenever the interests of any part of the British Empire demand "a particular" exertion of our strength'[1] The Quaker Thomas Crowley, who began to address eminent persons and newspapers under the pseudonym of *Amor Patriae*, was mainly disturbed by the consideration that the maintenance as well as the definitive withdrawal of the Stamp Act might prove detrimental to the Empire. 'A too precipitate and unlimited repeal of the Act might' directly 'increase . . . the desire and thirst after independence' in some of the colonies. A continuance of the differences between Great Britain and her colonies might prove encouraging to 'our natural enemies or selfish allies'. The nation, crushed by the growing public debt, could not stand a new war, 'and it's not improbable in such case, that our enemies in Europe, and our colonies in America would, Phoenix-like, raise themselves as out of the ashes of this empire, and the latter become independent'. The main remedy envisaged by the writer was a plan of parliamentary union, more

meticulously elaborated than those cherished by Franklin, Bernard and Otis, but following the same principle: 'Their several assemblies in America would after retain the same powers as heretofore, of making provincial internal laws . . . but in matters relative to empirical or national concerns, as regards protection and defence, such Laws to be enacted in the Parliament of Great Britain, and Dominions thereunto belonging.'[1]

To a third 'Merchant in London' the spirit of American arrogance and revolt was appallingly brought home in letters from his own relatives overseas. He felt that spirit should be sharply rebuked, and for this purpose engaged the pen of the great dissident in economic matters, Thomas Tucker, the Dean of Gloucester. Tucker had by then already arrived at the radical conclusion 'of parting with the Colonies entirely and then making leagues of friendship with them, as with so many independent states'. To the merchant, however, this idea was as abhorrent as it was to Cowley; Tucker therefore—as he wrote when he republished the pamphlet in 1774—gave 'the argument such a turn as expressed rather a casual threat to separate, than a settled project of doing it'.[2] With regard to the legal position he resorted to the argument of virtual representation. 'Our Birminghams, Manchesters, Leeds, Halifaxes, and your Bostons, New Yorks, and Philadelphias, are all as really, though not so nominally represented as any part whatsoever of the British Empire.' This was an implicit censure of the presumption of Americans in appropriating that name for the benefit of their constitutional pretensions. Tucker probed deeper into what he took to be its hidden meaning; he saw the rebels already bent on the aim that Crowley had explicitly warned against. 'You want to be independent. You wish to be an Empire by itself, and to be no longer the providence of another. This spirit is uppermost; and this principle is visible in all your speeches, and all your writings, even when you take some pains to disguise it.' For this denunciation Benjamin Franklin's *Observations* (though not explicitly mentioned) served him as testimony. 'What! an island! A spot such as this to command the great and mighty continent of North America! Preposterous! A continent, whose inhabitants double every five and twenty years! Who, therefore, within a century and an half will be upwards of an hundred and twenty millions of souls! Forbid it

patriotism, forbid it politics, that such a great and mighty Empire as this should be held in subjection by the paltry Kingdom of Great Britain! Rather let the Seat of Empire be transferred; and let it be fixt, where it ought to be, viz. in Great America.' All this is said in irony.[1] The mother-country is and will remain 'a mighty nation . . . determined to protect and cherish those colonies which will return to their allegiance within a limited time . . . and as determined to compel the obstinate revolters to pay their debts—then to cast them off, and to exclude them for ever from the manifold advantages and profits of trade, which they now enjoy by no other title, but that of being a part of the British Empire. Thus stands the case. . . .' Here Tucker's own conviction comes to the fore: the British Empire would continue to exist and retain its political and economic strength, even if the North American colonies became independent. It might be good sense 'to cast them off'.

A fourth publicist, who was equally convinced of England's commercial strength, showed himself most strongly impressed by the notion of the British Empire. He referred to it in discussing the problems of Scotland, Ireland, and the colonies; he postulated that 'those nations, who, beyond the limits of England, form the several branches of the British Empire', demanded primary attention now that England by the successful war had secured her commercial position. After having demonstrated her own 'native strength' she ought to consider the potentialities implied in the vigour and the British character of these countries. With regard to 'our fellow subjects in America' this recognition extended to sympathies for their political aspirations. The author endorsed their claim to stand for English liberties, and for the heritage of the Revolution, 'which, I fear, no part of the British Empire, except England, has yet brought themselves properly to relish'. Nevertheless, he, too, felt alarmed. Like Tucker he perceived an ominous drift in the utterances of Benjamin Franklin. He drew attention to Franklin's assertion that in the last war all the risks had been borne by the colonists and all the gains earned by the British. After showing appreciation of the Americans as members of the British Empire, he thinks it necessary to warn them against separating their interests from the maintenance of it. 'The colonies must now consider themselves as a part inseparable from the grand body of the British Empire. . . . A moment's deliberation, then,

must surely fix the relative weight of British trade, glory and influence, to that of American pure natural liberty, and absolute, uncontrollable independence.'[1]

It is obvious that, early in 1766, under the impact of the Stamp Act problem, the name of the British Empire became a topic of public opinion familiar to many Englishmen, in a way that it had not been before. There were mixed feelings aroused by the term. It was now connected with the problem of the North American colonies. A new nation was seen to be in emergence there which professed allegiance to the British Empire; the preservation of this allegiance might be thought to be its vital interest. Nevertheless, many observers felt that the new nation would have to make its own decision on allegiance. The question arose whether, and under what conditions, the mother-country could secure the goodwill of overseas members. Could their consciousness of belonging to the Empire stand the test of the legitimate claims which the mother-country made to their obedience? This question circulated, together with the name of the British Empire. It also remained in the mind of the man who had raised it in the House of Commons on 3 February, when the first steps were taken to give legal form to the claims of supremacy. He silenced it by the assumption that it had been settled by the ensuing legislation. When in July 1766 the Rockingham ministry had to leave office, Edmund Burke was entrusted with writing a *Short Account* of its achievements. He summarized the legislation in two sentences: 'The distractions of the British Empire were composed by the Repeal of the American Stamp Act. But the constitutional supremacy of Great Britain was preserved by the Act for securing the dependence of the Colonies.'[2] The harmonious juxtaposition of these statements was somewhat out of touch with the interpretation which the Government and Parliament had put upon the notion of 'imperial'. Burke omitted the word 'imperial' from the second sentence which referred to the 'constitutional supremacy', for which it had been officially and demonstratively accepted. Instead he gave the British Empire its place in the first sentence, which referred to the Repeal and to the problem of imperial unity as being conditioned by it. In this choice of expression he sided with the Americans, and with those elements of English society which realized that the existence of the British Empire depended on American goodwill

as much as on British self-assertion. This language was resented by the irreconcilable Grenville group. The writer chosen to refute the *Short Account* repudiated the late ministry's good offices on behalf of the British Empire by the drastic device of omitting its name from the answer to Burke's pronouncements. He proposed to replace them by the statement: 'The subject colonies of Great Britain were excited to rebellion and independence by the connivances and encouragement given to their resistance to the Stamp Act, and the constitutional superiority of Great Britain surrendered to their claims by the Repeal of it.' On second thoughts, this group, which remained in opposition under the ministry of William Pitt, now Earl of Chatham, decided to respond openly to the challenge. Charles Lloyd, whom Grenville allowed to write an elaborate and documented criticism of 'the conduct' of the Rockingham cabinet, denounced it as having 'betrayed the Empire of Great Britain' by 'the timid duplicity' with which it behaved when it could have suppressed the riotous resistance to the Stamp Act. He glorified Grenville as a man who 'remained an Englishman . . . when the artifices of faction had divided the interests of the several parts of our empire.'[1]

The administration of Lord Rockingham was accused by this writer of having become 'Americans'. There were, however, Americans who hailed the Repeal with an enthusiasm for the British Empire more passionate and probably more sincere than had been expressed in the beginning of the crisis. In Boston Dr Mayhew, who some months before had sanctioned resistance by preaching on the text 'I would they were cut off which trouble you', was now jubilant on 'the snare broken', in a sermon which from orgies of triumph passed on to eulogies of the Empire and its most venerable authorities, 'our King, his truly patriotic ministry, and the Parliament'. They had, he assured his flock, shown themselves prepared 'to grant us every indulgence consistent with the common good of the British Empire'. Being uninformed of the serious opposition which had been voiced in both Houses, and unaware of the dangers lurking in the Declaratory Act, he thought the occasion fitting to glorify particularly the authority of Parliament. Colonial rights, he stated, would, if dependent on the Crown, only remain utterly insecure. Parliament alone guaranteed these rights; 'if the Colonies are properly parts of the British Empire, as it is both their interest and honour to be,

it seems absurd to deny that they are subject to the highest authority therein, or not bound to yield obedience to it.'[1] Other New Englanders also repeated the eulogies with which Otis's *Rights of the Colonies* had been filled. In Portsmouth, Rhode Island, the 'Sons of Liberty', leaders of the resistance, now prayed that 'the English Empire continue in the highest earthly prosperity and glory, so long as time may be enumerated'.[2] In New Hampshire, the Council and Assembly joined with their Governor in the vow 'to promote and cement as far as in us lies that happy connection and relation between the mother-country and her colonies on which the welfare of both depends, and which promises fair to exalt the glory and power of the British Empire to an height yet unequalled in history'.[3] In Philadelphia the merchants agreed to make their allegiance visible on the King's birthday by dressing in new suits of broadcloth made in England—thus, at particular expense, renouncing all further boycotting austerity.[4] John Sargent, another of those merchants of London who had lately become concerned about the 'Perpetual Union between Great Britain and her American Colonies', provided the prize medal for a competition arranged by the College of Philadelphia for the best dissertation 'on the reciprocal advantages' of the 'union'. Nine competitors handed in their essays. The Provost of the College added a tenth in the form of an 'Eulogium' which he read on the presentation of the medal, 20 May 1766. A subscription was raised to have the four best dissertations printed, together with the Eulogium; the resulting book proved very successful, at least inside the Province. Even William Bradford, a newspaper editor, who had fervently agitated for non-importation, ordered six copies. As became the occasion, the treatises selected vied with each other in proving by the quoting of commercial figures and by general argument 'that the British trade, the British Navy and the British Colonies in America . . . as they had their rise at the same time, they have ever since continued to increase and flourish in proportion'. On the whole more was made of the British than of the American advantage. But eloquent expression was given to the satisfaction that the British Empire had been rescued by the wise policy of the Repeal. Its 'tottering fabric' had been 'propped up', one of them wrote.[5]

There is every reason for assuming that this feeling of relief, even when

most eloquently expressed, was only an element in the triumphant awareness that America was able to impose her will on British authorities. While the jubilations were going on, colonial assemblies were making new attempts to defy the influence of a governor—as in the council elections in Massachusetts—or to contest the legitimacy of government measures—as in the refusal of the New Yorkers to pay for the garrison. But it was a serious mistake that British politicians failed to pay attention to these eulogies and did not provide occasions for them to be repeated. They were spontaneous and were meant to be pledges of loyalty. The name of British Empire had come into being before the Americans appreciated it; but it was the American appropriation which made it a symbol of national solidarity such as was vital overseas. When it spread in America during—and, in fact, owing to—the Stamp Act crisis, it gave expression to the feeling that Britain was the 'mother-country' in the true meaning of the word. It embodied the belief that the connection between that country and the colonies would be lasting, and would give strength to every part of the whole. This interpretation remained inherent in the name. Some Englishmen, such as Bernard, Pitt and Burke, were responsive to its appeal from the first, but such men formed a small minority in their own country. This lack of response was fateful for the further life of the concept as well as for that of the political whole to which the name referred.

5. AMERICAN REMONSTRANCES AFTER THE TOWNSHEND DUTIES

Of all the vicissitudes which deprived the Repeal of the Stamp Act of its wholesome effect, perhaps the most important was that the trepidation which the crisis had aroused in the hearts of many an Englishman was quietened all too soon. The news from Boston and New York, that colonial assemblies were more arrogant than regretful of past violence, and prone to make capital out of the success of that violence, considerably cooled the sympathies of those Englishmen who had hoped for gratitude. More important, however, was the failure of this latest ingratitude to elicit renewed searchings of the heart. The awareness which had given pungency to the name of the British Empire in the late crisis—the realization that that Empire could be strengthened as well as lost in

America and by the Americans—did not last long. When in May 1767 Parliament set out to dissolve the Assembly of New York because of its refusal to quarter British troops, Governor Pownall (now member for Tregony, Cornwall) earnestly asked the Commons to consider that the American problem had lost nothing of its delicate character. He declared that such measures of enforced payment were bound to come under the heading of parliamentary taxation, according to 'the cool, deliberate, principled maxim of every man of business in the country'. He urgently warned the ministry against challenging this opinion. 'The whole system of the state, government and interwoven interest of the colonies is gone too far for that to be practicable;' and this system was 'in fact interwoven and incorporated into the very being of the British Empire'.[1] Pownall could not drop his habit of enfolding his arguments in pompous and doctrinaire phrasing, although he spoke from experience; moreover, the practical inferences to which his long-drawn-out exhibition of erudition led were not sufficiently elaborated to be impressive. The Commons were not in the mood to understand his warnings, nor to notice that they had been told the same thing by Pitt in different language. They were now expecting directions which would show how colonial unorthodox ideas about parliamentary taxation were to be overcome. These directions were issued by the ministry over which Pitt-Chatham, incapacitated by bodily and mental illness, presided in name only. Charles Townshend, the Chancellor of the Exchequer, on whose persuasive brilliance Edmund Burke has set a lasting record, had virtually promised that a revenue would be safely obtained from America.

A few weeks after the debate on New York affairs, Townshend submitted his bill. It envisaged a colonial revenue based on 'external taxation'—customs dues on certain imports from Britain such as paper, glass, painter's colours and tea. These monies were to provide funds not only for defence, but also for salaries—'defraying the charge of the administration of justice, and the support of civil government in such provinces, where it should be found necessary'. Evasion of the dues was forestalled by the setting up of a new Board of Customs Commissioners located in Boston. The majority of the House believed these proposals to be impeccable constitutionally, though Grenville rejected them as financially unsound. They appeared to give speedy effect to the Declaratory

Act by developing one branch of taxation which in the course of the Stamp Act dispute had often been conceded as being inside parliamentary competence. Customs duties had always been corollaries of the regulation of trade; this had always been within the powers of Parliament. So much had been acknowledged by colonial spokesmen such as Benjamin Franklin and by their British allies. Such recognition, the Commons assumed, would also be extended to an 'external' taxation for revenue purposes. Under this delusion the bill was accepted. There was no apprehension that it might recoil on the legislators as perplexingly as the Stamp Act had done.

The Act remained fully in force for less than three years; it was foiled by a continent-wide non-importation agreement. One of its lasting effects was that the agitation against it gave the colonies valuable training in organized resistance. Another fateful effect was that when most of the duties were withdrawn in 1770 the one on tea was maintained, and the attempt to make it drastically effective provoked the Boston Tea riots of 1773 which started the final conflict. The Townshend duties led up to the dissolution of that British Empire whose constitution and preservation had from 1764 to 1776 been a matter of intense significance to both American and British. This remote outcome of the crisis of 1768/9 must not divert our attention from what the name of the Empire meant in its beginnings. Americans who led the protest against the new duties defined the imperial relationship in terms which, had they been immediately accepted, could once more have become promises of lasting allegiance to the Empire. British-American experts renewed the attempt to safeguard the relationship by schemes of parliamentary union. Materially, there was little new in the definitions formulated on the one side, and in the projects offered on the other. The historical significance of these moves lies in their intrinsic relation to the critical moment at which they were made and dismissed.

The American declarations in question form part of the powerful manifestos which opened the new struggle—John Dickinson's *Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies*, and the missives by which the Massachusetts House of Representatives solicited British politicians to intercede and colonial assemblies to join in concerted remonstrance. The 'Farmer's Letters' came, in a way, to

replace Otis's book of 1764 through their more straightforward and thereby more dignified, as well as more incisive, style. They abounded in statements offensive to the British. When insisting that taxes, in the colonies as well as in the mother-country, must be considered as voluntary, 'a gift of the people to the Crown', they were, indeed, in tune with Pitt's opposition speeches; but this principle had been legally invalidated by the Declaratory Act. The 'Farmer', moreover, incited his brother colonists to the gravest suspicions concerning the uses to which the yield of the new taxes might be put, perhaps to the remuneration of inactive crown officials, or to the management of the 'conquered provinces' of Canada, Nova Scotia and Florida. The populations of these new acquisitions, Dickinson contemptuously declared, did not deserve the name of colonists. He also reiterated with slight modification Franklin's provocative assertion that the annexation of these provinces had been a British interest rather than one of the colonies.[1] Such embittered challenges, however, are counterbalanced by statements which, with some solemnity, affirm the unity of the British Empire as well as the competence of Parliament to legislate for its 'constituent parts' in all matters, with the exception of taxation.

A declaration to this effect was conspicuously placed before the condemnation of the new dues. 'He, who considers these provinces as States distinct from the *British Empire*, has very slender notions of *justice*, or of their *interests*. We are but parts of a *whole*; and therefore there must exist a power somewhere to preside, and preserve the connection in due order. This power is lodged in the Parliament; and we are as much dependent on *Great Britain* as a perfectly free people can be on another.' The British Parliament was entrusted with the function to 'preserve or promote a mutually beneficial intercourse between the several constituent parts of the Empire'. It had to supervise the administration of justice, maintain the uniformity of law, 'keep and prevent confusion'. Its second comprehensive duty was 'to regulate trade' according to the interest of the mother-country as well as of the colonies. This had been the intention of the numerous statutes concerning commercial matters which had been issued by Parliament from the Navigation Act onward. The legislation, the author assumed, had never been motivated by the interest of the mother-country alone; it had aimed at creating 'mutually'

beneficial conditions. Because of this principle, Parliament could never be entitled to tax the colonies for revenue. Taxes were not a matter on which a superintending power could decide; they were the voluntary gift of the people. The British constitution knew of no other principle. The new 'external taxation' was as much at variance with this principle as was the attempted internal taxation of the Stamp Act. The new duties could not be justified by the maxim of mutual benefit; they could not be construed as preventing the colonies from 'acquiring property, in things not necessary, in a manner judged to be injurious to the welfare of the whole Empire'.[1]

The letters of the Massachusetts House of Representatives were less explicit concerning the competence of Parliament in matters of the Empire, but no less emphatic in paying recognition to it. 'The superintending power of that high court over all His Majesty's subjects in the Empire . . . was never questioned in this province.' This assurance alternated with the declaration that Parliament was 'the supreme legislature of the whole Empire...'. Repeatedly this recognition accompanied the statement that the supreme legislature had acted unlawfully by imposing the new taxes; as it 'derives its power and authority from the constitution, it cannot overlap the bounds of it'.[2] All this was only reiterating what had been professed by Otis and the Stamp Act Congress. The authority of Parliament and the preservation of the imperial connection had been prominent items in these protests. But the interconnection between parliamentary authority and the imperial whole was studiously emphasized as a constitutional axiom by Dickinson and the Boston citizens. This emphasis was aimed at the American public as well as British politicians. The 'slender notions of justice' against which Dickinson warned were especially taken note of in Boston—so much so that when the Massachusetts House of Representatives assembled in December 1767, a member formerly known for opposing the authority of Parliament eagerly reversed his opposition. In a set speech he retracted all his former opinions, and said that he had fully informed himself of the relation between Great Britain and her Colonies, and was convinced that the power of Parliament over the Colonies was absolute, with this exception, that they ought not to tax them until they allowed them Representatives.[3] This was the prologue to the session which had

to decide on the opposition to the Townshend Acts. Moderate elements were still in the majority, and the letters addressed to British notables and authorities explicitly confirmed the supreme legislative power wielded by Parliament over 'the whole Empire'. They also decided to have this recognition expressed at the head of the information given to them by the House in the circular letter of 12 February, on the despatch of which agreement was only reached after much hesitation.[1] While in all these missives the formula was inserted to prevent misrepresentation, it was also done to please the recipients of the letters sent to England. Parliament had declared that it was 'imperial'. An emphatic acknowledgement of this title was assumed to impress friends of the American cause.

Dickinson's definitions of the imperial connection were motivated by a constitutional conception which lay far beyond these tactical devices. He wished to impress on his compatriots that in this connection they were not the subjects but the partners of the mother-country. 'Parts of a whole', 'a perfectly free people', 'the several constituent parts of the Empire', 'the welfare of the whole Empire'. Without distorting the argument we may separate these expressions from their immediate context and take them as illustrating the meaning of the Empire which he wished to have taken for granted. The British Empire was not to be regarded as the sphere of British dominance, at least not so far as the American continent was concerned. The people of the colonies, 'a perfectly free people', recognized Great Britain and her Parliament as the 'presiding power', but not as possessing ultimate authority. That a presiding power should 'preserve the connection in due order' and ensure 'mutually beneficial intercourse' was dictated only by political wisdom. Such a tutelary function necessarily bestowed some discretionary power on the bearer, but only a limited one. It allowed the colonies to regard themselves as of equal status with the presiding country. The British Empire was in the last resort centred in them no less than in that country. This conception was by no means an original idea of the 'Farmer'. It had been ingeniously proclaimed by Benjamin Franklin. It could be read between the lines of Otis's *Right of the Colonies*. It was bound to have an appeal to many Americans. Dickinson went as far towards making it a constitutional principle as was possible without

provoking a doctrinal dispute, which would have prejudiced the purpose of contriving the repeal of the Townshend duties.

An even more confident interpretation of the British Empire found its way into the series of articles called 'The American Whig' which, from March 1768, appeared in the *New York Gazette*. The local politicians who inspired the series were mainly concerned with fighting the ascendancy of the Anglican Church. Mr. V. of the 'Whig', however, digressed into a more ambitious exhortation.[1] Americans should make light of the 'bickerings' which at present disturbed the relations between them and the mother-country; they had to remember that the glorious future of the British Empire was entrusted to them. He resorted to plagiarism to give a motto to this promise. He reworded the verses once written by Thomson in appreciation of Oglethorpe's Georgia so as to make the mission for 'social freedom' relate to the colonies in general. At the end of the exclamation 'firm they rise' he added the line: 'Of Britain's Empire the support and strength';[2] and the deception was made complete by the name of Thomson written beneath. This prevarication foreshadowed the author's speculation. In the beginning the reader expected only a variant of Otis's loyal forecast implemented by the teachings of Montesquieu. 'Never had a nation such a prospect as Britain of erecting a vast and durable empire.' Never; for she could not meet the doom of the ancient monarchies. These, 'hemmed in on every side', depended upon conquest. 'Situated as they were the enlargement of empire was itself the cause of its fall.' They were bound eventually to be 'overwhelmed by hosts from distant countries, which their arms were unable to reach'. 'How inexpressibly superior', the argument continued, 'the advantages of Great Britain, with the help of her American dominions.' As soon as these helpmates were mentioned the prophecy began to be addressed to them rather than to Great Britain. 'For territory we need not quarrel with any power upon earth. This indispensable substratum of empire we are already possessed of: We have a country amply sufficient for hundreds of millions, and can spread out an inheritance from ocean to ocean, at a moderate expense of money, and without the guilty effusion of human blood.' The 'we' entrusted with this expansion—on whose 'bloodless' character no comment is needed—was no longer Great Britain but the colonies. This was confirmed by the author's assurance

that 'we' were protected by the ocean from being disturbed by foreign attack. The colonies alone were the incomparable 'Phoenix State'. Finally the true message was made explicit. 'Courage then, Americans! Liberty, religion and sciences are on the wing to these shores. The finger of God points out a mighty empire to your sons.... The land we possess is the gift of heaven to our fathers, and divine providence seems to have decreed it to our latest posterity.'

From this anticipated greatness the American Whig looked down upon 'our parent country'. Surely it could not fail to learn 'our importance to her own interest'. The author believed it was in accordance with widespread estimates to say that the third part of the British commerce depended on the colonies. Great Britain could never risk separation from them. This assurance inspired another dream of bloodless triumph. Ultimately Great Britain would see reason to transfer her own national centre 'into the spacious bosom of the continent of America.... The mother and her sons will again be collected in one house.... In proportion to the abatement of the national glory in Europe will be the brightness of its resurrection in America.' 'Britain's Empire' emerged as having to hope for transfiguration on American soil. This goal was not a remote one; it asked for immediate preparation. 'The day dawns in which the foundation of this mighty empire is to be laid by the establishment of a regular American constitution. All that has hitherto been done seems to be little beside the collection of materials for the construction of this glorious fabric. 'Tis time to put them together. The transfer of the European part of the great family is so swift, and our growth so vast that, before seven years roll over our heads, the first stone must be laid.'

Had Dr Tucker read these forecasts and demands, he would have taken them as another apt expression of a general American longing 'to be an Empire in itself and to be no longer the providence of another'. But the American Whig was not remembered when, only a little later than he had stipulated, provisions were made for 'a regular American constitution'—one, indeed, which cut the connection with the British Empire.[1] What makes his effusion significant testimony is that he emphatically maintains the idea of the British Empire, and ingenuously interprets this idea as offering an adequate framework for an essentially free American nation. In this respect his grandiloquence provided a counterpart to

'Farmer' Dickinson's constitutional postulates. The intoxicated sallies of the one concur with the balanced claims of the other in putting American self-assertion under the patronage of the name of the British Empire, distinguished by the connotations of inherited liberties and acquired greatness. Therein both gave expression to an interpretation of national history which had taken root in the minds of many Americans since they had seen their continent laid open to them by the removal of the French. They were now unwilling to admit that their self-reliance owed anything to that change in their situation and thereby to British efforts; they were quite willing, however, to merge it in British pride. Their self-appointed political leaders, Dickinson and the Boston Assembly men, went one step further. They wished to make the notion of the imperial whole the key-note of an understanding with the rulers of Great Britain. They insisted that the free partnership of the colonies in the Empire was compatible with the authority of the Imperial Crown and Parliament. The power of raising taxes and appropriating their yield was the only prerogative explicitly denied to the latter. As a matter of principle this assurance implied a dangerous pledge. It provided the sovereign authorities with an acknowledged title in any matter of regulation which did not include taxation. There was more reality, however, in another implication. If the imperial legislature did not agree to the limitation construed for it by the Americans, then its prestige was bound to sink rapidly in the eyes of even those colonials who now still wished to have it maintained. This lack of attention to their opinions would be bound to make these Americans go back on that idea of the British Empire which they had made the order of the day.

6. PROJECTS OF 'UNION' RENEWED AND REJECTED, 1768–1769

The imminent crisis was acutely felt by some men who had been alive to former ones, and had always held that an imperial constitution was the only reliable basis for a permanent understanding. In the days when the Massachusetts Representatives were occupied with their entreaties, their Governor also tried to influence the British ministers. As on former occasions Bernard addressed them by way of a letter to his friend Barrington, the Secretary of War. He strongly advised them to take the 'Farmer's Letters' as the authentic commentary on the situation. 'No

considerate man on this side of the water' could believe that America would 'return to the same sense of duty . . . to Great Britain which she professed before.' Like many English politicians, Bernard now attributed the new spirit to what the Americans had learned from 'the distinctions used in Parliament in favour' of them—referring by this to Pitt and to other British advocates of the principle that they could be taxed only by their own representatives. These distinctions were now 'adopted by them and received as fundamental laws'. Actually—and here the writer had recourse to the terminology of his original 'theses' of 1764—'the imperial state has so far given way as to flatter the dependent states that their pretensions are admissible'. The bounds of the sovereignty of the one and the dependency of the other had become blurred. In this situation 'conciliation will be no more than a suspension of anymosity'. Parliament could not overcome the tension either by 'a new Declarative Act' or by disregarding the 'pretensions' expressed in the pamphlet. The 'Farmer's Letters' were virtually a 'counter-declaration'; to ignore them might spur the Americans into proclaiming their substance as 'a Bill of American Rights'. In this painful situation, Bernard firmly believed his old advice, that the Americans should be given Representatives in Westminster, had become the timely and indispensable remedy. 'This will be a full answer to all pretensions; it has been for some time past expedient, it is now become necessary.' Bernard confessed that he cherished the hope that a 'great man'—Pitt, of course—by 'a stroke of refined policy' had aimed at this solution when he founded 'his impeachment of the power of Parliament to tax the Americans upon the want of American representatives'. Without this conclusion the denial was of no service to either party. He expected the objection that 'the Americans in general do not desire a representation'. He asked the British statesmen to disregard publications which 'tend to that conclusion'. The truth was 'only that leaders of the people set out with a view of obtaining a representation and have never lost sight of it'. They would like to be Representatives; only 'the people have not as yet seen their interest in sending them'. This clandestine ambition was at the bottom of the permanent assertion that 'the want of Representatives' made parliamentary taxation illegal. Arguments against the practicability of having American Representatives in Parliament could

easily be refuted. Bernard, indeed, conceded that a 'material objection' militated against his plan; 'an American Representation will absolutely take away all pretence of disputing the Ordinances of Parliament'. He could not concede, however, that this explanation nullified the assumption that being sent to Westminster was what leading Americans sincerely desired. For in this matter his dreams were more vivid than all his bitter experiences. His new anxieties made him revert to his vision of 1764. 'Upon the whole my Lord, if there was no necessity for the appointment of an American Representation; (which I think there is, and that very pressing), the idea of it greatly enlarges my view of the grandeur of the British Empire. And if there is any danger of its falling to pieces, which surely cannot be too much provided against, it seems to me that nothing would so effectively guard against so fatal an event, as binding the Colonies to the mother-country by an incorporating Union and giving them a share in the sovereign legislature.'[1]

On this essential point 'Governor' Pownall concurred with his successor—though he also made more radical demands. The dangers of the situation inspired him to remodel his *Administration of the Colonies* in a widely expanded and unfortunately still more diffuse version. The book was again dedicated to George Grenville, who had for years now been the irreconcilable opponent of his successors in the management of American affairs. Pownall trusted Grenville with the 'spirit and temper of doing business' and hoped that his own ideas could transform the critic into a leader of the country. He expressed forcefully a contention on which he agreed with Bernard as well as with Grenville.[2] American affairs had become 'the tools and instruments of faction in Parliament, so as to make the Americans themselves belong to some faction here and be the tool of it, until they become powerful to hold a party for themselves and make some faction their tool'. As long as this state of politics lasted, 'the mother-country and her colonies will continue to live on in perpetual jealousies, jarrings, disputes'.[3] The immediate duty of the Government was to overcome this baneful influence by arranging a special inquiry into the rights and grievances of the colonies. This inquiry should be held in America and be entrusted to 'some very considerable person, under commission and instruction to hear and examine on the spot the state of things there'. There is no doubt that the author

thought himself to be just such a 'considerable person'. The main results of the inquiry could, however, be anticipated clearly. One was 'that great and absolute necessary measure of uniting the Colonies to Great Britain', or, as Pownall put it somewhat more lucidly, 'a duty in government to give a right in the Colonies to claim a share in the legislature of Great Britain, by having knights and burgesses of their own election representing them in Parliament'.[1] The year before, when communicating to Parliament his thoughts on the system of the colonies, 'interwoven and incorporated into the very being of the British Empire', he had hinted that it might be possible 'to unite this system' with that of the mother-country, but had quickly added: 'Matters are not yet gone far enough to point out the practicability and necessity of such political union.' Now, only some months later, he was convinced that the necessity had arrived. He claimed that he had fostered it at the Conference of Albany, but had found it rejected then 'as theory and vision', such as it 'perhaps may, at this time be thought still'.[2]

The demand for parliamentary union was offered by Pownall in a setting of postulates which sound still more unorthodox. He wanted the rulers of Britain to initiate what Bernard wanted them to prevent—'a general Bill of Rights and an Act for the establishment of government and commerce on a great plan of union will be brought forward'. Both government and the regulation of commerce were to be reformed; the commercial interest 'extended throughout the whole' could not subsist under the present system of the laws of trade. Pownall's original conception of 'one grand marine dominion' had developed to this radical statement. He still reiterated the tenet that the countries of this dominion should be 'united into a one *imperium* in a one center, where the seat of government is'. But this demand did not prevent him from envisaging the removal of this centre from Great Britain to the colonies as a distant eventuality which, with the growing power of the colonies, might become inescapable. Such a change was preordained by the laws of nature as stringently as would be a change in location of 'the center of gravity in the solar system . . . by an encrease of the quality of matter in the planets'. British statesmen ought to behave 'like true philosophers—fixing, while it may be so fixed, the common center in Great Britain', but should not 'from our narrow temporary ideas of a local center

labour to keep that center in Great Britain by force against encreasing powers'.[1] In such reflections Pownall approximates, if not to the imaginations of the 'American Whig', at all events to the ideas which exercised the mind of Benjamin Franklin.

In fact Pownall sometimes took counsel with Franklin. The two men were agreed in the conviction that closer union between Great Britain and the colonies was the only safeguard against disruption. Franklin had even tried the year before to brief Pownall for a motion in the Commons concerning a system of representation.[2] It is difficult to understand how this underhand move was compatible with his personal abandonment of such projects. In any case Franklin's more radical views had become definite by the time Pownall elaborated his demands. Having read the 'Farmer's Letters' and the 'Boston Correspondence' he informed his son that he could not agree with either. His disapproval referred to what they conceded rather than to their demands from Parliament. There could be no half-way house between allowing Parliament's right to dictate all laws and refusing its right to pass laws affecting the colonies at all. His disagreement in particular concerned the regulation of colonial trade. Dickinson had reserved it explicitly for Parliament. Franklin held that it could be legitimately settled only by an agreement in which Great Britain and the colonies were equal partners. The inconsistencies of the present constitutional situation could not, by any legal doctrine, be prevented from proving harmful. There was no prospect for an understanding until the authority of Parliament in American affairs was abrogated. 'Union' remained the goal; but it could be worked out only after Britain had given up all her rights. For all this the time had not as yet come, and therefore Franklin would abstain from discussing any such solution in public.[3] In fact he knew only too well that by disclosing these ideas he would make his position in England untenable.

While Bernard's and Franklin's opinions were only for private discussion, and Pownall's book failed to impress the public because of its tedious style, a fourth scheme for solving the constitutional problem of the colonies, elaborated in the summer of 1768, had better prospects of attracting attention. It was inserted in the pamphlet *The Present State of the Nation*, which in the course of a few weeks ran into three editions. This book was issued by a person who was not generally regarded as

having sympathetic feelings for colonial grievances. It was not, like the *Administration*, dedicated to George Grenville, but it was manifestly written by one of his confidants. It opened and closed with eulogies on him and was, to a large extent, destined to vindicate his political maxims and the policies of his short period of administration. The author, whose name was withheld from the public, was William Knox, the former agent for Georgia. Owing to his open advocacy of the Stamp Act he had been dismissed from this position. He now reserved the 'American controversy' for a separate publication, and in *The State of the Nation* dealt with the future relations between Great Britain and the colonies only to the extent demanded by the general argument of the book.[1] This argument was, however, of intrinsically special significance to the notion of the British Empire.

The main intention of the author was to provide the rulers of Great Britain with a sound financial system. The 'peace establishment' of the country, as it had been arranged by Grenville's successors, was condemned outright. It was ineffective and at the same time so onerous that it put British industry and commerce at a permanent disadvantage in relation to France, to whom her defeat and territorial losses in the last war had been an economic blessing in disguise. The financial weakness of Great Britain could not but encourage her enemies to involve her in a new war which was bound to end in disaster.[2] Therefore the new demand was a reform of the budget which would alleviate the burden on the British taxpayer and defray Britain's vital expenses. This could only be done if a fair share of the expenses was borne by the dependencies—Ireland, the American colonies, and the new Asiatic provinces, administered by the East Indian Company. Their duty was implicitly understood to relate to the cause common to them and Great Britain. No provision was made for their payments to be allocated to their specific needs in every case. On the other hand the author stated that this common cause had to have an equivalent in specific benefits which those countries were to draw from their connection with Great Britain. The benefits envisaged by him were in every case adapted to the specific condition of the dependency in question. In the Asiatic provinces substantial advantages to British trade were expected to result, as also from the strict rules imposed on the administration of the East India Company. For Ireland a

removal of commercial restrictions was provided. The colonies were also to be given commercial facilities, and a rise in political status was promised in addition. 'Some among them should be vested with the right of electing' members of the House of Commons.[1] Such a scheme tended to level the distinctions between the legal and economic position of the inhabitants of Great Britain and that of her subjects in the outlying dominions. The terminology of *The State of the Nation* conformed to this. The terms of 'state' and 'realm' were applied not only to the metropolitan country but to the whole. More significantly still, prominence was given to the names of 'Empire' and 'British Empire' for this whole. For once Ireland and the colonies were distinguished from Great Britain by the designation 'the members of her Empire'. In his peroration the author professed his deepest concern to be 'that all the subjects of the realm may be of one heart, and one mind, to contribute to the support of the British Empire and the preservation of our most excellent constitution in church and state'.[2]

His scheme for promoting 'the present safety and future prosperity of the whole empire' differed from all the previous ideas in its world-wide scope and its systematic principle of pooling resources and distributing benefits. All countries of the Empire were, as he said with special reference to the Indian provinces, 'equally bound . . . to contribute to the burdens of the state; and the sovereign power over the whole empire is equally obliged to require them so to do according to their ability'.[3] This was possible provided that the central authority by a wise commercial policy helped them to increase their income or—in the case of India—to divert it into the right channels. For 'incorporating Ireland with Great Britain' Knox made two reciprocal demands. He held that the English landowners there should submit to a land-tax yielding £100,000 a year; and that in order that the Irish people should become solvent they should be allowed to manufacture coarse woollens for export and be given 'a common privilege of trading to and with the Colonies'. This plan so closely resembled the suggestion made ten years earlier by Malachi Postlethwayt[4] that one cannot but assume that Knox took it from him. With regard to India, he found British sovereignty not adequately acknowledged by the annual payment of £400,000 which Parliament the year before had obtained from the Company in return

for the renewal of their charter. He insisted 'that if those three provinces of Bengal, Bihar and Orissa, are become possessions of the India Company, they are British colonies'. Their dependence on the British Government was no less entire than that of a proprietary colony in America such as the people of Maryland. Consequently it was in the power and interest of the Government to examine the practices by which the Company under the title of the dewan extracted a revenue from those provinces. A remission of these exactions might encourage the inhabitants to become better supporters for British manufacturers. As for the American colonies, their ability to pay taxes was beyond doubt; 'nor ought the sovereign authority, which rules the whole Empire, and is bound to do equal justice to every part, to admit of any pleas for exempting the subjects in the colonies from sharing in the common burdens'. To assess their compound share in the budget at £200,000 was a modest demand. Any attempt to obtain it by 'external' taxation as Townshend had tried to do was against British commercial interest and therefore inadvisable. Only 'internal or domestic' taxation remained—and on this point the author, without confessing to it, showed that he had been chastened by experience. 'It is by such taxes the provincial assemblies generally raise their revenues, and, perhaps it would be the most expedient method for Parliament to assess each colony a specific sum, and leave the mode of raising it to the respective assemblies, Parliament reserving to itself the disposal of the money and the amount of its expenditure.'[1]

The demand made on the colonies by *The State of the Nation* was couched in the most peremptory form. The author compensated for this rigidity by the commercial and constitutional reform proposals which he offered them. 'The colonies having thus performed their part as members of the British Empire, it is incumbent on parliament to promote their prosperity and advantage in every way, by which it may be done without injury to the other subjects of the realm.' One advantage the author suggested concerned the 'enumerated commodities' of the Navigation Act regulations. The colonists should, he felt, no longer be compelled to sell them only in Britain. This restriction—the basic commercial proviso of the Navigation Laws—should be maintained only in so far as those commodities were really in demand in the mother-country. The British monopoly should be transformed into a right of

option.[1] Their other new privilege should be the granting of representation in the House of Commons. Both new departures would conform to the maxim that the Empire was an organic whole. The enlargement of the market accessible to colonial merchants could only augment the aggregate profit of British trade. The right to parliamentary representation corresponded with the 'degree of importance in the Empire' which had accrued to the British dominions in America; no adequate attention could 'be paid to their concerns... so long as the Colonies do not elect any of the members of which the House of Commons is composed'. The author strongly deprecated any construction of this remark as throwing doubt on 'the authority of that august assembly' as it stood. However, 'the number of the electors is, I conceive, become too small in proportion to the whole people. . . . Diffusing the right of election will certainly give each part of the empire a better opportunity of laying open grievances, and obtaining redress, of acquiring benefits, and removing causes of complaint, than they can have while it is confined to such only as reside in Great Britain.'[2]

Knox had long sympathized with the idea of colonial members of Parliament. Now he introduced his whole project, claiming that it had 'been already formed, and the outline drawn by the administration of 1764—that is to say, under the auspices of George Grenville'.[3] This was an overstatement. If it had been completely correct, Grenville's attitude towards the Bernard ideas would have been different in 1764. In fact the conception of the British Empire expounded in *The State of the Nation* had much in common with the views held by the two Governors. Thus the legislators of Great Britain were in 1768 approached by three experienced public servants who could claim first-hand knowledge of American conditions. Though they differed in their approach to the American question, they all—Bernard and Pownall most emphatically, and Knox implicitly—advised the rulers of Great Britain to consider that the colonies would in the last resort have to be treated as partners in the Empire and not as subjects of the mother-country. They wanted this principle emphasized, not by the exemption of the colonies from parliamentary taxation, but by constructive constitutional reform. This reform was to maintain the omnipotence of the Imperial Parliament in matters of taxation; but Parliament was to become 'imperial' in a new meaning, by including representatives from the colonies.

All three moves were doomed to failure. Bernard's desperate entreaties probably never reached the important government officials for whom they were intended. Lord Barrington thought it not worth while to act as intermediary for a plan to which, as he put it, 'not ten persons in either House were favourable'.[1] The project as conceived by its author pursued two aims at a time. It was to serve as a counterchallenge to the 'Farmer's Letters' and the 'factions party' in the Massachusetts House of Representatives; it was also to provide the framework of a 'consolidated union' which would no longer be fraught with the danger of disruption. Bernard should have learned from his experiences in the Stamp Act conflict that no British government would think it practicable to settle an actual conflict by a long-term and shadowy constitutional project. In the present situation events proved especially unfavourable. While his letter to Barrington of 28 January was under way, another missive was despatched from Boston which effectively counteracted it. The 'faction' in the House of Representatives had for many weeks insisted that the sister assemblies should be informed by a circular letter of the remonstrances of the House and encouraged to concur in them. The 'friends of government' had succeeded in preventing this provocative move; to Bernard's consternation they were now suddenly subdued,[2] and the circular letter was despatched on 12 February. Open agitation against the importation of British goods and mob menaces against the Commissioners of the Customs soon followed. The town became riotous; Bernard had to give graphic descriptions of its dangerous condition in reports to London, and thereby acknowledge that at the centre of opposition his constitutional devices were not feasible. The circular letter gave explicit proof of this: it disposed of the evidence on which he had based the practicability of his suggestion. Perhaps his belief that the popular leaders were themselves to become Representatives had been made known among these men by some informer. At all events, their circular letter contained a paragraph which emphatically endorsed the declaration already given by the Stamp Act Congress in the name of all the colonies—that the 'constituents' of the House 'considering their local circumstances, cannot, by any possibility, be represented in the Parliament'. For this assertion reasons were given which were valid for the sister legislatures as well.[3] They were cautioned against the

eventuality that British authority might offer them the prospect of such representation. This affirmation could not be construed as veiling a secret desire for the opposite, as Bernard had suggested with regard to former 'publications'. The remedies prescribed by London against the temper of Boston turned out to be attempts at repression—not at reconciliation, first the injunction to rescind the circular letter, later on the stationing of two regiments. These measures produced nothing but further resentment. The Governor understandably, though unjustly, became its main target. He was accused of having been the 'implacable enemy' of the people of his province for some time.[1] His most urgent desire was now to be relieved of his post. In spite of his troubles, his belief in American representation remained firm; his prophecies became more gloomy than ever before. 'An incorporating union is the *only* provision which can prevent a separation of the Colonies from Great Britain. If it is not done soon, it will be too late; and a separation will take place at no great distance of time.'

When Bernard confided this warning to Lord Barrington in October 1768, politicians in London had had the opportunity of examining the new ideas of *The Administration of the Colonies* for some months and were faced with the more challenging criticisms and projects of *The Present State of the Nation*. In some respects Pownall and Knox took a more realistic view than Bernard. They did not imagine that their reform schemes could be used as tactical devices for putting an end to the actual quarrel; each made them elements in more comprehensive undertakings, which demanded careful preparation. One of the first demands was to make public opinion in England more sympathetic towards the principle of colonial representation than it had proved hitherto. To achieve this the support of a renowned statesman, who would become leader in the cause, was desirable. They both chose George Grenville for that mission, and had good reasons for their choice. If this tenacious defender of parliamentary authority, who had never courted American susceptibilities, embraced the idea, it could not be suspected as an admission of defeat. As Grenville assured Pownall, and must have intimated also to his friend Knox, he still stood by the profession of sympathy in theory towards the admission of colonial representatives to Parliament which he had given in the course of the repeal debate of 1766. Now,

he gave Pownall to understand, he even believed that the peoples of Great Britain and of America would adopt the 'measure' if they were 'sufficiently apprized of the danger which threatens both from the present state of things'.[1] Like Bernard, he realized its relevance for stemming the fateful trend of development. However, at the present juncture it was decisive for him that the public in both countries could not see it in this light, simply because they were not apprehensive about the trend of affairs. He thought it untimely publicly to declare his views. 'The fullest conviction of its necessity, and the hearty concurrence both of the Government and of the people are indispensably necessary to set so great a machine in motion, as that of uniting all the outlying parts of the British dominions in one system.' Grenville may have been thinking even more of Knox's scheme than of Pownall's when he wrote these lines to the latter. So he waited. To one demand upon which they agreed he could not give his consent in any case. Both advocated a modification of the navigation laws in favour of the Americans, and upon this point he was intransigent.

Nevertheless, by accepting the dedication of one author and the homage of another in the context of projects of constitutional 'union', Grenville encouraged both to bring their ideas forward for discussion. His main desire was now, as before, to see British statesmen and British opinion united 'to assert the sovereignty of the King and Parliament of Great Britain over all the dominions belonging to the Crown'. He expected, it appears, that impressive declarations to this effect would come out of any discussion. One such manifesto was in fact immediately announced, though it took the author some months to elaborate it. It originated from the camp which, in Grenville's opinion, was most wanting in firmness. It was, moreover, included in an argument which was not only hostile to him but also intended to destroy any further discussion of the schemes of *The Present State of the Nation*. It was written by the man who three years earlier, in the debate on the Conway Resolution, had tentatively suggested that 'the plan of freedom' by which the British Empire was to be governed ought to result in 'some idea of popular representation' of the colonies. Edmund Burke had quickly learned that the lords and gentlemen who admitted him to their counsels were averse to any constructive conclusions which might be drawn from

this principle. He thought it his urgent task to obviate any move in this direction, the more so because there was a remote chance that it might be connected with the name of George Grenville.[1]

To do Burke justice, he did not act for party motives alone. He was sincerely convinced that the unshakable framework of American politics had been established by the Rockingham Ministry—a framework within which the right of taxation was reserved, but would not be used in the foreseeable future. This view fitted in well with the development of his political ideas. Before *The State of the Nation* appeared, Burke's attention had fallen on the new edition of Pownall's book. We have the marginal notes with which he accompanied a section of it.[2] In part they are elaborate and suggest that he was prepared to refute the author in public; they dwell on essential maxims of political prudence.

Pownall had suggested sending a commissioner who was to 'hear all the grievances'. Burke was horrified by the mere thought of such a mission. 'It seems a scheme for exciting an universal ferment in America, by bringing together every matter of discontent from every part. It is easy to encourage complaints; but difficult to decide upon them in a manner that may not give rise to new complaints and greater dissatisfaction. It is against all the sound principles of government, to go about an officious voluntary collection of grievances.' Pownall's demand for 'a general bill of rights' and 'a great plan of union' elicited the objection: 'The author does not show how any plan will be the necessary or probable result of his Commission. It will be as unsafe a matter of speculation after such a Commission as it is now.' When Pownall, to demonstrate the necessity of union, hazarded the 'philosophical' analogy of the 'laws of gravity', Burke rejoined: 'These analogies may be ingenious as illustrations; but are idle in argument. If these causes *operate like the Laws of Nature* none of the author's projects can prevent their effect; his own scheme, whatever it may be, must necessarily be liable to the same objection which he makes against those he condemns.'[3] Burke also warned against referring to 'laws of nature' in a different meaning of the term. When Pownall ventured to declare such laws basic to a competence of the colonies of 'making laws and ordinances . . . erecting courts and creating magistrates', he received the answer: 'Their charters differ in no respect from those then and since given to all *trading companies*. . . .

Whatever they claim under the Laws of Nature have nothing to do with their positive constitution. This is a matter quite distinct.'[1]

The Declaratory Act had for Burke become magnified into a doctrine of non-interference with legal tradition. The mind of the commentator was steering towards an idea of the state in which the principles of 'supreme legislation' and 'positive constitution' were closely correlated, while abstract 'laws of nature' were held to be detrimental to both. The practical corollary to this conception of law was, for the actual case, laid down in the remark: 'There is very little dispute about the *legal* government of the Colonies. The great question is concerning the *wisest* method of governing them upon which the author throws very little light.'[2] Side by side with the general cause of 'wisdom' as opposed to artificial construction a more partial one was embodied in Burke's jottings. It was the cause which he saw glorified in the solidarity of the group of politicians to which he was attached—the loyalty to what he was to define as 'party' and was commonly reviled as 'faction'. Pownall's allegation that the Americans had become 'tools of faction' set him on the alert: 'Has this paragraph any particular meaning? it seems to squint at some particular set of men.' At another time he castigated the author for not seeing, or pretending not to see, that what he denounced as the evil effects of faction was nothing but the necessary form of taking sides in controversial questions of politics.[3]

Burke was to write his great vindication of 'party' in *The Present Discontents* two years later. For the moment an attack which was openly aimed at his friends, and was certainly more prejudicial to their renown than were Pownall's insinuations, diverted his interest from *The Administration of the Colonies*. *The Present State of the Nation* was published and widely read. To Burke it meant a challenge in more respects than one. It focused public attention on George Grenville, the rival of the Rockingham group in opposing the Government. It argued that this group, when in office, had undone all the measures that its hero had prepared for saving the country. Towards America and India it suggested policies which were utterly at variance with those on which Burke had set his mind. This was enough reason for warning the public against its influence. Burke did more. His *Observations on a late Publication, entitled 'The Present State of the Nation'*, which appeared early in 1769, grew into

double the length of the accusatory pamphlet. It tried to show it to be wrong on every count—narrow-minded in its depreciation of the results of the war, misinformed in its comparison between the economic prospects of Great Britain and those of France, confused in its financial figures and assessments, and irresponsible in its projects for getting a revenue from the outlying parts of the Empire. Whatever the merits of Burke's criticism, it must be acknowledged that his bias extended to the only far-seeing thought of *The State of the Nation*, its conception of the British Empire.

Not that Burke now avoided using the term 'empire', or applying it in particular to the dominions overseas. On the contrary, he put great emphasis on this meaning: 'We have a great empire to rule, composed of a vast mass of heterogenous governments, all more or less free and popular in their forms, all to be kept in peace, and kept out of conspiracy, with one another, all to be held in subordinance to this country.'[1] The responsibility of the nation and Parliament for their empire could not be asserted more passionately. Repeatedly, however, the precious name is only brought to the fore in order to convince the reader that the cause for which it stands would be ill served by the policies of the author or the leadership of 'his minister'. Grenville is ironically called 'the great candidate for the government of this great Empire'. If the author's plan of having Ireland submitted to British taxation 'by his temerity and our weakness... should succeed, then, I say, he will throw the whole Empire from one end of it to the other into mortal convulsions'. Must we 'convince every dependent part of the Empire that, when a little money is to be raised, we have no thought of regard to their ancient customs....' North America was once, indeed, 'a sound, an active, a vigorous member of the Empire'. But everyone should know 'to which of the author's favourites' it owes its present discontent.[2]

Whereas Burke makes use of the image of the imperial whole when he is warning the reader against Grenville and *The Present State of the Nation*, he abandons it when the constructive suggestions of the pamphlet come under discussion. Its main postulate is misrepresented and then dismissed. It is alleged to attempt not only 'an exact practical definition of the supreme rights in every case', which it certainly does, but also 'a compulsory equality in all circumstances', which it does not; and it is

therefore easily denounced as being 'the most dangerous and chimerical of all enterprises'. 'Procrustes shall never be my hero of legislation.' This nightmare is contrasted with the admirable variety of the existing arrangements. In them, the principle 'that all the parts ought to contribute to the support of the whole' is made effective 'by great diversity of ways'. To find a common denominator, Burke speaks of contributory 'establishments' and classifies them in four categories. The first is represented by 'our great monied companies' which serve the state by credit. These institutions—the Bank of England and the South Sea Company, that is to say—are compared with 'our trading companies' which 'are a fit subject of revenue by customs'; with 'some establishments' which are paying 'by a monopoly of their consumption and their produce'; and with Ireland, which supplies troops and the rents transferred to Britain by absentee landlords.[1] It is easy to see that the second category is meant to refer to the East India Company, and the third to the American colonies. That 'establishments' such as Ireland, unlike the Bank of England, comprise peoples and territories, is for the sake of the argument left out of account; thus the concept of 'empire' is made to evaporate. The very word is missing from the passage of the *Observations* in which Burke pronounces sentence on the leading idea of the corresponding section of *The State of the Nation*. He circumvents the term 'empire' by defining the matter in question as 'a sort of body' into which 'great Kingdoms and immense revenues have . . . coalesced'.

Not content with declaring his hatred of any similarity in the duties to which the dependent countries might be submitted, Burke also refuses to consider the reforms by which *The State of the Nation* proposes to further their interests and at the same time strengthen their connection with Great Britain. He attempts to deter the reader by choosing innovations which would lead directly to unbearable consequences. 'Opening the woollen manufacture' to Ireland? For a moment Burke confesses to his sympathy for such benefits rendered to his homeland. 'A very right idea in my opinion' and 'strong in reason'. Nevertheless, reason must not prevail in this case; for the intended favour is 'likely to be opposed by the most powerful and most violent of all local prejudices and popular passions'—in England of course. As for the suggestion that the administration of the East India Company should submit to directives issuing

from the British Government, Burke ignores its full purport; it still conflicts with his private interest in the finances of that body. He prefers to interpret it merely as a suggestion that taxes administered as in England should be introduced, and ridicules the author's 'golden dreams of cockets on the Ganges, or visions of stamp duties on *Perwannas*, *Dusticks*, *Kist-bundees*, and *Husbulhookums*'.[1] The 'American Representation' comes in for extensive mockery. Has the author 'troubled his head with the infinite difficulty of settling that representation on a fair balance of wealth and numbers throughout the several provinces of America and the West Indies, under such an infinite variety of circumstances'? No, he is too lighthearted for that. And, supposing that this infinite difficulty were overcome, must not the distance between America and Great Britain make for perplexing situations? What could be done when the writs for electing members did not reach the colonies at the same time as at home? What if Parliament had to be opened before the colonial members arrived? It might happen that Parliament was again dissolved at that time; would they then have to sail back to seek their re-election? Perhaps meantime new writs would have arrived and in their absence other members had been elected. A time might come when the American members would travel over the ocean and back because the Crown was demised and a new Parliament had to be elected. And how were contested returns to be handled? The preposterous consequence would be that in such a case 'the petitioners with all their train' of attorneys, witnesses etc. would have to be shipped to England in order to appear at the bar of the House of Commons. Lastly, few Americans would be wealthy enough to maintain themselves independently in England. Consequently the deputies would either have to be salaried by their constituents or become pensioners of the Court, and both forms of dependence were inacceptable. Should they starve? Really the author had ventured 'to fight with nature and to conquer the order of providence'—as if he had 'dropped from the moon'. 'Enough of this visionary union.'

This indignant deployment of possible difficulties is skilfully arranged enough to impress the modern reader; but it is meant to blur the issues, not to illuminate them. Burke deliberately ignores the fact that this matter had for years been under discussion, and that men like Governor

Bernard and Benjamin Franklin, who were not suspected either of levity or lack of common sense, had been in favour of American representation, and that colonial politicians had political reasons for their negative attitude. Franklin despaired of the idea, as being politically impossible, but he was as little convinced of its technical impracticability as was Adam Smith when he discussed it eight years later. Of all those who had recommended such a project, Burke mentions only Pownall. He pretends to forgive him for this because he had sincere scruples concerning the legislative rights of Parliament as constituted at present. This was reasoning 'erroneously, I conceive; but he does think', remarks Burke in parenthesis; the manner in which this mild censure follows from his most rigid views transpires later. For the moment he is satisfied with the statement that 'nature is too hard for both these authors; and America is, and ever will be, without actual representation in the House of Commons'. To ensure this 'never', words of intimidation are addressed to Grenville. Certainly no minister will 'be wild enough even to propose such a representation in Parliament'. Should there be one who dares to show sympathy with it, he will be clearly not in earnest and only trying to 'captivate the affections of different sorts of men'.[1]

Burke has still to show that all that was necessary for settling the American question was perfectly done by the legislation of 1766. This he does in the last section of these *Observations*, where at great length—a third of the book—he vindicates the whole policy of the Rockingham administration. Here he also gives a first example of his meditations on history—manifesting that they could combine broad vision with close insight. He bids the reader realize that an unprecedented system of society has come into being in the growth of the colonies. 'The object is wholly new in the world. It is singular; it is grown up to this magnitude and importance within the memory of man; nothing in history is parallel to it.' He takes delight in the paradoxes their unique nature implies. But though he seems to portray them objectively, in fact he construes them in a way that falls in with all the interests which he wishes to please. Some passages flatter Americans' self-esteem. They are 'descendants of Englishmen; and of a high and free spirit. . . . The British colonist must see something which will distinguish him from the colonists of other nations.' He cannot be held under a government 'made up of nothing

but restraints and penalties and taxes'. But there is another side to this uniqueness. Restraints and penalties there must be—and the power of taxing, too, though if it were exercised 'in the ordinary course of supply no trace of freedom could remain in America'. The restraints demanded by this new system relate to commerce. 'A principle . . . of artificial commerce must predominate . . . secured by a multitude of restraints very alien from the spirit of liberty; and a powerful authority must reside in the principal state in order to enforce them.' In substance, such authority had been conceded by many American spokesmen up to and including Dickinson. Nevertheless, the harsh terms in which it is couched here are such as might be regarded as provocative. Concerning taxation, the tenor of the Declaratory Act is defended no less vigorously. It had been impossible to state the legislative right of Parliament without declaring it so comprehensively valid as to include taxation too. Any exception would have meant 'a virtual surrender of all the rest'. In his attempt to make this assertion fully convincing Burke overemphasizes. 'If that very specific power of levying money in the Colonies were not retained as a secret trust in the hands of Great Britain . . . it is obvious that the presiding authority of Great Britain as the head, the arbiter, and director of the whole Empire would vanish into an empty name, without operation or energy. . . . If Great Britain were stripped of this right every principle of unity and subordination in the Empire was gone for ever.'

It is in these phrases that Burke pronounced the words 'the empire' with the greatest emphasis. The term was most closely linked with subordination. This was an adequate interpretation of the Declaratory Act; it was not the way to meet the American interpretation of the term. For a final justification Burke resorted to the pre-eminence, as he saw it, of wisdom over reasoning. 'Whether all this can be reconciled in legal speculation is a matter of no consequence. It is reconciled in policy. . . .' While pretending to the most adequate understanding of the American spirit of liberty, Burke lost sight of the fact that this spirit was more and more bent on reasoning in terms of legal speculation.[1] Unknowingly he endeavoured to make his British readers as obtuse towards the American interpretation of the British Empire as he made them averse to the idea of reforming the Empire by broadening its constitutional basis.

This was not the only point on which his sense of realities failed him.

He was not, as Bernard and even to some degree Grenville were, aware that time was running out. He could, indeed, speak of American 'discontent and disobedience' as of 'one of our capital present misfortunes'. He could in this context evoke the nightmare that 'all the powers of this Empire . . . should be dissipated and distracted'. But his reader must not distrust the solidity of the basic conditions. 'The old building stands well enough . . . until an attempt is made to square it into uniformity.' Because of the Townshend duties 'America is again in disorder'. However, the reader may be satisfied; this does not apply 'in the same degree as formerly, nor anything like it'. The colonies had this time not reacted in general fury and confusion but in sedate remonstrances, confiding in 'the experienced benignity of Parliament'. This was the wholesome after-effect of the Repeal of the Stamp Act. Such a gentle presentation of the actual resistance movement—with non-importation as its main instrument—was not easily reconciled with the counter-measures to which governors and Parliament had been provoked—the suspension of Assemblies and the resolutions on treason procedure. Burke, indeed, mentioned these measures and warned that they would not help; only 'the ideas of 1766' would offer a durable remedy.[1] He did not see, however, that the policies of his friends were representative of 'ideas' only in his eyes, and that the new agitation in America was about to encourage quite different ideas.

About the time when Burke's *Observations* appeared in print—and in fact proved so impressive that it soon supplanted *The State of the Nation*—the Government decided on a move which met his demand halfway. The proposal to Parliament at the next session was that the Townshend duties, with the exception of those relating to tea, should be repealed. On 13 May 1769 this intention was indicated by Lord Hillsborough in a circular letter to the colonial governors, who were expected to notify it to the Assemblies. The taxes in question related to English produce and were therefore said to have been found on second thoughts 'contrary to the true principles of commerce'. The minister did not conceal that the Government did, in fact, respond to American remonstrance. He gave solemn assurance that Parliament would not be asked 'to lay any further taxes upon America for the purpose of raising revenue'. He even asserted that 'his Majesty's present administration have at no time enter-

tained' such a design and declared assumptions to the contrary to have been the 'insinuations' of 'men with factious and seditious views'. Moreover, the governors were explicitly asked to satisfy the colonists of the benevolent intentions cherished towards them by his Majesty and his 'present servants'. It was incumbent on them to counteract the malevolent originators of 'prejudices'—'and to re-establish that mutual confidence and affection upon which the glory and safety of the British empire depend'.[1]

The last words of this declaration have a significance of their own. They represent an attempt—unprecedented in official phraseology on this high level—to speak American language in matters of the British Empire. However, more impressive moves would have had to have been made—both in deeds and words—to reinstate this name in the venerable position which had once made Americans glory in it. This proved impossible now, and not only because tea remained dutiable. The last conflict had diminished those glories. In Boston, where they had been most affectionately proclaimed, a different reading of the underlying concept was soon heard. The Town Meeting, one year after the Hillsborough Circular, accused the Government of a 'deep-laid and desperate plan of imperial despotism' aiming at 'the extinction of all civil liberty'.[2] There had been new occasion for 'prejudices'; the Boston 'Massacre' had aroused wild excitement. Nevertheless, such language shows that popular sentiment no longer adhered to what the Empire meant to James Otis only six years earlier, and that the word 'imperial' might only be related to the presumptions of the Imperial Parliament.

In 1768, simultaneously with *The Present State of the Nation*, a book of similar title had been published in London: *The Present State of the British Empire in Europe, America, Africa and Asia*.[3] It was a geographical survey intending to exhibit 'a more clear, though more summary, view of the power of the British Empire than has hitherto appeared' and closing on the statement that this Empire was 'more extensive and perhaps more powerful than any that had hitherto existed; even the great Roman Empire not excepted'. The anonymous writer was not aware that he almost echoed the praise by which James Otis had thought to give strength to the rights of the British colonies in America when the struggle for these rights was only beginning, and not yet filled with danger for the glorified whole.

V

REVOLUTIONS AND EMPIRES

I. THE EVE OF THE AMERICAN REVOLUTION

The rising conflict of the years 1774–5 put to the tests of political reality and political thought those interpretations of the British Empire which had emerged ten years earlier. The concerted action on which radicals and moderates compromised at the First Continental Congress resulted only in turning out the British Government and Parliament from the positions which they had declared impregnable since 1764. The colonial leaders were dissatisfied with such piecemeal solutions as had been accepted in 1766 and offered in 1768; they were no longer unwilling to enforce the abrogation of the sovereign authority that had been called 'imperial' in the Declaration Act .The future constitution still assumed the King's Majesty to remain in its place. For the moment the question of whether the one-sided authority underlying the older parliamentary legislation in matters of trade should still be recognized as constitutional was avoided. However, if the colonial demands had their way, the meaning of the Imperial Crown was bound to be changed out of recognition with regard to America.

These issues were scarcely realized by most of the Americans who complied with the Congress Resolutions and obeyed provincial leaders in defying governors and commanders. They were, however, clearly understood by two sets of Americans—the initiators of those resolutions and, on the other hand, their active opponents who wanted to stem the tide and emerged as spokesmen of the 'Loyalist' cause. The British legislators took a no less serious view of the impending decision, but on the Government side they looked forward to the opposite result. In fact, they took the initiative in bringing the ultimate question to the fore. The punitive acts introduced by Lord North in answer to the destruction of the tea in Boston port were meant to precipitate an implicit settlement of the constitutional conflict. If, as was expected, the Massachusetts rebels were left at the mercy of the Government by the other colonies, it would

be demonstrated that the principle of parliamentary sovereignty was respected by the majority of Americans. The attempt to enforce this principle by dividing the colonies was renewed one year later when New England was singled out a second time for coercion by embargo acts and military preparations, while the colonies in general were, by Lord North's 'olive branch act', invited to propose binding obligations of self-assessment as alternatives to parliamentary impositions. On the British side there were admonitions that any attempt at enforced authority was a counsel of despair. They differed widely in what they suggested as an alternative. Most of them saw salvation in meeting the American demands half-way and therefore were ready to agree to a re-definition of the imperial connection. A few dissidents, however, envisaged a radical solution of the American problem and demanded an abandonment of this connection.

In these cross-currents of politics and opinion every sort of attitude left its mark on the way in which the name of 'British Empire' was used. To those critics who wanted a fresh start in the relations between the two countries, the name became significant of newly defined principles—but sometimes it also became obnoxious because it encumbered them with misleading echoes. Decided Loyalists passionately reminded their compatriots of what the British Empire had meant to them; but Benjamin Franklin was not the only one among foremost American patriots who earnestly wished the Empire could remain the great political whole which they had praised. The leaders of Great Britain and their adherents in Parliament were, characteristically enough, the last to discover the emotive power of the name. They only accepted it as a symbol of the national cause when the Americans were veering towards its renunciation. This final reversal of attitudes, it may be said, determined the fate of the name in Britain as well as in the outside world.

Whatever 'inevitability' may be attributed in historical retrospect to American independence and the rise of the United States, one can scarcely doubt that the separation would have been prevented if in the preceding years the name of the British Empire had been established in Britain as the symbol for the responsibilities of an historical mission. On this basis a common language could have been found between Britons and Americans. Occasionally British politicians gave thought to the

implications of the topic in the first years of the conflict, but in every case they very soon abandoned it. One would scarcely experience any difference if one were to examine the part played by the term during the early 1770's, when after the modification of the Townshend duties non-importation broke down and the fighting spirit seemed to have lost its influence in American assemblies.[1] During these years a spectacular publication was being written in which the name of the British Empire was used with preposterous complacency. It was a new descriptive survey called *The Present State of the British Empire*, which surpassed its predecessor of 1768 in variety of information but was no less fulsome in the glorification of its subject. 'The British Empire is arrived at that height of power and glory, to which none of the states and monarchies upon earth could ever lay the like claim. Rome, in all her grandeur, did not equal Great Britain, either in constitution, dominion, commerce, riches or strength.' The 'constitution' soon appears as the safest of these foundations. For 'the Romans could not boast of the liberty, rights and privileges, and of that security of property and person which an English subject enjoyed under the protection of the laws'. In contradistinction to the Roman Empire, which was 'founded in blood, plunder and rapine and upon an ambition, that could not bear an equal', the countries of which the British Empire was 'composed in every quarter of the globe' were by 'sound policy and not ambition... brought under the Crown of Great Britain'. And all these countries 'partake of the British constitution though all or most of them differ somewhat in their form or manner of government'.[2] The author is not disturbed by the fact that the dominions of the Empire which most emphatically claim to partake in the British constitution assert that the full benefit of this constitution is withheld from them by the mother-country. He does not seem to know that the consciousness of owing anything to the 'sound policy' of Great Britain has lost much ground in these colonies. Accordingly his description of the 'Present State of the British Empire in America' ignores the conflicts with which their recent history had been beset. This omission stands out strikingly against the detailed narrative of the affairs of the East Indian Company and their regulation by the British Government up to the publication of the book in 1774.[3]

There was one Englishman who objected to standards of greatness

which were taken from the map, and standards of stability which were based on the renown of the exemplary constitution. Dean Tucker had definitely arrived at a conclusion which, as he was aware, shook 'many weak people who think that there is neither happiness nor security but in an over-grown unwieldy empire'. He argued that the time had come 'to separate entirely from the North American Colonies' by declaring them to be a free and independent people, over whom we laid no claim. The Empire had, in his opinion, become unwieldy, not because of its geographical dimensions but because of the ineradicable recalcitrance of that part which he advised 'giving up'—the North American colonies. He could not conceive of them as happily constituted communities. Not that he now endorsed their grievances or shared the opinion that 'bickerings and discontents' had been stirred up only by 'the late unhappy Stamp Act'. On the contrary, more firmly than in his 'Merchant's Letter' of 1766, he saw a stubborn resistance to any authority claimed by the mother-country as being ingrained in their very nature. They had evaded the trade laws as long as these existed, always aimed at obeying their own laws only, and even in many cases shown the intention of repudiating debts to British creditors. The English constitution and the triumphs of British politics—those glories, that is to say, which made the authors of *The Present State of the British Empire* feel confident of lasting harmony—had, in the eyes of the Dean, been responsible for making the innate tendency to independence irresistible in the end. For, because the constitution of Great Britain was not as arbitrary and despotic as that of France or Spain, the Americans had learned to be less afraid of punishment. And as for political achievements, it was the latest of these, 'the reduction of Canada, which called forth those dispositions into action which had long been generating before'. By that event, in fact, 'an end was put to the Sovereignty of the mother-country over her colonies'.[1]

There was no prospect of making this sovereignty effective again, though different 'schemes' might be proposed. One of them would be 'to suffer things to go on for a while as they have lately done' and to hope for good effects of 'timid and temporizing measures'; another to experiment with the suggestion that the colonies should be asked to send representatives to the British Parliament; a third, 'having recourse

to arms'. To all these suggestions Tucker predicts the same negative result. Lenient treatment would be answered by greater insolence. No scheme of colonial representation could provide reliable rules for fixing the conditions under which a colonial Assembly would submit to the decrees of a Parliament. Suppression by force of arms would arouse lasting resentment, and leave the victorious mother-country with the alternative of either governing by the uncongenial means of 'arbitrary sway and despotic power' or allowing the colonies 'a return of English liberty' and thereby providing them with means of retaliation.[1] However, not only were attempts to make America really dependent hopeless; the whole system could no longer be restored. The general supposition 'that if we separate from the Colonies we shall lose their trade' was entirely unfounded. If the colonies were made independent their commercial relations with Britain would not change. England would remain the best market for their export, and at the same time continue to provide them with those commodities which they actually bought from England at a cheaper rate than any other European country. While the apprehension of commercial disadvantages would not materialize a voluntary separation would also give Great Britain real advantages. It would dispense with such irksome expenses as those incurred by 'civil or military establishment belonging to the Colonies' and by the bounties on certain colonial products. It would compel the colonial merchants to honour their debts. Britain would even become a respected power instead of an odious one as it now was in America—especially in the weaker colonies which were in need of protection against the stronger.[2]

By these and other arguments Tucker tried to convince his countrymen that what they and the Americans thought to be the most important asset of the British Empire was of no intrinsic value to them. Furthermore, he showed that in truth no British Empire existed in America. On occasion he said as much explicitly. The impracticable scheme of American representation in the British Parliament would be necessary 'in order to incorporate America and Great Britain into one common Empire'. Nevertheless the notion of the British Empire remained important to him. He speaks of 'the general expense of the British Empire' and of military establishments oversea in which 'the whole

British Empire is deeply interested'. He mentions the repercussions which a 'Government *à la Prusse*', if established in America, would have in 'every other part of the British Empire'. Moreover, he endorses the constitutional axiom that the British Parliament is 'the sovereign council of the British Empire' and agrees to the interpretations applied to it in Britain generally. Parliament may make laws for taxes 'which are to be applied for the common protection, the good and benefit of all'. And there is nothing to be said against the assumption that 'each class of men, each society or district, throughout the British Empire . . . are represented by those deputies whom they did not personally elect'.[1] Though wishing for the exclusion of the North American colonies from the British Empire, the Dean, it follows, fully agrees with that constitutional interpretation of the British Empire which Lord Mansfield had given with special reference to them. He certainly does not, when using such language, identify the British Empire with Great Britain alone. The British Empire oversea remains a reality to him, though he wishes to relieve it of its oldest and, according to common views, most vital part.

Tucker knew that no contemporary statesman, either of the government party or of the opposition, would fall in with his political and economic views. He only assumed that his expectations would be realized in the course of time. 'I make not the least doubt but that a separation from the northern Colonies, and also another right measure, viz., a complete Union and Incorporation with Ireland (however unpopular either of them may now appear), will both take place within half a century.' He could not possibly foresee any of the intermediary stages by which, from the very moment when he manifested his views to the public in January 1774, events were to move towards the results he postulated.[2] It was then that London learned of the drastic answer which the Boston patriots had given to the attempt to bribe the colonies into tacit acceptance of parliamentary taxation. The destruction of the tea consignment in Boston port would have fitted in well with the examples of stubborn disobedience by which Tucker had demonstrated that British sovereignty had virtually vanished in the colonies. However, the question of whether the challenge should be read in this light was scarcely considered where decisions on American politics were made or influenced. 'The general tone against the Bostonians is threats'; so Horace

Walpole noted when the punitive legislation was under way in Parliament by the end of March. He was not even certain by then whether the Opposition would take up the cause; three weeks later, indeed, its 'thorough-bass' made itself heard in Rose Fuller's motion for a repeal of the tea duty and in Burke's speech on American taxation.[1] The collection of tracts in which the Dean of Gloucester inserted his heresies made some literary sensation, but there was only one writer—an army officer by profession—who followed them up with thoughts of his own. John Cartwright wished his country to live up to the maxim that 'the principles on which politics are built are the principles of reason, normality and religion, applied to the concerns of large communities'.[2] He was already about to apply this idea to the American problem when he became acquainted with the 'tracts of a Reverend Dean'. In his opinion they acquiesced too much in accepted views on the rights of sovereignty. Nevertheless, he admitted that the Dean's common sense had arrived at conclusions which were also those of sound constitutional morality. 'If an Empire be too large and its parts too widely separated by immense oceans or other impediments to admit of being governed on the principles essentially belonging to all free governments, it is an overgrown Empire, and ought to be divided before it fall to pieces.'[3]

The British Empire in Cartwright's opinion was 'overgrown' for reasons exactly opposite from those of Tucker. To the statement that the colonies will always evade or resist the rightful authority of the British Parliament he opposes the other that they are essentially independent nations over which British legislators cannot, according to the 'rights of mankind and the nature of things', extend any authority. This clear-cut vindication of national rights leads on to a scathing criticism of the notion of empire in general and of its application to the British Empire in particular. 'It is a mistaken notion that planting of colonies and extending of Empire are necessarily one and the same thing.' While Tucker pointed out that colonies have an innate tendency to get rid of empire ties, Cartwright declares them to be legitimately possessed of such independence from the start even if the original 'intention of the planters' did not raise such claims. Being manifestly distrustful towards the concept of empire as such, he is intent on having it removed as much as possible from the language of British politics. He does not go so far as to

ban it completely, but he wishes it 'to be confined to the British Isles and to the various settlements and factories of our trade in the different parts of the world, including the Government of Newfoundland, together with the garrisons of Gibraltar and Minorca'. This restriction is not a question of terminology; it is a self-evident demand on which true conscientious morality and rational thinking must agree. 'It is high time that we opened our eyes to the unintentional encroachments we have been making upon the liberties of mankind, and to the necessity of setting bounds to our Dominion. Without the American Continent the British Empire will be large enough in all reason.'[1]

How could the British people ever be as misguided as not to see the adequate boundaries of its empire? Cartwright thinks too highly of the religious and constitutional spirit of his compatriots, he is too confident 'that there will always be wisdom and virtue enough in this happy island', to make the nation as a whole responsible for that fallacy. It has in fact been the subtle work of 'men of slavish principles'. They have managed to let the 'rights of private persons' be disregarded as being 'mean and insignificant considerations', such as 'may be comprehended by the people' but cannot satisfy the truly initiated. 'Those, who govern' and their confidants have been taught that there are 'sublime and mysterious rights of empire' of which they alone can judge. This is a delusive interpretation of history which Cartwright assumes to have fatefully combined with the notion of Empire. He points at 'the hackneyed notion of the progress of Empire westward'. It is a sinful notion; for it presumes to anticipate 'the hidden councils of God'. 'Our philosophical prophets' who make such speculations, compare the state of Great Britain with the Empires of antiquity, but refuse to acknowledge the true lesson implied in the history of those empires. Sound reflection should teach us that all these empires—including 'bloody Rome', possessed by 'gigantic wickedness'—'were erected on the rotten foundations of idolatry and tyranny (the very seed-plots of hell)', and that these foundations foredoomed them to distruction. 'They all fell the victims of their own mad ambition.' Such empires, the author opines moreover, belonged to bygone times which did not know as yet of what 'British North American states' would inherit from their mother-country, 'Christianity without persecution and British freedom as a soul, and a spirit of

commerce as the breath of life.' We have to realize that 'the times for heroes and demi-gods are passed; the phrenzy for universal empire is out of date and countenance'. A different goal must be assigned to the British Empire, reduced to its proper boundaries. 'Our religion being a divine revelation is confessedly perfect; and the law of nature, no less divine, being the immovable basis of our political fabric, the very soul of our constitution, this is also perfect.' From these manifestly divine foundations the true blessings reserved for Great Britain must be inferred. Its destiny will be fulfilled 'when we shall have given birth and the birth-rights of freemen to as many independent states as can find habitations on the vast American Continent.' When this is done, 'Britain still will be great and free;—the respected mother, the model, the glory of them all'.[1]

When Cartwright declared that the American colonies were entitled to the rights of nature as completely as were the inhabitants of the mother-country, he conformed to the principles which had already been preached in America for ten years. When on the strength of these principles he called for their independence, he anticipated what they were soon to make their political aim. However, at the time when he issued his appeal, the America which he bade Parliament to constitute by a number of treaties—fifteen independent states 'between the gulf of St. Lawrence and the mouth of the Mississippi', all of them recognizing the King as their sovereign head, but being no longer united with the British Empire—would have appeared to the great majority of Americans an unwanted dream. His invectives against the notion of the British Empire which he believed to be current were misplaced in more than one respect. He did not see that it was American self-confidence which had made the colonies the focal point of this notion, and that Benjamin Franklin and James Otis (not to speak of Dr Mayhew and the 'American Whig') had invested it with the vision of a grandiose future. Occasionally he angrily refers to 'the arguments brought to shew the probability of America becoming the seat of a mighty conquering empire, to which Britain shall, in length of time, be a province'. He calls them unfounded and assumes that they are unjustly imputed to the American mind; he overlooks the fact that this idea originated in Franklin's *Observations*.[2] Cartwright is also wrong in assuming that the expression of tyrannous ambitions came from Rome and her 'Danielian' predecessors. Wherever

the name had been pronounced as the symbol of an historical mission, it had implied just those postulates of a pure religion and a free constitution which he declared to be incompatible with its actual interpretation. Now, in 1774, while he was holding out the idea of British freedom against that of a British World Empire, the author of *The Present State of the Empire* was expressing the certainty that it was English liberty with all the constitutional benefits belonging to it that made the British World Empire immeasurably superior to that of ancient Rome and exempt from the blemish of 'ambition'. Cartwright might have had reason to think this pride unduly complacent; he would have been right if he had stated that British and American views on the constitution of the British Empire differed considerably. He could not, however, with any shadow of justice assert that the British Empire which united the American colonies to Great Britain was a construction born of imperiousness, produced by British politicians and inspired by Roman reminiscences.

Cartwright's demand for the replacement of the British Empire by a free association of states endowed with British liberties was to recur in the 'Second British Empire' of the nineteenth century, and in the Commonwealth of the twentieth. However, he also anticipated some of the later advocates of that idea—Goldwin Smith, for instance—in impressing a stigma of abhorrence on the very name of the British Empire and making its defamation an integral part of his programme. Like later 'anti-imperialists' he had, in the anticipation of an impending crisis, allowed this abhorrence to grow without paying attention to the use of that name as he found it applied by his contemporaries. He also misjudged the frequency of its application. His 'Letters' were destined to influence the legislators who had just begun to decide on the countermeasures necessitated by the Boston tea affair. While Cartwright was expatiating on his ideas, Parliament was discussing the first of Lord North's punitive and preventive bills which authorized the dissolution of the Boston port administration. Further bills made the civil administration of Massachusetts exclusively dependent on the Governor, and practically deprived political offenders of the right to be tried by jury in that province. The advocates of this policy, who carried the day, did not see that they exposed the maintenance of the Empire to most dangerous strains; nevertheless, their speeches, as far as we know them, did not

indulge in boisterous assertions of imperial authority. They tend rather to show that the notion of the British Empire, though familiar to the public, had not as yet won a prominent place in parliamentary debate. It was given emphasis only by the opposition speech which became a rhetorical sensation—Burke's discourse on American Taxation of 19 April. In his spoken word Burke, we may be sure, did not make his reconsideration of the concept as lucid and impressive as it appears from the version which was printed many months later. It was by the critical portraits of former leaders, George Grenville, Chatham, Charles Townshend, with which he interspersed his long historical retrospect that he impressed his audience.[1]

In May, when the fateful work of legislation was almost finished, a book appeared which was in part intended to reform current English notions of the British Empire. Governor Bernard, whom the baronetcy bestowed on him after his retirement could not compensate for the neglect of his warnings in London and for the calumny he had incurred in America, published *Select Letters*, dating from his administration, together with the *Principles of Law and Polity*, the great constitutional scheme which he had confided to the Government in 1764. The much defamed man wished to show that he had always been led 'by a love of both countries, and an earnest desire that they should be united in mutual affection as they are in mutual interest'. The publication was also intended to inform the public what he had always thought, and was thinking still, of the basic defect in the relations between the 'imperial state' and the colonies. When Parliament had asserted its power over all the dependencies of the Crown it should also have settled explicitly the constitution of the governments of America. The neglect of this task was at the root of the present troubles. His project 'of allowing the American States representatives in Parliament' could, he was aware, at present 'be considered only as a pleasing reverie'. Nevertheless, he would not forgo having it published now, were it only because 'this proposition greatly enlarges our idea of the grandeur of the British Empire, and affords the most flattering proof of its stability and duration'.[2] This hint was not entirely lost. We shall notice how Bernard's idea of the imperial constitution—though not the constructive schemes which he thought vital for it—proved an inspiring challenge to Edmund Burke when he gave definite shape to his views on the British Empire.

The task of reconsidering the structure of the British Empire, which had been neglected by the Government and its parliamentary abettors in their procedure against Massachusetts, passed on to the leaders of public opinion in America. On the initiative of the Assembly of Massachusetts, the great majority of the colonies delegated representatives to the 'Continental Congress', which assembled in Philadelphia on 5 September. Their attitude to the Empire was rather different from that which had prevailed at the time of the Townshend duties, among which that of Joseph Galloway was one of the most significant. The penalties inflicted by Act of Parliament upon Massachusetts were not, like the financial laws, merely opposed as illegal and unjust but also resented as insults. The Quebec Act, with its territorial clauses and deliberate deviations from English Protestant and constitutional tradition, proved no less revolting. The Parliament which had issued these acts could no longer even in official language be treated as an 'august body'. No delegate would care to call it 'the imperial legislature', though those who already denied the legitimacy of this title had to hold back, and one of the first resolutions restricted the discussion of British politics to what had been offensive from 1763 onward. There were other symptoms of the loss of popularity which the name of the British Empire had undergone. John Adams's Diary notes the 'sentiments' to which some Congressmen and their friends drank at 'an elegant supper' on the eve of the opening.[1] Among these toasts, 'Union of Britain and the Colonies on a constitutional foundation' is the nearest approach to 'the British Empire', but this formula itself is missing. However, the toast on a reformed 'Union', together with other 'sentiments' of the occasion, shows that these rebels still sincerely wished for a connection with the mother-country which would substantially achieve what had long been proclaimed in the name of the Empire.

In one of the colonies the leading sponsor of the Congress action, who was not able to participate in person, had gone one step further. Thomas Jefferson of Virginia had—under the impact of recent experiences—determined on the same juridical idea towards which Benjamin Franklin had been led when he was forced to abandon his dream of a legislative union between Britain and the colonies. True constitutional jurisprudence could not acknowledge that the British Parliament was entitled

to any authority in the colonies. The only link between the Governments of Great Britain and the colonies was the King. In the context of this doctrine, however, Jefferson wanted the 'British Empire' to acquire the status of a leading constitutional notion. This intention was expressed in the Declaration of Rights which he drafted for the Virginia Convention at Williamsburg in August 1774. It assumed the validity of original laws independently adopted by 'the people of the several states of British America', which had been 'invaded' by the Parliament of Great Britain. It went on to declare 'that all such assumptions of unlawful power are dangerous to the rights of the British Empire in general and should be considered as its common cause'.[1] Accordingly the Convention made 'the security and happiness of the British Empire' and the return of 'that harmony and union so beneficial to the whole Empire' prominent points in the resolution by which it undertook to send deputies to the Congress.[2] These delegates were not bound to stand for the radical views which Jefferson had meantime drafted for them, and which were published as *A Summary View of the Rights of British-America.* This memorandum is known for its reckless historical construction. It pretends that the original founders of the colonies were in the same legal position as the Saxons had been when emigrating to Britain. It declares that the original emigrants by their free will 'thought proper to adopt that system of law under which they had hitherto lived in the mother-country and to continue their union with her by submitting themselves to the same common sovereign'. It then condemns the whole legislation which restricted the trade of the colonies as having been dictated by 'arbitrary power'. History has shown that bodies of men as well as individuals are susceptible to the spirit of tyranny. The author, nevertheless, is rather incongruously prepared to consider all parliamentary misdeeds which preceded the present reign as 'single acts of tyranny'. Only from the fourth year of George III—that is to say from the Sugar Act—he sees 'a connected chain of parliamentary usurpation' which had its climax in the recent procedure against Massachusetts. While the Parliament appears as the foremost usurper King George is by no means exempted from reproach. He is accused of having been guilty of numerous 'deviations from the line of duty' in his manner of 'holding the executive powers of the laws of these States'.[3]

In the eyes of Thomas Jefferson this series of protests was not incompatible with the maintenance of the notion of the British Empire. His argument bristles with assertive references to it. They give emphasis to his view of the constitutional position. The 'ill-fated Colony' of Massachusetts has, he says, become 'devoted to ruin by that unseeing hand which governs the momentous affairs of this great Empire'—Parliament, directed by 'a few worthless ministerial dependants'. There must be an end to the 'unwarrantable encroachments and usurpations, attempted to be made by the legislature of one part of the Empire upon those rights which God and laws had given equally and independently to all'. The King is not only 'the chief magistrate of the British Empire'; he is 'the central link connecting the several parts of the Empire, the only mediatory power between the several states of the British Empire'. His executive power is, indeed, in every part of the Empire restricted by the same rules, and he has to consider that 'kings are the servants, not the proprietors of the people'. Nevertheless, Jefferson wishes to encourage King George to make particular use of the negative vote by which he is entitled to intervene in parliamentary legislation. The sovereign has 'for several ages past . . . modestly declined the exercise of this power in that part of his Empire called Great Britain'. However, 'the addition of new states to the British Empire has produced an addition of new, and sometimes opposite interests.' The monarch should therefore now 'resume the exercise of his negative power and . . . prevent the passage of laws by any one legislature of the Empire which might bear injuriously on the right and interest of another'. It is under such conditions that Jefferson makes the establishment of 'fraternal love and harmony through the whole Empire' the closing vow of this remonstrance.[1]

The revolutionary jurisprudence of Thomas Jefferson and the visionary aims of John Cartwright ultimately aspired to one and the same political system. The Virginian identified this system with the true meaning of the British Empire, while the Englishman took offence at the nomenclature which had used that concept for determining the basic relation between Great Britain and the colonies. Although with regard to the actual issue this contrast may appear negligible, it is poignantly characteristic of the different antecedents from which their proclamations arose. When expressing his remonstrance in terms of the 'British

Empire' Jefferson was availing himself of the principle of equal partnership which had from 1764 been read into that name by Americans. Cartwright, like other Englishmen, had not paid attention to this interpretation. He knew of the word as one casually used in England for stating that the colonies belonged to the large sphere of British authority; and he was led, by classical reminiscences, to read more into that use than was actually intended.

The Congress took care not to couple such dogmatic adventures as were propounded by Jefferson with the unified and drastic remonstrance which was to be set working by 'Association'—the great covenant—of non-importation, non-consumption and non-exportation.[1] Rights of Nature loomed large in the Committee debates; finally, no general principles were proclaimed which would have gone farther than those which had been voiced in the Stamp Act conflict. In spite of much divided opinion, agreement was reached on including a passage which confirmed the recognition in the Declaration of Rights 'of such Acts of the British Parliament as are bona fide restrained to the regulation of our external commerce for the purpose of securing the commercial advantages of the whole Empire to the mother-country, and the commercial benefits of its respective members'. The point was only made more obtrusive in a declaration intended for countrymen, who were supposed to feel intensely British, and also in the Address to the People of Great Britain. The *Association* opens with the statement that 'the present unhappy situation' originates from 'a ruinous system of colony administration adopted by the British ministry about the year 1763, evidently calculated for enslaving these colonies, and, with them, the British Empire'. In the address to the 'friends and fellow subjects' in Great Britain, the delegates repeatedly profess to be inspired by 'the duty we owe to ourselves and posterity, to your interest and the general welfare of the British Empire', and to remain faithful to this interest. They conclude with the entreaty that the British nation may 'furnish a Parliament of such wisdom, independent in public spirit, as may save the violated rights of the whole Empire from the devices of wicked ministers and evil counsellors. . . .'[2]

Sincere though these asseverations were, the term had a more passionate ring when it was emphasized by Americans whose apprehension of an irreparable breach was united with the conviction that the sovereign

rights of Parliament were undeniable, and who were determined to remain faithful to the mother-country. Joseph Galloway of Philadelphia, whose political views were akin to those held by Benjamin Franklin for most of the time, contributed a modified version of this 'loyalist' attitude to the transactions of the Congress by suggesting a new constructive solution of the problem of equal partnership. He found considerable, though finally not decisive, sympathy for his 'plan of union', providing an American legislature, which in some way was to become a third House of Parliament, exclusively concerned with 'the general policy and affairs of the Colonies'. He proposed that the Congress should adopt this project by a resolution which envisaged that through its provisions 'the strength of the whole Empire may be drawn together on any emergency'.[1] When the Congress resolutions became known, two more intransigent opponents of the spirit which had prevailed there issued their severe warnings against jeopardizing the unity of the Empire. These were Samuel Seabury of New York Colony, who signed as 'a Westchester Farmer', and Daniel Leonard of Boston, who successfully concealed his identity under the pen-name of 'Massachusettensis'. Both were personally connected with the British cause; Seabury was an Anglican rector, Leonard had not long before taken office in the Massachusetts judicature. To the prevailing assertion that Britain had provoked the colonies and was destroying the harmony of the Empire, they both opposed the view that even more pernicious effects were about to result from the machinations of their radical compatriots. They both insisted that because they were 'a part of the British Empire' the colonies were under duty to recognize the Parliament together with the King as the 'supreme sovereign authority of the whole British Empire'.[2] Seabury had angry words for the 'effrontery' of the 'Sons of Liberty' who dared to intimidate their countrymen into disrespect towards the legitimate authorities and into submission to the Congress. They were out for republican government, but could achieve nothing but 'the ruin, destruction and desolation of the whole British Empire'. Once the authority of Parliament was denied, 'we have an Empire without Government . . . you split and divide the Empire into a number of petty and insignificant states'. 'It has been proved, that the supreme authority of the British Empire extends over all the Dominions that compose the Empire.' This

authority is of vital importance, because 'otherwise the trade of the whole can not be regulated'; but it includes the right of raising revenue as well.[1] Probably no literary product of the conflict has used the words Empire and British Empire as frequently and fervently as did the pamphlets of this American advocate of British sovereign rights.

'Massachusettensis,' in his letters to the *Massachusetts Gazette* of 12 December 1774, used more circumspect language. He saw anarchy growing in Boston and tried to make the voice of reason prevail. Not content with emphasizing the legal impeccability of parliamentary sovereignty, he bade his countrymen consider the facts which had given strength to this principle and would show their cogency more bitterly if the rebels went on to provoke the mother-country. The British would fight to regain their authority in the colonies. However strongly the colonists objected to his authority 'the people of England hold the contrary opinion as firmly; they tell us we are a part of the British empire'. The Americans had, undoubtedly, until recently held the same opinion. 'We had always considered ourselves as a part of the British empire and the Parliament as the supreme legislature of the whole.' Only fifteen years ago the mere attempt to prove this principle would have appeared ridiculous. 'Massachusettensis' also undertook to justify the politics upon which Great Britain had embarked in retribution for the destruction of the tea in Boston port. To interfere with English commerce was to offend British national feeling at its most vulnerable point; for that nation knew what she owed to her merchants. This appreciation was founded in 'the collected wisdom of the nation'. Because of her large population she vitally depended on commerce and manufactures. Cultivating these activities, she also effected 'that each part of her extended dominions might be benefited and the whole concentre to the good of the empire'. The present situation was to be judged according to these facts. 'Perhaps the whole story of empire does not furnish another instance of a forcible opposition to government with so . . . little real cause.' Every colonist ought to remember that he lived under the most perfect constitutional system, and should take an example from the Englishman who 'glories in being subject to and protected by such a government'. It was an absurdity not to profess the principle that the Colonies are a part of the British Empire.[2]

When in January 1775 'Massachusettensis' had arrived at this point, he was met by an adversary who was destined to get the better of him. 'Novanglus' began to counter-attack in the *Boston Gazette*. Novanglus was John Adams, advocate in Braintree, Mass., who had been a delegate to the Continental Congress and was now a member of the Provincial Congress. At the age of thirty-eight he had been selected as one of the leaders of the popular party in the province. He had not aspired to this position, and never tried for prominence as an agitator; nor was he eager overmuch for controversy on matters of politics. In Philadelphia he had felt mortified by the 'great wits' and 'wise statesmen' whom he found 'so fond of showing their parts and powers as to make their consultations very tedious'.[1] If he had any ambition, it was to make his gifts of argument and negotiation serve a cause which in his lofty seriousness he thought sacred. From the Stamp Act conflict onward he had been vividly impressed by causes which the people spontaneously embraced as being bound up with their natural rights. In the New Year of 1766 his Diary shows for the first time that he lived up to this experience. 'America has shown such magnanimity and spirit as never before appeared in any country for such a tract of country.' 'So triumphant is the spirit of liberty everywhere. Such a union was never before known in America.'[2] The years had repeatedly brought occasions when John Adams felt almost religiously moved by popular manifestations of political righteousness. Lastly even the irksome Continental Congress had blessed him with 'one of the happiest days' of his life. The reception which it gave to the 'Suffolk County Resolutions' convinced him that 'America will support the Massachusetts or perish with her'.[3] Now, three months later, he found the spirit of his own province in danger of being shaken by the astute eloquence of 'Massachusettensis', whom he rightly suspected to be one of his old friends of the bar. This apprehension inspired the Novanglus letters.

John Adams discovered that his antagonist banked on one persuasive subject with particular confidence; Adams therefore fixed his mind on eradicating the name of 'British Empire' from the vocabulary of his compatriots. It had not disturbed him so far. He had not adopted it quickly as the symbol of American rights and American greatness when James Otis made it current in this meaning, but later on paid his tribute to

the 'sagacity and valor' by which 'the people of the British Empire were prepared to defend their liberties'.[1] At the Congress he had thought about Galloway's demand for 'some absolute power to draw together all the wills and strength of the Empire'. He was aware that this attitude was no longer compatible with his own views; the true right of the colonies was 'independency' and had been violated by all the Acts of Parliament 'since the emigration of our ancestors'.[2] His constitutional views had become virtually identical with those of Jefferson, but, like him, he had not objected to the concept of 'the Empire' as such. He had drafted the Congress Resolution, which conceded to Parliament the power to distribute 'the commercial advantages of the whole Empire' between the mother-country and the colonies. Now, however, he found the term used by an American, a 'Massachusettensis', with the definite intention of making it expressive of the irresistible sovereignty of Parliament and conducive to its acceptance. John Adams began to fear that by cherishing that name the Americans had made themselves amenable to the claims of their oppressors. He therefore exerted himself to show that it was this very name that overclouded the cause of liberty.

His first comment on the British Empire—included in the third Novanglus letter—merely stated that the term was devoid of that constitutional sanction which 'Massachusettensis' attributed to it, and which, apparently, was taken for granted by the public at large. 'The term *British Empire* is not the language of the Common Law, but the language of newspapers and political pamphlets.' This was an all but incontestable statement; 'Novanglus' only omitted to say that it was American public opinion in the first place which had given currency to this 'language' in relation to the colonial question. He was correct, however, if he suspected that name to be somehow related to the formula 'the Imperial Crown of Great Britain'. He undertook to undeceive the people as to the origin and the acceptable meaning of this formula. The Imperial Crown, he said, was likewise not 'the style of the Common Law'; it had been introduced by court sycophants . . . in allusion to the Roman Empire. The intention had been to make the Crown of England appear as independent as the old Roman Emperors. Those court sycophants, however, had not pressed the analogy to the extent of declaring the King absolute. The legislative authority of the Houses of Parliament

had always been understood to be implied in the 'Imperial Crown'. In this meaning, however, the term had only served the purpose of emphasizing 'that the Crown of England was independent of France, Spain, and all other kings, and states of the world'. The notions of 'the British Empire' and of 'the Imperial Crown' had, it followed, nothing in them to prove that the King in Parliament was entitled to legislate for the colonies. 'I would ask by what law the Parliament has authority over America.'[1] One might answer by referring to the Declaratory Act, which had explicitly stated this authority and given emphasis to it by changing 'the Imperial Crown' into 'the Imperial Crown and Parliament', or by asking him why American lawyers had not at the time objected to the claim, an issue which he evaded.

When making these first comments he did not feel obliged to make them a rigid rule for his own terminology and to banish the notion of empire completely from the constitutional argument. He loyally maintained the Congress Resolution which had acknowledged parliamentary legislation in matters of commerce, and in this context he used such expressions as 'the good of the Empire' and 'the expenses of the Empire'.[2] But when 'Massachusettensis' went on to assert the discretionary power of Parliament as to the 'proportionable part of the revenue' which 'any part of an Empire' had to contribute,[3] 'Novanglus' submitted the concept to more severe strictures. It belonged, he now declared, to a constitutional system completely alien not only to English law but also to the most absolute European monarchies. 'Here, again, we are to be conjured out of our senses by the magic in the words "*British Empire*" and "supreme power of the state". But, however it may sound, I say we are not a part of the British Empire; because the British government is not an empire. The governments of France, Spain, etc. are not empires, but monarchies, supposed to be governed by fixed fundamental laws, though not really. The British government is still less entitled to the style of an empire. It is a limited monarchy.' According to reliable definitions, the British constitution was even 'nothing more nor less than a republic, in which the king is first magistrate'. An 'empire' was a government of quite another kind. 'An empire is a despotism, and an emperor a despot, bound by no law or limitation but his own will; it is a stretch of tyranny beyond absolute monarchy. For, although the will of an absolute

monarch is law, yet his edicts must be registered by parliaments. Even this formality is not necessary in an empire. There the maxim is, "quod principi placuit legis habet vigorem. . . ."[1]

The learned lawyer opens the dispensary of authoritative political doctrine, and teaches the artless New-Englanders to distinguish the venom from the wholesome drug; but in fact he himself has affixed the label which he makes them abhor. The framework of his terminology is borrowed from the textbook of the age, the *Esprit des lois*. The definition of 'monarchy' as being, even if 'absolute', based on fundamental laws, and that of 'despotism' as lacking this safeguard, are Montesquieu's,[2] but Montesquieu had not made *empire* a synonym of *despotisme*. For the meaning of 'republic' 'Novanglus' refers to Aristotle, Livy, and Harrington, and actually quotes *Oceana* by defining it as 'a government of laws and not of men'. But no reader of that book could ignore its indiscriminate use of *empire* as signifying every workable system of government, so being as applicable to a republic as to any other state.[3] The reference to the Roman emperors was, according to the current interpretation of the Digests, somewhat more plausible; but whatever the range of their *imperium* no student of Roman law could think it dogmatically analogous to *despotisme* as depicted in *L'Esprit des lois*. In the end Adams realized he needed a more reliable antidote against the obnoxious term. He conceded that 'empire' could be understood as meaning no more than 'government, rule, dominion'. But what could the word mean if in this general sense it was applied to British dominion in America? It could only imply that we are within the dominion, rule or government of the King of Great Britain. This, however, was an allegiance to his person only, not to the Imperial Crown, 'provided such a crown involves in it a House of Lords and a House of Commons'. Therefore too, he argued, a British Empire extending to America made no sense.

None of the other rising leaders of the Revolution who shared 'Novanglus's' constitutional views, such as Jefferson, Franklin, young Alexander Hamilton, who had just rebutted the 'Westchester Farmer'[4], had become averse to the name of the British Empire, and wished it to be abrogated together with the sovereignty of the British Parliament. John Adams, however, thought this term important enough to defend it by additional arguments when 'Massachusettensis' had already become silent.

In his twelfth letter he showed that the British Empire was an anachronism in American law—because no such state had been in existence when the Kings of England gave charters for the colonies—and that its presumable model, the Roman Empire, had also been of spurious origin, because the free republic had never known of it.[1] This letter was the last by 'Novanglus' and was not printed in the *Boston Gazette*. When it was due to appear the guns had already spoken at Lexington.

Meantime Parliament, newly constituted by the elections of October and November 1774, had not only faced the possibilities of open hostilities. Its language, too, had risen to the emergency in a singular way. It had openly confessed to that interpretation of the British Empire which gave so much offence to John Adams. In the declarations and discussions of the new session the concept was more definitely than ever used to denote the range of the sovereign rights to which the British legislature laid claim.

The speech from the throne provided the cue. King George laid down the promise: 'You may depend on my firm and steadfast resolution to withstand any attempt to weaken or impair the supreme authority of this legislature over all the dominions of my crown; the maintenance of which I consider as essential to the dignity, the safety and the welfare of the British Empire.' The Houses responded by inserting the concluding phrase in their addresses. The Commons were particularly satisfied by the confirmation of their jurisdiction from the throne. They declared themselves to be 'truly sensible that we should betray the trust reposed in us . . . if we fail to give . . . support to those great constitutional principles which govern His Majesty's conduct in this important business and which are so essential to the dignity, safety and welfare of the British Empire'. The Army Estimates were soon made an occasion on the Government benches for reasserting the opinion 'that the legislature of Great Britain had a right to make laws to bind Ireland and all the members and dependencies of the British Empire'. The use of such language meant more than the mere statement of the right to bind others; it was tantamount to declaring Parliament bound to practise this right. To bring the British Empire into the context of such solemn engagements was a novel concept.[2]

After the Christmas recess new pronouncements to this effect were

made both during preparations for suppressing rebellion and during debates on motions for compromise and peace. There was an impressive literary product among the latter. The elaborately printed version of the Speech on American Taxation, which Burke had delivered the April before, had just been published when Parliament reassembled on 19 January.[1] Soon petitions for conciliation—issuing from London merchants, colonial agents, and West India planters—and Lord Chatham's project of coming to terms with the Continental Congress competed with the aggressive mercantile measures introduced by Lord North. This minister presented himself as a mediator by proffering to 'every part of the Empire' the prospect of determining its share in the common burden. The moves for 'conciliation' were by the end of March crowned by Burke's second American Speech. It should be emphasized that, in the dissensions occasioned by these motions, government supporters and opposition spokesmen agreed in taking parliamentary sovereignty for granted. In this context, both groups gave prominence to 'the empire' and 'imperial'. A peer on the government side deprecated retreat and insisted on the 'universality and unity of the British Empire over all its territories and dependencies wherever its domination extended'. Burke's plea for a factual recognition of colonial self-government in financial matters found the answer 'that all inferior assemblies in this Empire were only like the corporate towns in England, which had a power, like them, of making bye-laws for their own municipal government, and nothing more'. General Burgoyne dramatized the feelings with which he accepted the commission of subduing the Massachusetts rebels by admitting that 'there is a charm in the very wanderings and dreams of liberty that disarms an Englishman'. He added, however: 'While we remember that we are contending against brothers and fellow subjects, we must also remember that we are contending in this crisis for the fate of the British Empire.'[2] He professed his belief not only that the British Empire had become the most precious cause for which an Englishman could fight, but also that this cause was at stake in the fight for the authority of Parliament. Chatham and Burke had shown themselves 'disarmed' by American claims to liberty in a more serious sense than Burgoyne. Nevertheless Chatham's project of a 'Provisional Act' postulated that the colonial legislatures remained 'dependent upon the

Imperial Crown and subordinate to the British Parliament'. Burke attributed to Parliament the 'reserved power in the Empire', and was for that reason arraigned by John Cartwright—the only author, perhaps, in whom John Adams, when disclaiming the legal existence of this empire, would have found a fellow-combatant.[1]

The point at issue in the coming war was not whether there was a British Empire or whether the thirteen colonies belonged to it, but whether the Parliament of Great Britain was entitled to sovereign authority over that part of the British Empire. Indeed the Assembly of New York strove hard to play down this essential point. They affirmed that it was 'necessary there should be some supreme regulating power' in the 'one great Empire' of which they professed to be 'parts', and would have been satisfied by an authoritative confirmation that this power 'by no means comprehends a right of binding us in all cases whatsoever'.[2] This was, however, demanding an abrogation of a formula whose inclusion in the Declaratory Act Edmund Burke himself, the man whom that colony had trusted to be its agent, had always thought a special merit of his party group. The words of the Second Continental Congress painfully recalled bygone eulogies when in its 'Declaration of the Causes and Necessities of taking up Arms' it deplored what 'our sovereign had allowed to happen to the Empire, after dismissing William Pitt before the Seven Years War ended. From that fatal moment, the affairs of the British Empire began to fall into confusion, and gradually sliding from the summit of glorious prosperity, to which they had been advanced by the virtues and abilities of one man, are at length distracted by the convulsions that now shake it to its deepest foundations.'[3] Nevertheless the incompatibility of British and American constitutional principles was now, in July 1775, generally dated farther back than to 1763. This appeared from a sentence inserted in the declaration by which the Congress rejected Lord North's offer of February. 'If we are to contribute equally with other parts of the Empire let us equally with them enjoy free commerce with the whole world.'[4]

In the drawing up of both manifestos Thomas Jefferson had had a leading part. In a letter to his friend John Randolph, whose loyalist convictions had led him to emigrate to England, he showed some weeks later that he could in fact still think the attachment to the

mother-country which was voiced in the first Declaration compatible with the defiance which was proclaimed in the second. 'Looking with fondness towards a reconciliation with Great-Britain', he hoped that on the strength of his Virginian experiences Randolph would help to destroy misunderstandings prevailing in Britain. He intimated, however, that the colonies now would probably no longer concede, as Congress had done last year, 'the monopoly and regulation of trade and all the Acts of Parliament prior to 1764'.

Jefferson could not conceal his personal attitude to the question of principle indicated in this remark. At the time when the worsening tension was about to tax his conflicting attachments to the British Empire and to American liberty most severely, he was sincerely scared by the prospect that the one would have to give way to the other. He confessed himself appalled by the probable outcome of continuing hostilities. By 'another campaign', he told Randolph, Great Britain would 'risk our accepting a foreign aid which perhaps may not be obtainable but on a condition of everlasting avulsion from Great Britain'. He found poignant expression for what this severance from the 'great country' would mean to him; he would 'rather be in dependence on Great Britain, properly limited, than on any country upon earth, or than on no nation'. However, in the same breath he defined these proper limits in such a way as to exclude parliamentary authority. 'But I am one of those too who, rather than submit to the right of legislating for us assumed by the British Parliament . . . would lend my hand to sink the whole island in the ocean.' Like Benjamin Franklin, he showed that his desire for the maintenance of the British Empire was but intensified by the stress of this dilemma. He entreated his friend to explain the position to Lord Dartmouth, the Secretary of State for the Colonies. By such private intercession Randolph might 'render service to the whole empire at the most critical time certainly that it has ever seen'. The decision lay completely with the British legislators. 'Whether Britain shall continue the head of the greatest empire on earth, or shall return to her original status in the political scale of Europe depends perhaps on the resolutions of the succeeding winter.'[1]

In Britain probably nobody who read this letter would understand how that country could 'continue the head' of her Empire if her

legislature was denied any authority in her American Dominions. Jefferson had given the answer before; he wished the colonies to remain under the King. However, King George was unable to think in such terms. When reopening Parliament on 26 October he stated: 'The rebellious war now levied is become more general, and is manifestly carried on for the purpose of establishing an independent empire.' This indictment was fervently rejected by Lord Shelburne, who soon, though too late, was to come very near Jefferson's ideas in his own views concerning the future constitution of the British Empire.[1] The decisions of colonial leaders, however, were precipitated by the certainty that they had become traitors in the eyes of their monarch. 'It is an immense misfortune to the whole Empire to have a king of such a disposition at such a time. . . . To undo his Empire he has but one truth to learn, that after the Colonies have drawn the sword there is but one step more they can take. That step is now pressed upon us. . . . We want neither inducement nor power to declare and assert a separation.' This warning, given again to John Randolph on 29 November,[2] was the valedictory message of Thomas Jefferson to the British Empire. A few months later he framed the Declaration of Independence.

2. EDMUND BURKE AND ADAM SMITH

In the winter of 1774/5 the name of the British Empire acquired a status in British public life which it had not possessed before. It was frequently uttered in the fervour of acute emotion and was meant to arouse emotional response. Though the name was not solely related to the North American dependencies they were felt by then to embody the most valuable human element implied in its meaning. The time had come when the validity of this implication had to be put to the test. Opinions differed on the conditions under which the connection could survive. Whosoever asked for a demonstrative assertion of parliamentary authority obviously supposed that to yield on this point was to abandon the British Empire itself. This conviction determined actual politics; it exposed the Empire to the chances of an ill-directed war, in which it was dissolved. What remained of it clung to the name further on. In the course of time this name became again expressive of specific honours and specific duties. Nevertheless the attitudes of the nation to her Empire

have repeatedly been affected by the remembrance that it had once fallen from apparent greatness. This consciousness could hardly have gone deep if the name had not become invested with a rallying quality just before that ordeal. The hour of crisis, moreover, left a literary heritage. Among the comments evoked by it two became classics of English political literature—that made by Edmund Burke in his America speeches, and that inserted by Adam Smith in the fourth and fifth books of the *Wealth of Nations*.[1] The advice given by the two critics was virtually irreconcilable. Adam Smith may have been thinking of Burke when he conceded that the wisdom of 'parting good friends' was at variance with national pride, and at the same time insisted that colonies which had not contributed to the 'peace establishment' of the Empire could not be considered as being its 'provinces'. No reader could believe in both oracles. But they both assisted Englishmen to face the vicissitudes of the 'Second British Empire' long after the First had gone—Burke by arguing that the allegiance of colonies might be secured rather than jeopardized by a lenient interpretation of imperial authority; Adam Smith by separating the postulate of commercial monopoly from the idea of the imperial connection, and also by weighing the prestige of this connection against its economic and political liabilities.

Readers of 1775 could not have been startled by the advice which Burke had to give on the topical issues. That in the Speech on American Taxation he advocated the repeal of the tea duty but proclaimed the undiminished validity of the Declaration Act was only a reassertion of what had always been held by his party group. In his Speech on Conciliation of 22 March, which pleaded for an abrogation of all the punitive measures inflicted upon Massachusetts, only his demand for a number of general statements of policy could be considered as a new venture. In his practical advice Burke kept to the line which to the public at large had been indicated by his *Observations on the Present State of the Nation* six years earlier. Now as then, he declared that he could not believe in any project for having the colonies represented in the Imperial Parliament. If, however, the passages in the Conciliation Speech which deal with this issue are compared with their parallels in the *Observations*, a difference in tone is noticeable which touches on the heart of the matter.

Regret has taken the place of mockery. After having said that Wales, Chester and Durham were reconciled to being dependent on England only after having gained actual representation in the House of Commons, he confesses that he has almost persuaded himself into 'proposing to you a scheme for representation of the Colonies in Parliament'. He has purposely stressed the analogy of the present American conflict to the situations in which these territories were given representation. Why should Great Britain not try an analogous constitutional solution? 'Perhaps I might be inclined to entertain some such thought.' More than that, 'I do not absolutely assert the impracticability of such a representation'. Only 'I do not see my way to it; and those who have been more confident have not been more successful'. Burke states the fact; he gives no reason. He contents himself with hinting at the difficulty implied in the enormous distance. '*Opposuit natura*—I cannot remove the eternal barriers of the creation.' This attitude contrasts strikingly with the paragraph of the *Observations* which had enlarged on the ridiculous embarrassments which would result from colonial representation in the House of Commons. This solution is no longer contemptuously dismissed as a 'visionary union in which much extravagance appears without any fancy'. It is now presented as being intrinsically so adequate to the problem that it must lead to the demand for an adequate 'substitute'. 'What nature has disjoined in one way, wisdom may unite in another.'

The recommended 'wisdom' is in the 'propositions' to which this passage leads. Burke now believes he has found a way which would make the retreat appear a great constructive achievement. Parliament should put on record the facts on which the colonies have for ten years based their protests that they lacked 'the liberty and privilege of electing and sending any knights and burgesses, or others, to represent them in the High Court of Parliament'; that, owing to this defect, the subsidies imposed on them by that Court have been grievous, and that the defect is incurable; that, on the other hand, everyone of them is possessed of an Assembly chosen by its freemen 'with powers legally to raise . . . duties and taxes towards defraying all sorts of public services'. Parliament should state that experience has shown that the practice of letting the Assemblies make use of these powers has been 'more agreeable to the

inhabitants of the said colonies and more beneficial and conducive to the public service' than parliamentary taxation. Burke carefully avoids any expression which could be construed as denying the rightfulness of parliamentary taxation—in fact, any move in this direction would contradict the defence of the Declaratory Act in which his Taxation Speech culminates. Ultimately, however, the policy urged in the Conciliation Speech amounts to no more or less than a return to the practice of 'requisitions'. It had been applied in times of war—and in the speech, though not in the 'propositions', Burke states that it should be restricted to war needs in the future too. In the same context he wishes Parliament to mark the legal competency of the colony assemblies for the support of their government in peace. This means an explicit abandonment of any such actions on the part of the Government as had been indicated by the Townshend legislation of 1767; the Government should never reserve to itself the right of making custom payments available for what it thought wanting in the salaries granted by the Assemblies to administrative staff and to judges.

'Conciliation', it follows, meant a retreat on every point—a final acceptance of demands which had often been made by the colonies and their advocates and always been rejected by parliamentary majorities. Burke denied that his motion meant nothing more than this. He claimed that, while reinstating the policies observed until the year 1763, he was also enriching the constitution by the proclamation of a fundamental principle. 'My resolutions . . . mean to establish the equity and justice of a taxation of America, by *grant*, and not by *imposition*.' This way, he supposed, would pay materially; but in the colonies it would also pay morally and politically. 'My idea . . . without considering whether we yield as matter of right, or grant as matter of favour, is to admit the people of our colonies into an interest in the constitution.' He went on to say, he wished, 'by recording that admission in the journals of parliament, to give them as strong an assurance as the nature of the thing will admit, that we mean for ever to adhere to that solemn declaration of systematic indulgence'. The solemnity of the declaration, apparently, was the healing measure and the main step forward. Burke asked Parliament to believe that it could transform a defeat into something of a triumph by making it sound like a noble gesture, made more respectable still by the

fine rhetoric of the oration by which it had been initiated. In both speeches the appeal to political common sense, for which they are justly renowned, is combined with an endeavour to solve the political quandary by impressively formulated maxims. This applies not only to rules of prudence by which the orator tries to impress Parliament and—in the printed versions—the nation at large. It applies also, in both speeches, to what he calls his leading 'idea'—'my idea of the constitution of the British Empire, as distinguished from the constitution of Britain'. 'My idea of an empire, as distinguished from a single state or kingdom.'

It would be difficult to formulate this idea in a clear-cut definition; it comes to life only in the context of the phrases which accompany its development. Those which are meant to give substance to it in the Taxation Speech have the sound of a profession of belief, and in this meaning later on captured the heart of many Englishmen. 'The parliament of Great Britain sits at the head of her extensive empire in two capacities: one as the local legislature of this island, providing for all things at home, immediately, and by no other instrument than the executive power.—The other, and I think her nobler capacity, is what I call her imperial character; in which, as from the throne of heaven, she superintends all the several inferior legislatures, and guides and controls them all, without annhilating any.' The Conciliation Speech is crowded with forceful aphorisms on 'empire'. 'An empire is the aggregate of many states under one common head.'[1] 'Turn your eyes to those popular grants from whence all your great supplies are come; and learn to respect that only source of public wealth in the British Empire.' 'It is said . . . that this power of granting, vested in American Assemblies, would dissolve the unity of the Empire . . . truly, Mr Speaker, I do not know what this unity means. . . . The very idea of subordination of parts excludes this notion of simple and undivided unity. England is the head; but it is not the head and the members too.' 'A great empire and little minds go ill together.' 'All this, I know well enough, will sound wild and chimerical to . . . a sort of people who think that nothing exists but what is gross and material; and who, therefore, far from being qualified to be directors of the great movement of empire, are not fit to turn a wheel in the machine.'[2]

The term 'empire', as proclaimed in these and other sentences, remains associated with the meaning of authority. Burke attempts to convince the Parliament of Great Britain that it may continue to believe itself head of the Empire after having allowed this competence to fall into disuse. He also occasionally shows a feeling for the meaning in which the name has endeared itself to Americans; he does this when warning Englishmen that they are now putting American allegiance to a dangerous test. Though the Americans are certainly prepared 'to sacrifice some civil liberties for the advantages to be derived from the communion and fellowship of a great empire', they cannot but assume that they are purchasing a part of the artificial importance of a great empire too dear if they have 'to pay all essential rights, and all the intrinsic dignity of human nature'. These warnings presuppose that, once the question of taxation is removed, the Americans will wholeheartedly fall in with the orator's beliefs and, like him, 'look on the imperial rights of Great Britain and the privileges which the colonists ought to enjoy under these rights, to be just the most reconcilable things in the world'. This confidence was, as we know, no longer completely warranted. Franklin, John Adams and Jefferson were seriously considering making the opposition to parliamentary authority a point of principle which could be raised retroactively so as to legitimate a revision of the commercial code. However, Burke's rhetoric came very near the style in which the British Empire had been glorified by the first defenders of American liberties. 'As long as you have the wisdom to keep the sovereign authority of this country as the sanctuary of liberty, the sacred temple consecrated to our common faith, wherever the chosen race and sons of England worship freedom, they will turn their faces towards you.... Deny them this participation of freedom, and you break that sole bond, which originally made, and must still preserve the unity of the empire.' The authenticity of this interpretation of the British Empire would have been applauded by James Otis and Dr Mayhew had they heard it.

Other antecedents had their part in inspiring the idea of the Empire which Burke in 1775 offered to the nation. The idea had dawned on him in the Stamp Act crisis but he had neglected it for some time. As in the passage of the Conciliation Speech which deals with the problem of

colonial representation in Parliament, so also in the numerous expressions in both speeches which raise the subject of 'empire', Burke uses a language very different from that which in 1769 he launched against the reform programme issuing from the opposition camp, *The Present State of the Nation*. The author of that pamphlet, who was confessedly a friend of George Grenville, had trusted this statesman with a plan which based the public revenue on the economic capacity of the whole British Empire, including Ireland, the American colonies and the domain of the East India Company. He had accordingly envisaged fundamental changes in the handling of the commercial and administrative conditions of all these outlying territories. Burke and his political friends could not be a party to a project which, apart from being contrary to their financial policies, was bound to offend British monopolists of all kinds whom they wished to have on their side. In his *Observations* on the pamphlet he did his utmost to discredit the idea. This intention decisively influenced his attitude at that time to the concept of the Empire itself. The name, he gave his readers to understand, covered conditions so divergent that it could serve no purpose in the discussion of practical issues.[1] In his zeal he forgot or ignored the fact that three years earlier he had used the term to serve a very serious purpose—that in one of his first speeches in the House of Commons he had coined the phrase 'The British Empire must be governed on a plan of freedom, for it will be governed by no other.' Now, in 1774–5, he returned to this earlier attitude. He again felt the term to be adequate to the American problem. He realized he was retracing his steps to those early days of his parliamentary career. The Conciliation Speech testifies to this awareness by another echo of past oratory. 'My idea . . . is to admit the people of our colonies into an interest in the constitution'—this sentence almost reiterates the passage in his speech of 3 February 1766 in which he had demanded: 'Give them an interest in this allegiance, give them some resemblance of the British constitution, some idea of popular representation.' Now, as then, he felt the embarrassing impact of the fact that a middle way between 'perfect and no representation' had not been found. Now as then, he postulated that this difficulty must be overcome by 'a British Empire governed on a plan of freedom'.

Now, as then, Burke's own 'plan of freedom' was actually a policy of

retreat and a programme of abstinence. Recalling his early days in the House he claimed with pride that he had 'continued ever since, without the least deviation', on his 'original sentiments'. This assertion evades an important issue. If 'sentiments' were only borne out by recommendations of a course of action, there could be no contradicting him. But sentiments as expressed in oratory and writing draw their strength from argument; and in this respect Burke could be shown to have been less obstinate. To a certain degree the vicissitudes of his public attachment to what he now called his central idea could be explained by changes in the view he took of the actual situation. Between 1766 and 1774 he had not been so much disturbed by the danger of an irreparable estrangement as he had been in the beginning and at the present time. Apart from this, his position in public and parliamentary life was now safe enough to allow him to present himself as an independent political thinker, and not only to serve the Rockingham Whigs as their enlightened advocate. It seems evident, however, that a literary occurrence assisted his memory and inspired his thought. Sir Francis Bernard's disclosures of May 1774—the *Select Letters* and the *Principles of Law and Policy*—offered Burke something besides the evidence for the legal doubtfulness and economic inadequacy of the financial measures of 1764–5 to which he explicitly referred in the printed version of the Taxation Speech. The *Principles* urged that there was no more vital task enjoined on the British legislators than to formulate clear ideas on the Constitution of the British Empire. The undoubted sovereignty of the 'imperial legislature' had to be reconciled with the legitimate claim of the colonies to enjoy a form of government which 'approached the nearest to that of the sovereign state'. The ideal expedient—and the only one which could be trusted with 'preventing a separation in future times'—was in Bernard's view a 'representation of the American Colonies in the imperial legislature'. At the same time Bernard warned Parliament against stressing its competence to tax the colonies. In the *Principles* he kept this issue apart from the question of representation; but in some of the letters which he now published in the same volume he showed himself strongly impressed by the American attitude which insisted on the inseparability of the two problems. He concluded that the colonies would never submit to taxation as long as they were not admitted to the imperial legislature.[1] It

was this trend of reflection which inspired Burke in the peroration that adorned the Taxation Speech in its printed version, and in salient passages of the Conciliation Speech. It was Bernard's plea for representation of the colonies in Parliament that made him treat his subject with so much tenderness. It was also Bernard's demand for a Constitution of the British Empire that encouraged him to proclaim his ideas and propositions under this heading. The much harassed Governor of Massachusetts could now, through Burke's fame, claim to have devised policies which could secure harmony and stability for the British Empire.

Critics had arisen who insisted that the relations between Great Britain and the American colonies could only be restored to harmony at the price of the dissolution of the imperial connection. John Cartwright had argued from the rights of man and Josiah Tucker from the dictates of political and economic common sense. While the conflict intensified in 1774 and 1775, a thinker, Adam Smith, who rivalled Tucker in economic insight and surpassed him in analytic power, arrived conditionally at the same conclusion. His judgement has entered deeply into national memory, while that of Tucker is known only to the student of history. There are two reasons for this lasting renown. Adam Smith took care to have his reflections on the American problem organically woven into the context of his great systematic work. They could appear on first sight as 'unavoidable inferences of the consistent and comprehensive argument which generation after generation had accepted as the elementary approach to economic reality'. At the same time these reflections were expressed in pithy phrases which could be spontaneously memorized out of any context. This separate life was in some way rooted in their origin. The passages in question were not simply the topical corollaries of the economic analysis to which they were annexed. The radical conclusions at which they arrived had not yet been envisaged by the author when the analysis was maturing in his mind; they referred implicitly to a second context. They embodied his comment on what he had heard and read on the British Empire at the time when its violent disruption was imminent.

The system of the *Inquiry into the Nature and Causes of the Wealth of Nations* was fully elaborated and the course of its argument was arranged before any reason arose for inserting those passages. Adam Smith was

looking forward to completing the book within a short time and not intending to give current political issues a place in its doctrinal conclusions and historical surveys, when in 1773 he brought the manuscript from his native Kirkcaldy to London.[1] There, after some months, he found politicians embarrassed by the Bostonian challenge. From the start he must have been aware of the fundamental diversity of outlook which prevented him from sharing the passions of those who urged drastic counter-measures. Neither could he agree with Burke and his political friends, who imagined that healthy conditions would be restored by an abrogation of tax demands. In his view, the actual points at issue counted little in comparison with the basic principle of the colonial system, which was considered by all parties concerned as the mainspring of national wealth, while he had come to think of it as the most dangerous illusion which could beset a nation. He believed that the demand for commercial monopolies should be resisted. No policy could be socially just or materially far-seeing which measured the progress of society at large by the benefits which a particular class, especially that of manufacturers and merchants, secured or believed to have secured for themselves by exclusive rights. He dissented from the most generally accepted interpretation of recent history. He denied that the enrichment of the Western European nations during the last century was a blessing imparted to them by the classes engaged in overseas trade and by the policies adapted to their interests. Spectacular commercial gains, ostensibly brought about by the balance of trade, could be shown to fall short of the advantages which for the nation as a whole would have resulted from a less discriminating attitude to economic activities and wants. High rates of profit such as were fostered by special monopolies were bound to give a biased and unsound direction to the flow of capital and, furthermore, to destroy the 'sober virtue' of parsimony by which the owners of mercantile capital alone could set an example to the industrious part of the nation. Colonies were the field of commercial activity in which monopolists found their demands most easily satisfied.

To control the imports of these countries, to obtain a substantial share in their export trade, to make their industrial energies subservient to those of the mother-country and to prevent their competitive effect European merchants and manufacturers needed only the protection

guaranteed by the command of the metropolitan government, and this assistance had been given. Therefore the management of modern colonies, which had been eulogized under the guise of 'fundamental laws of Europe' by Montesquieu, was singled out by Adam Smith as a glaring instance of misdirected economic thought and policy. He did not deny that the discoveries to which they owed their existence had proved stimulating to the economic energies of 'Europe considered as one great country'. But the occupation of those remote countries and the subjugation of their native inhabitants had not been examples of the most respectable morality; nor was the 'common policy of Europe', which subjected every colony to the monopolists of its mother-country, directed by enlightened views. Great Britain, of all European countries, certainly cared most for the protection of the interests of the colonies as distinct from those of her own traders. The prohibition of colonial manufacturers, unjust though it was, was, in principle, not really harmful so long as land was cheap and labour dear in America, and economic energies could concentrate on agriculture. Great Britain ought in her own interest to make an end to a policy which made her industry, 'instead of being accommodated to a great number of small markets . . . principally suited to one great market'—the colonial market. A sudden radical change could not be advised; but future dangers which would result from the unnatural direction of economic activities must be forestalled. In the present situation 'some moderate and gradual relaxation of the laws which give to Great Britain the exclusive trade to the colonies, till it is rendered in a great measure free, seems to be the only expedient which can, in all future times, deliver her from this danger. . . .'

It was in these terms, we may safely assume, that the problem of the American colonies presented itself to Adam Smith before the crisis of 1774. He concentrated on it as a single important instance of the general problem of colonial monopolies and the economic fallacies bound up with them. He issued warnings against the losses which the British economy was inflicting on itself so long as it remained dominated by these misconceptions; he was not free from prejudice in his conclusions. He took it for granted that British exports to America diverted a disproportionate quantity of capital from other markets and made for 'overgrown manufactures'. He did not take the trouble to check this supposition

by factual evidence when his stay in London from 1773 onwards gave him the opportunity.[1] He may have felt confirmed in his assumption when he found it shared by advocates of conciliation like Burke, who insisted that, while in the beginning of the century 'the colony trade was but one twelfth part' of the export commerce, it was now 'considerably more than a third of the whole'. The question of principle from which the present troubles originated, the question whether and how colonies should be taxed by the metropolitan authorities, had, it appears, no place in Adam Smith's plan of work as elaborated at Kirkcaldy. No rubric is provided for it in that section of the *Wealth of Nations* which would have been most appropriate for its systematic treatment: Book V, 'Of the Revenue of the Sovereign or Commonwealth'. Only when living at the centre of political decisions and witnessing how these produced one dangerous situation after another did Adam Smith bring the question and all that had issued from it into the orbit of his argument. He examined the mutual relation between the problem of colonies such as he had defined it and the manner in which it had become a matter of conflict between Great Britain and America. He read pamphlets and reports of speeches and in particular observed the opinions contributed by writers who were regarded as well informed on the economic side—*The Present State of the Nation*, Burke, Tucker, Pownall. His literary aims remained different from theirs; he could not possibly change the character of his book in the middle of the doctrinal argument by making it into a pamphlet. He assumed while he was writing that the actual conflict would have given place to negotiations for a lasting settlement by the time his book was published. He supplemented his chapter 'On Colonies' by outlining the principles which were needed for such a settlement. This meant enlarging the scope of the chapter to include a new problem. His answer to this problem was based on different criteria from the purely economic which had justified his original advice of gradually mitigating the system of monopolies.[2]

The question he now posed no longer concerned colonial systems in general, but only the system established in British America, and it transferred the emphasis from the structure of economic activities to the balance-sheet of public finances. What was the relation in which the revenue contributed by the colonies stood to the expenses which they

occasioned to the mother-country? Smith discarded the answers given by Americans. He denied that the advantages which the colonists conceded to the British monopolists in commercial intercourse represented extra indirect contributions to Britain's revenue. He refused to acknowledge that 'the monopoly . . . by increasing the private revenue of the people of Great Britain, and thereby enabling them to pay greater taxes, compensates the deficiency of the public revenue of the colonies'. This construction was unacceptable, because the monopoly of a 'particular order of men' had been proved to be to the detriment of the people in general, 'and consequently diminishes instead of increasing the ability of the great body of the people to pay taxes'. Adam Smith had more sympathy for an argument often heard from America concerning the expenses which Great Britain had incurred and was still incurring on behalf of the colonies, first in waging war and now in maintaining their 'ordinary peace establishment'. This money, the argument went, had been spent for the benefit of the monopolists. The cost of the Spanish and French war was, 'in reality, a bounty which has been given in order to support a monopoly'. However, Smith was not prepared to agree with the Americans that on the strength of this statement they should refuse to acknowledge any financial obligation towards the parent state. He held that there was no doubt that the colonies benefited from the interest which Great Britain devoted to them on behalf of the monopolists. He told Parliament that 'in attempting to exercise its supposed right . . . of taxing the Colonies' it had 'never hitherto demanded of them anything which even approached to a just proportion to what was paid by their fellow subjects at home'. Should that proportion be regularly fixed—the rise or fall of the land-bid being taken as measure—the 'supposed' right would, in his opinion, even become a legitimate one; 'the Colonies might in this case be considered as virtually represented in Parliament'. So he had something to say in favour of the constitutional principle which was most ardently rejected by the colonies. But he found that as matters stood now the balance-sheet showed heavy expenses on the side of the mother-country and no adequate revenue, either ordinary or extra-ordinary, obtained in return from the colonies.

Seen in these terms the mutual relationship between Great Britain and the colonies was so unequal that there was no room for partial remedies.

Smith refused to consider either of the two political attitudes into which British public opinion was in the main divided. As no attempt had been made to make the colonies bear a proportionate share in the expenses incurred on their account, it was in his opinion preposterous to use force to make them amenable to the payment of paltry port-duties. On the other hand, he could not even discuss the demand of the parliamentary opposition that exemption from taxes should remain the rule for the colonies. This would have been a dangerous commitment sanctioning an unjustifiable policy. The only suggestion for a compromise which he thought worth answering was 'that the Colonies should be taxed by requisition', so that every colonial Assembly should be in duty bound to satisfy a tax demand issuing from Parliament, but could decide for itself how to levy the tax. He mentioned this scheme only to reject it. It left room for evasion; and, besides, it was beneath the 'dignity' to which 'the leading men of America' felt they had risen. Had they not in answer to such a proposal—Lord North's 'olive-branch' bill—'like other ambitious and high-spirited men . . . rather chosen to draw the sword in defence of their own importance'? Their system needed an entirely new basis.

Two radical suggestions had been propounded. Both were highly unpopular; but Smith thought them the only reasonable ones. One was that of Tucker—voluntarily to dissolve the political connection altogether. Smith knew that such abnegation could not be proposed by 'the most visionary enthusiasts . . . with any serious hopes at least of its ever being adopted'. Nevertheless, he said plainly, 'parting good friends' would be a counsel of wisdom for Britain. It would relieve her of the unprofitable burden 'of the peace establishment of the Colonies', which at present benefited, apart from the monopolists, only 'the private interest of her governing part', which had 'the disposal of many places of trust and profit'. A treaty of commerce would follow which would favour Great Britain, but not to the extent of perpetuating the monopoly. The Americans would, 'instead of turbulent and factious subjects, become our most faithful, affectionate, and generous allies'.

The alternative solution was that originally cherished by Benjamin Franklin and renewed—partially at least—by, among others, Bernard, Pownall and *The Present State*: a legislative union which in matters of

taxes as in matters of trade made the colonists completely the equals of Britons. Under the present circumstances this project should be tried in order to stop the rebellion. All this was written when the Continental Congress had already decided on 'taking up arms'. 'To each colony, which should detach itself from the general confederacy, Great Britain should allow such a number of representatives as suited the proportion of what it contributed to the public revenue of the Empire, in consequence of its being subjected to the same taxes, and on compensation admitted to the same freedom of trade with its fellow-subjects at home.' While Burke shirked making a decision as to whether a representation of the colonies in Parliament was practicable or not, Smith entreated his countrymen not to be deterred by the 'great difficulties' which might 'occur in the execution' of this plan of union. 'I have heard of none . . .which appear insurmountable.' In his opinion the main difficulties were imaginations rather than realities—'prejudices and opinions of the people both on this and on the other side of the Atlantic'. Against these prejudices he marshalled arguments of lasting interest. To the uncompromising defenders of parliamentary authority he pointed out that without 'a union of Great Britain with her Colonies' the British constitution 'seems to be imperfect. . . . The assembly which deliberates and decides concerning the affairs of every part of the empire . . . ought certainly to have representatives from every part of it.' In answer to American reluctance, Smith argued—not without some malice—that the same feeling of importance which had incited the leading men of America to wage war 'against the best of all mother countries' would make membership in Parliament extremely attractive to them. It would mean to them 'a new method of acquiring importance, a new and more dazzling object of ambition'. They would, at the same time, necessarily always remember that the fulfilment of their ambition was dependent on the good-will of their constituents. Seats in Parliament would not, as was apparently feared in America, make them waver in their colonial loyalties. They would certainly persist in 'complaining, with all the authority of a member of the legislature, of every outrage which any civil or military officer might be guilty of in those remote parts of the empire'. On both heads Smith agreed with Governor Bernard, and on the first also with Knox, the author of the *State of the Nation*. These conscientious civil

servants, however, would not have countenanced the equanimity with which the dispassionate thinker envisaged the prospects in which Franklin and Pownall had occasionally indulged. The Americans, he said, had some reason to expect that their distance 'from the seat of governments would not be of very long continuance. . . . In the course of little more than a century, perhaps, the produce of America might exceed that of British taxation. The seat of the empire would then naturally remove itself to that part of the empire which contributed most to the general defence and support of the whole.'[1]

To the modern reader it may appear unnatural that 'the Empire' or 'the British Empire' should occur again and again in the paragraphs that show the irrationality of the contemporary system of colonial rights and duties and plead for a thorough reconstruction. In the argument of the book, however, the use of this terminology represented as much of a new venture as the unprecedented concern for the problem itself. We would not find the name appearing in the preceding sections of the chapter 'On Colonies', which, we must assume, had been devised before the crisis of 1774–5. The continual recurrence of the name in the reflections suggested by this crisis shows the popularity it had newly acquired in London. Smith implicitly commented on these discussions by showing the logical implications of the topical term. At the outset of the whole section, however, he gave it a particular twist. Passing on from the economic criticism of colonial monopolies in general to the ruthless exposure of the losses which they had entailed for Great Britain in the management of her American dominions, he uttered the most scathing of all his pronouncements. He concluded that the establishment of the British colonies in North America could only be understood as a project 'to found a great empire for the sole purpose of raising up a people of customers'. To make this verdict still more degrading, he added the famous analysis of North American history which showed England to have acted as 'a nation whose government is influenced by shopkeepers'. Thus he demonstrated that 'under the present management Great Britain derives nothing but loss from the dominion which she assumes over her colonies', and went on to regret that national pride, together with private interests, prevented the nation from abandoning authority over her colonies.

After having been inserted into the chapter 'On Colonies', the alternative of union with the colonies or voluntary abandonment of them was made the subject of a postscript to the whole work—and this time separation was given the last word. The scrutiny of the emergence and settlement of public debts in modern states led to the conclusion that in Great Britain the means of public revenue available up till then would never suffice to defray the debts which the state had to contract, especially in times of war. Two alternative solutions were possible—either a 'very considerable augmentation of the public revenue or some equally considerable reduction of the public expense'. Which of these should be chosen depended on the part which the British Empire was to play in future politics. The name of the Empire again loomed large in this closing section. 'By extending the British system of taxation to all the different provinces of the empire inhabited by people of either British or European extraction, a much greater augmentation of revenue might be expected.' How this extension would be carried out in Ireland and the colonies is set forth at great length. At the end 'the territorial acquisitions of the East India Company' were also considered as a legitimate source of revenue—with a view not to new taxes but to a reform of the corrupt management. So in a way the whole argument represented an improved reconsideration of the idea once mooted by the author of *The Present State of the Nation*.[1] Smith here, as at other times, proved undeterred by Burke's devastating invectives which had so much impressed the public at large. With regard to America and now to Ireland too, he stated very forcefully that making them 'contribute towards the discharge of the public debt of Great Britain' is by no means 'contrary to justice'. The debt in question had 'been contracted in support of . . . a government to which several of the colonies of America owe their present charters, and consequently their present constitution, and to which all the colonies of America owe the liberty, security, and property which they have ever since enjoyed'. This time, even more clearly than in the earlier passage, Smith refused to listen to the assertion of the colonies that they did not owe anything to the mother-country. He again presupposed, however, that the extension of the British system of taxation to the colonies (and Ireland) was bound up with having them represented in Parliament too. 'A fair and equal representation of all those different provinces' must be

provided, proportionate to the taxes borne by each one. The British Parliament would, he intimated, become 'the States General of the British Empire'.[1] Smith was certain that, apart from solving the problem of the British revenue and debt, such a union would bestow 'happiness and tranquillity' on Ireland and America themselves. The internal peace of the colonies in particular would no longer be threatened by the rancorous and virulent factions which are inseparable from small democracies. They would 'probably soon enjoy a degree of concord and unanimity at present unknown in any part of the British Empire'. They would, on the other hand, expose themselves to the most virulent impact of that factiousness, if they decided on 'a total separation from Great Britain'—and such a separation, 'unless prevented by a union of this kind, seems very likely to take place'.

This remark indicates that when the author gave his book the finishing touches events in America had reached an ominous stage, which he had still thought avoidable when in the chapter 'On Colonies' he recommended 'parting good friends'. The mutual estrangement which made total separation a near issue threw a deep shadow on the scheme of 'union'. Smith conceded that it must be 'regarded but as a new Utopia', and thinks it necessary to defend its elaborate exposition as a kind of doctrinal experiment; 'it may not, perhaps, be improper, in a speculative work of this kind, to consider how far the British system of taxation might be applicable to all the different provinces of the Empire'. If, however, 'union' is written off, 'augmentation of revenue' is in the same predicament. Growing public debts can be counteracted only by a considerable reduction of expense. This reduction can be accomplished only in that field of public interests where expenses have proved most heavy and revenue negligible. The colonies, and especially the war expenditure which has been incurred on their behalf and for which Britain might still be liable, represent a drain on British finances which must be taken into serious consideration. Britain must be prepared to agree to what up till now only 'visionary enthusiasts' would tentatively have advised—the renunciation of responsibility for the colonies. Once more, and this time even more stringently, Smith insists that such abnegation would not really mean a loss. His exposition of the rightful way in which the colonies should share the burden of the Empire helps him to come to a

clear-cut conclusion. 'It was because the Colonies were supposed to be provinces of the British Empire that this expense was laid out upon them. But countries which contribute neither revenue nor military force towards the support of the Empire cannot be considered as provinces.'

The statement admits of being reversed. If the colonies cannot meaningfully be called 'provinces of the British Empire', no British Empire really exists in America. This conclusion is couched in the most ruthless form. 'The rulers of Great Britain have, for more than a century past, amused the people with the imagination that they possessed a great empire on the west side of the Atlantic. This empire, however, has hitherto existed in imagination only. It has hitherto been, not an empire, but the project of an empire. . . .' In what they say of the past, we know, these sentences are misleading. Hitherto the rulers of Great Britain had done very little to impress the nation with the idea of her Empire beyond the ocean. It was only because he had for a year heard much about the British Empire and about America as its most vital interest that Adam Smith could formulate this verdict in 1775. He also did poor justice to the then rulers and the people in general when he told them that it was 'surely now time' to awake from that 'golden dream'. He made the advocates of forcible self-assertion appear more dominated by mercantile greed than they really were. As, however, that 'union' which alone could give reality to the Empire in America was definitely to be dismissed as a utopia, this remained Adam Smith's definitive judgement. 'If the project cannot be completed, it ought to be given up.' Further, the nation should 'endeavour to accommodate her future views and designs to the real mediocrity of her circumstances'. This derogatory tone matched that other phrase about 'the Empire of customers fit for a nation whose government is influenced by shopkeepers'. To enhance the impression of this gloss Smith repeated it at the end of the following chapter in the second edition.

All this was said with regard to the management of the American colonies. But Adam Smith's sarcasm has become a classical aid to those who wish to revile the nation of shopkeepers or to identifying empire with the creation of capitalistic preserves, as well as for those who pride themselves on being 'anti-imperialists'.

VI

THE IMPERIAL PROBLEM OF IRELAND

I. THE AFTERMATH OF THE AMERICAN REVOLUTION AND IRELAND

The divergent interpretations of the British Empire, to which Englishmen and Americans had clung before their conflict grew into war, lost relevance at an early stage of the hostilities. On the American side this abandonment made the claim to lasting loyalty vanish entirely. No farewell was said to the British Empire when on 4 July 1776 the man who had not long before asserted allegiance to it proclaimed the United States of America to be independent of the Kingdom of Great Britain. For six years the leaders of British politics refused to accept this decision. However, any hope that the colonies would ever return to the Empire in submission to the authority of Parliament 'in all cases whatsoever' was more or less openly discarded even before the surrender of Saratoga. In the budget debates of May 1777 Charles Jenkinson of the Treasury contented himself with proclaiming that he would 'never depart from his original opinion, that if America was to remain a part of the British Empire she ought most certainly to bear a proportionate share of the expense of general protection'. The chief minister preferred to place the accents differently. 'It was no longer', so Lord North said in the same debate, a question 'whether we should tax them or let them tax themselves; it was simply whether America was any longer to form a part of the British Empire.'[1] This was tantamount to replacing the principle of imperial authority vested in Parliament by an undefined notion of loyalty. A year later the same minister prevailed upon the King and Parliament to attempt to restore the connection on the basis of a treaty, in which some contribution of the colonies 'to the public charge would figure as a mere act of free will'. He took it for granted that the Declaratory Act of 1766, that palladium of 'imperial' authority, would have to be abrogated. He merely wanted the shameful formality of an explicit repeal to be avoided 'by a declaration to be framed upon the close of the whole

treaty of the respective rights of Great Britain and America'. The elaborate proposals of which these stipulations formed a part offered the rebels a rich variety of liberal conditions, which were intended to persuade them to 'preserve and secure their connection with Great Britain' so that 'the sovereignty of the mother-country should not be infringed'. Even their own federal union, as constituted by the Congress, was included in the concessions.[1]

These propositions for a reunion on a treaty basis, which came very near the ideas of Franklin and Chatham three years earlier, were a desperate last-minute attempt to forestall the alliance between the new United States and Great Britain's old rivals, the Bourbons of France and Spain. The attempt failed. French naval forces and subsidies enabled the Americans to carry on resistance until decisive victory. Moreover, France, assisted by Spain, dealt sensational blows at Britain's overseas communications and, consequently, at her commerce and many of her dependencies—Florida, the West Indies, Minorca. Gibraltar was almost lost. The narrow waters of Great Britain and Ireland were incessantly haunted by enemy ships, the islands themselves threatened with invasion. In the most unlucky of all British wars everything that went under the name of British Empire was exposed to the danger of irretrievable loss. That name became fatally linked with the spectacle of humiliation. Finally, after the British forces on the American mainland had been put out of action at Yorktown in October 1781, the government and the nation could no longer avoid resigning themselves to the secession of the communities to which the name of the British Empire had lately been related most emphatically—the old colonies. Only thus could they hope to stand up to their European enemies and force them to be satisfied by minor territorial gains to be snatched from the Empire elsewhere.

The unremitting sequence of defeats and dispossessions went far to demonstrate that the British Empire was incapable of justifying its name. How did fear for its loss act on the emotive appeal implied in that name? The answer must be that its appeal was markedly enhanced. The name was voiced with bewilderment, with apprehension, with valedictory regret, with hope for a better future; but in all these connotations it became confirmed as signifying a vital cause with which the nation could not part. The question of constitutional implications which had flared up in

1774–5 had given place to the question of the physical survival of the larger political entity to which it referred—British dominion in its world-wide extent. The change of aspect gave the word overtones of affection more genuine than ever before. It became expressive of a consciousness to which the existence of Britain and the existence of a British Empire beyond the seas were inseparable notions. In 1778 when 'Bourbon and his compere' were certain to join the 'fellow Protestants, citizens and brethren' of Britain in America, an anonymous 'private individual' undertook to rouse the nation in *An Ode to Peace, Occasioned by the Present Crisis of the British Empire.* His grief—expounded in his prose-reflections as movingly as in his solemn verses—is caused by the conviction that 'the present horrid and most unnatural civil war' has, indeed, been occasioned by the same sin being committed on both sides, 'the lack of mutual good-will to have made concessions to each other'. However, Britain has proved the more wanting in this respect and therefore the more guilty of 'the spirit of devastation going abroad through the British Empire'. 'One part of the British Empire destroying the trade and robbing the products of the other is an unparalleled—what shall I call it? The deed has not a name in the annals of civilized nations....' Such an immoral war 'must eventually sap the foundations of the once glorious Empire . . .'. The poet sees it 'tottering to its fall' and victory accruing 'to our common enemies, France and Spain'. The 'spirit, vigour, genius' which before have helped 'Albion, riding empress of the deep' to triumph over these enemies, seems to have fled. In the end the author expresses his conviction that the nation is afflicted by wrong leadership which is dissipating the Empire.

> Which of thy statesmen, Britain, stands our test,
> Tho' basking full in sunshine of a throne?—
> Strange! spendthrifts, gamblers, to invest.
> With no self-empire of their own,
> Yet with an empire's boundless pow'r.[1]

Another malcontent wished the deluded people to put pressure upon Parliament so that the 'pilferers of the Empire' could be brought to account.[2] Such outraged exponents of popular unrest could not know that to the monarch by whom they felt misled the name of the Empire

was as hallowed as it was to them. Like many of his subjects, George III, by now denoted his own dominions by this dignified term, which not long ago had seemed restricted to the nominal realm of the Roman-German Emperor. And since the seriousness of American resistance had impressed itself on the King, he had become convinced that the integrity of the Empire had been committed to his guardianship, together with the 'beauty excellence and perfection of the British Constitution as by law established'. The two issues had coalesced in his thoughts. They both represented the cause which 'the wisdom of our ancestors has carefully transmitted to us', and the preservation of which to 'latest prosperity' was 'worth going through any difficulty'. He tried hard to make his ministers emulate his unfailing adherence to this mission. He would accept only those men in office who solemnly undertook 'to keep the Empire entire'. Once this sacred aim was manifested he trusted that the firmness which was 'the characteristic of an Englishman' would animate all 'who will cordially unite in that point'. The Americans had to be brought back because, 'if any one branch of the Empire is allowed to cast off its dependency, the others will infallibly follow the example'.[1]

'The others'—we can scarcely doubt that George was thinking of Ireland when he gave this warning to Lord North in November 1778. He must have guessed, if he did not know, that the educated Protestants of that country—not only Presbyterians, but Anglicans too—heartily sympathized with the cause of the Americans. They had, indeed, every reason not to imitate those rebels in repudiating the allegiance of the country to the crown of Great Britain. They had been installed by English power as the land-owning and exclusively privileged minority in a nation penalized for politically obsolete and persistent Catholic loyalties. Their political organization was nominally that not of a colony but of a separate kingdom, formed on the model of Great Britain, with Houses of Parliament reserved for Anglicans, which could debate grievances, pass laws and, outside the limits of a 'hereditary revenue' of the Crown, demonstrate the power of the purse. At the same time, however, they laboured under a dependence more annoying and degrading than that against which the Americans had rebelled; therefore their contention was bound to become more open as the American rebellion progressed. The legislative competence of the Irish Parliament had ere long become

restricted by 'Poynings' law' to bills brought forward and authorized by the English Privy Council. Moreover, the British legislature had, after the accession of the House of Hanover, exploited the helplessness of Ireland by enacting the Declaratory Act—the 6th of George I, 1719—by which it empowered itself to legislate for Ireland 'in all causes whatsoever'. These checks on legislative authority were most resented in economic matters. They prevented the Irish Parliament from rescinding the measure by which under English pressure it had, in King William's reign, handicapped the national industry—the prohibition of exports of woollens and glass—and generally from initiating a commercial policy of its own. Other economic discriminations originating from British commercial jealousy remained in the hands of the British legislature in any case. Ireland was, in matters of trade, a foreign country in relation to Britain; in particular, it was excluded from the benefits of the Navigation Laws. Effective remonstrance against this complex system of repression had so far been prevented by the artful machinery of influence which made the 'Castle'—the King's Lieutenant Governor and his Council—a decisive factor in the Dublin House of Commons as soon as votes were to be passed. The English example of a majority representing insignificant boroughs was repeated in Ireland, with the result that most members were dependent on the favours of the government or of noblemen who habitually sided with it. Only a small number of members who were either elected by independent constituencies or patronized by independent borough owners could form an opposition. Such a group of 'patriots' came to the fore after the American war. The example of British parliamentary leaders—their oratory as well as their mastery of economic and legal detail—had not been lost on these men. It was as a member of this opposition that Henry Grattan rose from 'languishing in obscurity' to leadership in 1779–80.[1]

The programme on which these men united had two main points—'Free Trade', that is to say, the abolition of the commercial discriminations, and a 'Constitution', that is to say, the establishment of the legislative independence of the Irish Parliament. These demands won strength from the fact that the Government of Lord North had tried to win the Americans back by analogous concessions. Their fulfilment, however, depended on the degree to which the aspirations of the parliamentary

patriots could be backed by popular agitation. Such pressure materialized from 1779 onwards. Restiveness spreading in Britain on account of the calamitous conduct of the war was a challenge to Irish self-assertion.[1] At the same time the liabilities of defence to which Ireland saw herself exposed after France had entered the War encouraged collective action. Economic distress, however, was the first inducement to organized protest. The war with America had deprived the country of the only remunerative exports left to it—the linen and the provision trades. This loss gave urgency to the demand for 'Free Trade'. As the British legislature had so far answered this demand only by some minor concessions, Irish merchants and manufacturers resorted to the measure which the Americans had twice proved to be an efficient instrument of remonstrance. They united against importation. Soon afterwards a voluntary organization of quite another kind arose. It virtually rallied the Irish Protestants, Anglicans as well as Nonconformists, as a people in arms, and found active sympathizers even in Catholic quarters. The British regular troops had been sent overseas; the island was exposed to French invasion. The Protestants of the North spontaneously united to defend the country if need be. Other provinces followed suit. The Government, in spite of natural reluctance, could not possibly repudiate this autonomous militia; on the contrary it had to provide it with military equipment. The political implications were clear from the outset. The Volunteers had formed their companies in a genuine zeal to ward off the French. But they were also unanimously conscious of their solidarity in the basic demands of the parliamentary opposition and eager to demonstrate their moral and physical support for them. The Earl of Charlemont, the aristocratic patron of Henry Grattan, was their Commander-in-Chief. The only limit to their efficacy as an instrument for reform was the restraint which their political leaders might impose on themselves in view of the external danger. No such restraint was practised with regard to the economic demands which appeared most urgent. 'Free Trade' was wrung from the British Parliament in the winter of 1779–80. Constitutional reform stood next on the agenda; but the political leaders were not unanimous about its immediate enforcement. Grattan could not find a sufficient following for his demand for a Declaration of Irish Rights in April 1780. However, political debate, inside and outside

Parliament, was much enlivened. It is in this atmosphere that the concept of the British Empire became a meaningful theme in Irish public life.[1]

Its emergence was not, like that of the demand for legislative independence, inspired by American precedents. American publicists from the young Franklin to the young Jefferson had proclaimed belief in the British Empire, in the conviction that their country was itself a branch of the British nation, and that moreover it embodied the future glories of Britain. No such dreams could be cherished by the Irish, even by those among them who by education and personal ties were most closely connected with the other island. Whatever their racial ancestry, they had learned to be a separate nation and a separate kingdom. The connection of this kingdom with the British Empire was, more obviously than in the case of the colonies, one of dependence on Great Britain rather than of partnership with her. The Irish were, indeed, protected by the British 'empire of the sea'; but they drew little benefit from British dominance overseas, and in their own country they saw British power manifesting itself in economic constraint and political control. These chains were now about to be loosened. Educated and well-to-do Irishmen were enabled and even stimulated by this prospect to make it clear that they joined in the concern for the 'Empire as a whole' which had now become a patriotic theme in Great Britain. The other island, however, was in their estimation bound to remain the main domicile of the Empire. Though closely interconnected, Irish interests and imperial interests were not necessarily identical. In the new era of Irish political life and language the concept of the British Empire had an assured place. The name was expressive of sincere feelings of allegiance. For the future of Anglo-Irish relations much depended on the preservation of this implied meaning. It could become perverted into reserve and resentment.

In the question of 'Free Trade' the view that the suffocation of Irish manufactures, particularly of Irish woollens, was not in the common British interest, had often been heard;[2] it had lately been made a matter of first principles by Adam Smith. Now that the restive tradespeople of Ireland could look forward to forceful assistance on the part of the Volunteers, a gentleman in a high position in Dublin, well known up till then for his acceptance of the favours of the Government, joined the ranks of the national opposition and published an extensive arraignment

of the system of 'commercial restraints'. This was the Provost of Trinity College, John Hely-Hutchinson. The series of pamphlets in which, during August and September 1779, he showed these restrictions to be the roots of Irish poverty and distress were manifestly meant to preach reason to the British legislators. They were packed with statistical data showing the steady deterioration which urban and rural conditions had undergone from the time of Queen Anne, and urged emphatically that such ruin was harmful to the revenue and that therefore the interest of the Empire as a whole called for an abolition of these restraints. The author made a special point of emphasizing that he spoke as a real 'friend to the British Empire'. He wanted his British readers to realize that if Ireland were allowed to trade freely with other countries she 'could bear a part of those burthens, under which Great Britain labours in her effort for the protection of the British Empire'. The resolutions by which the Irish Parliament demanded free exportation and free intercourse with the colonies echoed the same note. The second of them predicted that the emancipation of trade would 'give new vigour to the zeal of His Majesty's brave and loyal people of Ireland to stand forward in support of His Majesty's person and Government, and the dignity of the British Empire'.[1]

These repeated references show that Irish patriots were well aware of the significance of the idea in England. Many of them, moreover, eagerly took up the question of the legislative independence of Ireland, an issue which Hely-Hutchinson had tried to avoid for the time. Indeed, Henry Grattan, the leader in the radical interpretation of Irish rights, did not bother to relate this demand to any new prospects for the British Empire. His motion of 19 April 1780 has become famous in the version of the posthumous collection of his speeches. In this version, indeed, Britain is apostrophized about the great potentialities of the Empire. But these phrases were (like the greater part of the early speeches in that collection) turned by him more than forty years after he had delivered the speech. They formed no part of the original oration.[2] An opponent bade the House take care that, while they were endeavouring to assert the rights and the constitution of Ireland, they should 'recollect that we are no inconsiderable part of the British Empire'. The responsibilities of this position, he said, forbade them 'to embarrass administration' at the

present juncture. Another member despised such fears. He declared that 'no opportunity is improper to assert our rights and the constitution of the Empire'. Another adherent of Grattan even held that the resolution just moved might be the only means to 'save this country from scenes of blood' and to make it valuable in the present 'distracted state of the British Empire. . . . When the rights of the peolpe are upheld we may defy the menaces of our enemies.'[1]

Some Volunteer units professed a similar feeling. They hailed Grattan's speech as a 'noble struggle' towards the uniting of the British Empire. Characteristically enough the orator avoided endorsing this interpretation when answering their addresses.[2] After the defeat of his first 'Declaration of Irish rights' he and his friends made a diversion by moving a biennial Irish Mutiny Bill. Against it the objection was raised that such a law would impair the unity of the Empire. Grattan vehemently resented this language. When on the insistence of the British Government the reform had been watered down to a 'Perpetual Mutiny Bill'—precluding the parliamentary control implied in the English model—he told the Irish people in a pamphlet what he may have told the House already: 'The army is not imperial, the constitution does not conceive an empire, neither is it founded upon maxims imperial or military. . . . Imperial armies, imperial legislatures, imperial unities are terms, in my mind, of very little meaning; they are the vanities of the British court, harassing the connections of the British nation.'[3] Whether knowingly or not, he almost fell in with 'Novanglus'. His political friends did not share his misgivings. Charlemont again and again accepted addresses from Volunteer officers who assured him of their devotion to the honour, the welfare, and even the glory of the British Empire.[4]

The 'glory' became a rather doubtful prospect when the news of the catastrophe of Yorktown reached Dublin late in 1781. It was on this mournful occasion, however, that the members of the Irish Commons vied most passionately with one another in professions of allegiance to the British Empire. Barry Yelverton, who had been in the forefront of the struggle for reform, took the lead. For the meeting of the House on December 5 he had prepared a new motion on the demand for the amendment of Poyning's Law. He now opened the discussion by declaring it 'but decent to defer the consideration' of this matter 'and for

the present devote my whole faculties to the momentous situation of the public affairs of the British Empire'. He contended that Britain 'struggling with magnanimity against a warring world' was now becoming 'the object of admiration of every generous mind'. To Irishmen this situation meant a particular challenge. 'We are called upon to testify our affection and unalterable attachment to that country, and to convince foreign nations that we do not despair of the Common-Wealth, but that the British Empire still has power and resources to render her formidable to her numerous enemies, and to convince them that the dismemberment she has suffered, has only served to draw the remaining parts into closer union and interest.' This testimony ought to be delivered in a solemn address by which the House would declare 'our warmest zeal for the honour of His Majesty's crown, and our most earnest wishes for the British Empire'. The items of the declaration suggested by Yelverton assured the King that the Irish Commons felt it to be their 'hearty inclination' as well as their 'indispensable duty' to support him in the conduct of the war against the confederacy of his enemies. This was objected to because it could be construed as encouraging the continuation of the distasteful and now hopeless attempt of subduing the Americans. Grattan was most bitter. He declared the Empire to be in ruins already. He desired besides not to have it forgotten that 'England has still the old hankering after power'. Until she would 'renounce all claim to control this country, it would be madness in Irishmen to support her amibition'. But he added that it was in the interest of the sister-kingdom herself not to 'urge on a phrenzy that cannot enslave America, but must ruin England' and that he had' as much regard for England as any man can have that loves Ireland better'. That was not enough for Yelverton. 'When our commerce', he answered, 'was unjustly restricted, the best blood of Ireland was shed in support of the British Empire, and shall we now, that we participate in her dearest interest, sit sullen down with folded arms, and see that empire destroyed?' In making the Empire the keynote of the motion he had the concurrence of the House. Some members felt that by doing her utmost in the present emergency Ireland would rise in status and get her legitimate demands fulfilled. Therefore 'now or never' was 'the time to support the Empire', 'to transfuse one soul through the part of the Empire that remains',

'to unite and bind together Great Britain and Ireland, the two great remaining pillars of the Empire, by every bond and connection. . . .'[1]

Once having given these solemn promises, Irish patriots preferred not to wait for English gratitude, but to press their constitutional demands now that Great Britain was most manifestly in want of their assistance. They did not need to be discouraged by the renewed failure of their leaders to make the majority of the Commons amenable to staunch resolutions. They knew that their aims were unanimously endorsed by the disciplined cadres of the new national army. While the viceregal 'Castle' had always been able to manage the Parliament, it could not, in the present situation prevent that military force from demonstrating its support. Its nucleus, the 143 units of the Ulster Volunteers, sent delegated representatives to the meeting at Dungannon on 15 February 1782 which acted as a national convention. They behaved very judiciously. They knew that the unrepresentative character of the Irish House of Commons was in itself an obstacle to reform; but they avoided offending this legitimate body. They concentrated on the abrogation of the prerogatives by which the British Parliament and Government fettered the Irish legislature and judicature. They knew that for this demand they had the concurrence of the Dublin Commons to a far greater extent than appeared from the Commons' resolutions. They quickly got their own resolutions endorsed by non-parliamentary bodies, Volunteer associations and grand juries all over the country. Political developments in the metropolis intervened in time to spare them any conflict between their constitutional aspirations and their duty towards the defence of the Empire. On 28 February the British House of Commons virtually ordered the Government to come to terms with the United States. King George found himself definitely compelled to rescind the obligation to persevere which he had previously forced his ministers to accept. He had to allow the resignation of Lord North and his colleagues and to let the new Cabinet be formed by the men whom he had always considered his enemies. Rockingham in the Lords and Charles Fox in the Commons. The only statesman outside this group whom he could make acceptable to them as a collaborator and who had his personal confidence was Lord Shelburne, Chatham's disciple. The two Secretaries of State, Shelburne and Fox, represented different conceptions of 'Whig'

policy; but they agreed about the most pressing necessities. These did not relate to America only. Shelburne had long been sensible of Irish economic woes and responsive to Irish political demands. The Rockingham Whigs—though Burke, on their behalf, had in 1773 still argued that maintaining the 'Imperial' authority of the British Parliament was especially vital in the case of Ireland[1]—had come round to a very sympathetic attitude since the commercial disputes of 1778–9. Consequently the new ministers were not exposed to the shame of losing face when they endorsed the claims of Irish 'liberty'. The welcome they could give to them was one of the few assets at their disposal in the liquidation of the war.

The task of inaugurating the new era in Ireland was entrusted to the Duke of Portland, another member of the Rockingham group who at this time became Lord Lieutenant in Dublin Castle. He at once invited the Parliament to move constitutional reforms and thereby made Grattan and his friends masters of the situation for some decisive weeks. On 16 April Grattan for the third time delivered himself of an emphatic 'Declaration of Irish Rights'. This time it was triumphant from the beginning. It culminated in the draft of an Address to the Crown which uncompromisingly asked for the acceptance of the principle that the King, Lords, and Commons of Ireland constituted the only authority 'competent to make laws to bind this nation'. The British Parliament should renounce the right of legislation for Ireland. Besides, the Irish Parliament must be sure that the application of Poyning's Law would no longer interfere with its right to submit its Bills to the King's Majesty in the expectation of getting them approved under the seal of Great Britain. This principle should be put into practice at once in the restoration of the Mutiny Bill to its original form. In accordance with these demands the Imperial Crown, which by an Act of 6 George I had been invoked in affirming the dependent status of Ireland, was submitted by Grattan to a drastic redefinition. As the kingdom of Ireland was 'a distinct kingdom' with 'a Parliament of her own—the sole legislature thereof'—the Crown of Ireland was to be styled as an 'Imperial Crown' in itself. This address was carried in both Houses, but with Grattan's wholehearted assent the Imperial Crown of Ireland was explicitly declared to be 'Inseparably annexed to the Crown of Great Britain'.[2]

The passage relating to it contained, it appears, the only use he made of

'imperial' notions. He would have impaired his constitutional postulate if he had in the same context mentioned the 'British Empire'. Its omission, however, at the same time meant a deliberate deviation from the style which was now accepted by the politicians of both nations as signifying their harmony of purpose. 'Why should not', Fox had written to Lord Charlemont, 'the Whigs (I mean in principle, not in name) unite in every part of the Empire to establish their principles so firmly that no future faction shall be able to destroy them?' Charlemont had reciprocated by thanking Fox for the interest he took in Ireland in 'this busy period, when every moment of your time is precious to yourself and to the Empire'. He assured him that he rejoiced in 'the late happy though tardy change' in the administration not only 'as a friend to individuals, but more especially as a member of the empire at large, which will probably be indebted to it for its salvation'. In the same terms he complimented Lord Rockingham on the morrow of the Address.[1] One month later the British authorities, on the advice of Shelburne, complied with the Irish demands. When on 27 May the Duke of Portland communicated this result to the Houses in Dublin he declared on behalf of the King and the British Parliament that 'the good faith, the generosity, the honour of this nation afford them the surest pledge of a corresponding disposition on your part to promote and perpetuate the harmony, the stability and the glory of the Empire'. This time the most effusive response was given by the member who moved that a donation should be bestowed on Grattan by the Parliament in recognition of his victorious fight. 'He has', Mr Begenal declared, 'saved this empire from an iron age, and has restored an unequivocal golden one.' Grattan, on this occasion, did not comment on the concept and was less reluctant from then on to pay his respects to the British Empire. Charlemont and the Ulster Volunteers went on to eulogize it in proclamations and messages.[2]

Never before had the name loomed so large in the intercourse between the representatives of its constituent parts. In truth, the harmony of mutual interest, which had given substance to it, was not likely to last for long. The British ministers were disquieted by the legal anomaly which cruel necessity compelled them to accept. Before the demands of 'Grattan's Parliament' reached London, Fox could still proclaim his confidence that in the case of Ireland, as his party had assumed in that

of the Americans, 'local legislatures . . . established in different parts of the Empire' would be compatible with the capacity of 'the great superintending power' of Great Britain to intervene 'for the good of the Empire at large'. However, he received a warning of what was to follow in the same letter in which Charlemont, that 'Irish' Whig, assured him of his 'imperial' feelings. 'With every degree of affection for our kingdom—with every regard for the Empire at large—I am an Irishman.' Charlemont declared that he feared obstacles in the way of perfect co-operation only on the part of the Castle. The Government, however, had every reason to suspect that there were some lurking in the very stipulations of the Address. Shelburne, secretary for the affairs of Ireland, endeavoured by way of an uneasy correspondence with Portland, to overcome 'that confusion which must arise in all cases of common concern from two Parliaments acting with distinct and equal powers and without an operating centre'. He wanted 'the superintending power to be reserved to this country . . . whether in matters of state or general commerce', to be defined concurrently with the liberty of action conceded to the Irish Parliament. He assumed that in matters of commerce such power for Britain would be bought only at the price of larger indulgences for the Irish. He was prepared for such concessions, provided the future relations between the two countries were regulated not by British renunciation alone but also by a treaty which would put them on a new basis. Shelburne was to learn, however, that Grattan and his men were not prepared to let the independence which they demanded be limited by any conditions. For Shelburne and Fox nothing remained but to let the English Parliament accompany its act of self-denial by the demand that between both kingdoms 'some solid and permanent connection should be established . . . by mutual consent'. Parliament had hopes that such a treaty might be extracted from the Irish after the recognition of their independence. Shelburne did not fail to impress on Grattan that this was his most urgent duty. It belonged to the 'responsibility you stand in to His Majesty and to the whole nation, not only for the future peace of Ireland, but for its not disappointing the just expectation of its becoming again a useful and co-operating part of the British Empire.' This entreaty most especially related to the obligations for defence which Ireland should accept.[1]

It appears from these instructions that the 'imperial' connection between Great Britain and Ireland was to Shelburne, with all his responsiveness to Irish demands, far more a matter of concern that was still unsettled than a cause of satisfaction. Fox later confessed to the same disillusionment. The treaty suggested by Parliament did not materialize. On the contrary, once the triumph of May 1782 had lost its enchantment the Irish Commons yielded to the arguments of Henry Flood, Grattan's jealous competitor, who held that their liberties were not yet safe enough. A formal and complete 'Act of Renunciation' was demanded from Great Britain, and, as the peace negotiations still hung fire, Shelburne, now for a short time head of the Government, could do no other than secure its acceptance in Parliament. Soon afterwards an economic depression, though it originated mainly from a bad harvest, gave Irish manufacturers an excuse to declare that 'Free Trade' was bound to remain meaningless as long as independence was not established in tariff protection against British competition. Legislation to this effect was still averted; but in the spring of 1784 Dublin became the scene of violent riots. Though these were directed against English imports rather than against the English nation, it was obvious that in everyday life the concept of the British Empire had come to mean very little to Irishmen. This is what Chatham's son took to heart some months after he had become the King's Prime Minister.

2. PITT, GRATTAN, AND THE IRISH QUESTION, 1785–1800

The *Propositions* for an Anglo-Irish treaty, by which Pitt intended to secure the lasting co-operation of the two countries, actually originated from a stand taken by the men of the other nation, who two years earlier had stiffly declined to impair the splendour of their victory by the acceptance of a system of mutual obligations. The Irish Commons had expected that the popular outcry against British imports would be allayed and grave friction with the other kingdom avoided if the British authorities could be persuaded to open their market more freely to the cheap products of Ireland. In May 1784 they formally asked the King to authorize preparations for such an arrangement. Their leader in financial affairs, John Foster, made a draft for commercial regulations and started negotiations in London. Pitt took a personal interest in the plan, and

proposed to make its commercial provisions an occasion for defining Irish duties in matters of defence. This was originally the idea of Shelburne, under whose guidance Pitt had begun his ministerial career. But in fact Shelburne appears to have had no outstanding personal share in the project. No personal feature need necessarily be seen in the frequent references to the cause of the Empire, with which Pitt's personal utterances, or the minutes and missives drawn up under his influence were scattered in the course of negotiations:— 'the common exigencies, the general expense, interest and benefit of the Empire, the executive power, the security, defence and force of the Empire'. Having used these terms in order to express their intention of retaining the American colonies, English politicians had not abandoned them after the colonies had been definitely lost.[1] With regard to Irish affairs, their place in official and semi-official rhetoric was established by the constitutional proceedings of 1782. However, it means more that the 'generous interest' or 'benefit of the British Empire' and the 'general defence of the Empire' was given special mention in the treaty drafts which issued from the negotiations of 1784–5. Had the project become law it would have had the unprecedented result that the British Empire would have acquired an official status in constitutional language. This was in tune with Pitt's definite intentions.

He expressed these with youthful frankness and fervour to the Duke of Rutland, the Lord-Lieutenant of his choice, when he explained to him 'the general tenor of our propositions', as transmitted to Dublin on 6 January 1785.[2] The commercial arrangement was serving a higher purpose. It was 'defensible only on the idea of relinquishing local prejudices and partial advantages, in order to consult uniformly and without distinction the general benefit of the empire'. And this, he added, 'cannot be done but by making England and Ireland *one country* in effect, though for local concerns under distinct Legislatures: one in the communication of advantages, and of course in the participation of burdens'. Here the son, with regard to Ireland, restated the policy which, twenty years earlier, his father had advocated towards America. The policy was, indeed, applied to Ireland in 1785 under conditions markedly different from those which had been relevant to America in 1766. Providing for mercantile concessions on the part of the metropolis and

for financial obligations on the part of the junior partner, the stipulations of the planned Anglo-Irish treaty were the very opposite of the maxims proclaimed by the elder Pitt in the discussions on the Stamp Act. This divergence corresponded, however, to that of the actual demands implied in the idea of 'one country' on the first and on the second occasion. The elder Pitt had been among those who wished to satisfy the desire of the Americans to be called 'English' or 'British' and to partake in the privileges of these names. The problem of Ireland, as seen by his son, was to create in that country what had been suppressed in the other—the spirit of solidarity. He had, we might say, a strategical plan of political education. The British and the Irish—the Irish Protestants too, although they were mainly British in origin—had become estranged from each other. Irish independence wrested from Britain in 1782 had, in spite of all solemn promises on the Irish side, proved an incitement to fresh moves towards even greater alienation. This effect should now be reversed by the subtle means of mutual concession. At the most critical stages through which the project passed—on 12 May 1785—Pitt addressed the Commons with the serious admonition that 'there ought to be no object more impressive on the feelings of the House, than to endeavour to preserve from further dismemberment and diminution, to unite and to connect what yet remains of our reduced and shattered empire, of which Great Britain and Ireland are now the only considerable members, in the mutual bond of affection, of mutual kindness, and of reciprocity of interests'.[1]

From Pitt's letters to Rutland we can discover which features of the venture he most valued as furthering this moral effect. He expected much from the commercial concessions to be made by Britain. One was that the Navigation Act should be reinterpreted so as no longer to obstruct the participation of Irish merchants and ships in the import of colonial produce to Britain. By this concession he complied with a demand which had been much urged by Irishmen. Another provision, still more important, was that the produce of either country should be accepted on an equal footing, so that prohibition was excluded and duties were kept to an identical level. In the event of differing duties in the two countries, the higher would be reduced to the lower standard. This meant imposing a considerable restraint on the demands of British manufacturers. There

were further British sacrifices in the provisions for securing mutual preferences. Pitt intimated to Rutland that he expected him to impress the Irish very strongly with 'the liberal and conciliating spirit which induces us to agree' to such proposals. The full admission of Ireland to the carrying trade between Britain and the colonies was 'a mere and absolute favour, if ever there was anything that could be called so—a sacrifice . . . a departure from the principles of the Act of Navigation, which has been so long idolized in this country'. The British Government would have to overcome objections on this point at home. The other new principle, that of complete reciprocity in tariff standards, was to be understood as giving the Irish 'not less reason to be satisfied and to be grateful'. They should realize that 'we are perhaps to encounter the prejudices of our manufacturing interests in every corner of the kingdom'. 'Although', Pitt concluded—addressing his friend, but in fact suggesting to him what he should tell the Irish leaders—'upon each article taken separately there is an appearance of impartiality and equality, the result of the whole is manifestly to a great degree more favourable to Ireland than to this country.'

In view of this certain profit the Irish, Pitt assumed, would understand that the real equivalent they had to give for an 'equal participation of all commercial advantages' was to consist in 'some proportion of the charge of protecting the general interest'. They would be responsive to the argument that a redistribution of financial burdens was implied in the structural remodelling of the Empire which had been decided. By the old system which was now exploded, Great Britain had been 'enabled to bear the whole burden of the Empire'. Ireland wanted to be 'connected with this country and to remain a member of the Empire'. It was in her own interests to secure this connection, as well as the advantages either given or now promised to her inside this framework by 'performing on her part what both reason and justice entitle us to expect'. Pitt assumed he had found a mode of allocation for this service which would have an appeal to Ireland. She was to be admitted to full partnership in British trade and colonial benefits. 'Nothing, therefore, is so natural, as that she should contribute to the support of the navy, on which the protection of both depends.' This would mean that she would pay money which would be spent by the British Admiralty, and accounted for to the British

Parliament. 'There can be but one navy for the empire at large, and it must be administered by the executive power in this country.' Pitt felt that this 'sacred' principle would need some emphasis in Rutland's negotiations, but he expected the Irish to comply with it.

His ultimate intentions did not stop at this point. Once having given Ireland 'an almost unlimited communication of commercial advantages' and made her thereby willing to contribute 'to the common exigencies of the empire', he planned to inaugurate relations of trust between the parliamentary leaders of her national movement and the rulers of Britain. This would be achieved by lending countenance to 'a prudent and temperate reform of Parliament' in Ireland. On this point the intimations which he made to Rutland are couched in the general terms made necessary by his lack of knowledge of local conditions. His aim, nevertheless, is unmistakable. He assumed that by the treaty 'every temptation to Ireland to consider her interest as separate from England' would be removed. Upon this supposition the Irish Parliament should be reconstructed so as 'to give real efficacy and popularity to Government'. It should be enabled to 'guard against, or gradually cure *real* defects and mischiefs. It should unite the Protestant interest.'[1] Pitt, in fact, was suggesting an ostentatious diminution of that influence by which the viceregal government and a number of great landowners were known to secure a majority in the House of Commons. Such independent members as Grattan and his friends would have better prospects for carrying the House with them in a division on measures which they could show to conform to the national interest. Pitt was probably considering a 'place-bill' after the model of the 'Economical Reform' inaugurated in Britain under the Rockingham Ministry. He may have also hoped that a modest restriction of the borough franchise such as he planned for England might, if he succeeded at home, be introduced in Ireland too. In any case he wished that the British Government should openly court the sympathies of the representatives of the Irish people by taking the initiative in promoting their self-respect. Credit given to them would inspire them to give practical effect to their allegiance to the British Empire.

Parliamentary reform, however, was a remote issue. At the moment only the commercial treaty and the Irish financial obligations appended

to it were to be carried in both Parliaments. The initiative had ostensibly to issue from the Irish partner. The text of the commercial treaty, as authorized by Pitt and sent to Dublin, began and ended by emphasizing the 'general interest' (or 'benefit') 'of the British Empire'. This interest was declared to imply 'permanent and equitable principles for the mutual benefit of both countries'. On that point the draft treaty was not expected to meet effective opposition in Ireland. The real difficulty was the demand for revenue, to be reserved 'towards the service of the Navy for the general defence of the Empire'. This allocation was to be made from the anticipated increase of the 'Hereditary Revenue' of the Crown, which had so far been outside the parliamentary budget. As custom and excise duties formed a considerable part of these receipts, it was presumed that, through the new trade facilities, they would yield a substantial surplus. Rutland from the outset saw that such an unconditional engagement had no chance of being acceptable to the Irish patriots with whom Pitt wished to come to an understanding. Together with his Chief-Secretary Thomas Orde, he was intent on negotiations with parliamentary leaders such as Grattan. On 11 February an agreement was reached by which the substance of Pitt's demand was preserved at the price of two important concessions. One was a financial safeguard. A contribution 'towards the support of the naval force of the Empire' should only be considered in years when there was a clear surplus of the revenue. The other condition bore on the prestige of 'Irish independence'. The investment of the contribution was not to be left to the discretion of the British authorities but to be arranged 'in such manner as the Parliament of this kingdom shall direct'. Equipped with these provisos, the treaty was recommended to the Irish Commons by Grattan as 'an absolutely indispensable' arrangement. Ireland was 'to contribute to the general expense of the Empire' under conditions which she would prescribe to England. In his eyes the resolutions providing and regulating an Irish contribution to the Navy—articles 10 and 11 of the draft—constituted a spectacular national success. 'If the other resolutions had not passed, these ought still to be supported.' The result would be that 'the British minister . . . gave to England what she had a right to expect, and perhaps he could not give her more'. In the Address in which the resolutions were submitted to the King the Parliament, which followed

Grattan's lead, enthusiastically pointed out the advantages, both to the nation and to the Empire, which it expected from their acceptance. Owing to them, all His Majesty's subjects in Ireland would become united 'in maintaining the strength, increasing the resources and extending the power and credit of the British Empire'.[1]

Whatever the material prospects that this would happen, the moral and political effects which the resolutions would produce presented themselves at this moment to Grattan in terms not very different from those underlying Pitt's initiative. He indeed added something unexpected to Pitt's interpretation. As a member of the Empire, Ireland was to rise in stature by the manner in which she benevolently yet cautiously undertook to deliver the goods which England demanded. This reservation, however, went far to strengthen her interest in the joint responsibility. When the Irish Resolutions 10 and 11 aroused misgivings on the part of Pitt's Cabinet, Rutland made every effort to bring this point home to them. He tried hard to prevent Pitt and Grattan from being drawn away from their point of mutual agreement. Pitt would have been happy if this friend had been his only adviser. He now became aware of the greatest difficulties in the way of his project. Its dominating idea—the idea of making the Empire strong at the centre by a mutual adjustment of British and Irish interests—could not count on an enthusiasm among the public equal to his own. It was too unusual—and certainly also too conjectural—for such an effect. At the same time, the details of the plan were certain to meet opposition more virulent than the grumblings of his ministerial colleagues and subordinates. While the latter suspected loopholes for Irish evasiveness in the financial clauses, the never-slumbering defenders of national monopoly were bound to be alarmed at the commercial provisions of the draft treaty. When he sent his propositions to Rutland, Pitt had foreseen that the 'sacrifice' implied in them could not on the British side 'fail to be magnified here, even beyond its true value, as a departure from the principles of the Act of Navigation, which has been so long idolized in this country'. Now, only a few weeks later, it became apparent that leading 'idolizers' had been made vigilant by the negotiations between the Government and Dublin Castle. Lord Sheffield had published a pamphlet which was unmistakably meant to instigate a scare campaign among merchants and manufacturers. In Parliament

Charles Fox and his followers, whether or not convinced of the objections against the treaty, exploited them to prove the young man who had ousted them from power incapable of managing the vital affairs of the country.[1]

Pitt had to face his adversaries immediately after his treaty project was returned from Dublin with the amendments by the Irish Parliament attached to it. He submitted the plan as it stood to the House of Commons on 22 February. If his ultimate intention had been to educate Britons and Irishmen for the development of a spirit of solidarity, he now saw that he had first to educate the British legislators to make them understand his high aim. This purpose constituted the argument of his introductory speech. He hit at the obnoxious principle of exclusive monopoly by way of a flank attack. In Irish politics, he declared, the evil spirit of bygone times had now been discarded by common consent.

> From the Revolution to a period within the memory of every man who heard him, indeed, until these very few years, the system had been that of debarring Ireland from the enjoyment and use of her own resources; to make that kingdom completely subservient to the interests and opulence of this country, without suffering her to share in the bounties of nature and the industry of her citizens or making them contribute to the general interests and strength of the Empire. This system . . . was at once harsh and unjust, and it was as impolitic as it was oppressive; for, however necessary it might be to the partial benefit of districts in Britain, it promoted not the real prosperity and strength of the Empire.

This was as much as to reiterate the accusation which the Provost of Trinity College Dublin had laid at the door of the British legislators; what was the use of making it a case of conscience five years after they had abandoned that system of 'commercial restraints'? Pitt's answer was that the abandonment was only part of the reform really needed. In that it allowed Great Britain and Ireland to fight one another in matters of commerce, it 'left the intercourse between the two countries exactly where it was'. In the last resort there was no middle way between two systems in the case of a large and a small country connected with one another as Great Britain and Ireland were. One system was that which had been abandoned—of making the smaller country merely 'an instrument of advantage' to the greater. 'The other was a participation and

community of benefits, and a system of equality and fairness, which without tending to aggrandize the one or depress the other, should seek the aggregate interests of the Empire.' To such a 'community of benefits', however, a 'community of burthens' was the necessary counterpart; 'and it was this situation in which he was anxious to place the two countries'.[1]

At the outset of this general admonition, which was followed by an explanation of the single propositions, Pitt had asked the House to consider that the project submitted to it 'was one of the greatest topics which could be agitated in Parliament, and one of the most desirable objects that they could accomplish'. By 'the settling of the commercial intercourse of the two countries on a firm, liberal and permanent basis... an end might for ever be put to jealousies and clamour'. Thereby 'the surest foundations of future strength and opulence might be laid'. According to his own lights he made it sufficiently evident that the cause of the Empire, its future 'strength and opulence', was bound up with the project of a commercial treaty between Great Britain and Ireland. His oratory, however, was not well adapted to the task of impressing this on his audience. There was one man in the House who had a special gift for mixing political argument with lofty epigram—who had once practised this art in sermonizing on the topic of 'Empire' and, being Irish by birth, should have been especially responsive to its present reiteration. This member, Edmund Burke, unfortunately sided with the Opposition. And it was in the interests of the Opposition not to discuss Pitt's great conception but to deflect attention from it. Fox, in his disparagement of the propositions, disposed of them in a remark which played on the worst possible of passions. He protested against 'appointing Ireland the sole guardian of the laws of navigation and the great arbitress of all the commercial interests of the Empire'.[2]

The debate of 22 February was not meant to be decisive. Pitt was still groping for formulas which would make the Irish appropriation for the Navy more secure without alienating the Irish leaders. Early in March he hoped he had found a solution and thereby settled the whole problem. But it became apparent that he had not as yet taken the forces of resistance in the bureaucracy as well as in the manufacturing towns seriously enough.

A vehement press campaign had vociferous repercussions. Within a short time Pitt was confronted with the protest resolutions of two organizations of business men, the Committee of the West Indian Planters and Merchants and the Great Chamber of the Manufacturers of Great Britain which had been improvised *ad hoc*. Fox did his best to provide a hearing in Parliament for the clamorous tradesmen who helped to protract the discussion of the project for some months.[1]

The tumult aroused by the 'commercial Propositions' of 1785 has remained memorable in the history of English public opinion. What Pitt thought of its instigators is best seen from a pamphlet written to shield him against the incriminations of another pamphlet which was—erroneously, it appears—attributed to Edmund Burke.

> It is the avowed principle of the proposed arrangements to conjoin the divided Empire, by a stronger sense of mutual affection and interest, to knit them together by communications both of confidence and commerce. . . . It was a desire of that energy which arises from bringing the disjointed parts of the same country closer together; it was the dread of future separation; it was our inclination to preserve mutual good will and to obtain future good offices that established the union with Scotland and produced the arrangement with Ireland.

The incriminator was manifestly too small-minded to understand these vital necessities. He was also insensible of the responsiveness of the Irish Parliament which had so clearly demonstrated its devotion to the 'power of the British Empire'.

> These representations, however weighty, force no conviction in our author's mind. In vain does the Irish legislature reason that the commercial interest of Ireland being finally settled the advantage of the one kingdom ought to be deemed the profit of the other; that . . . the revenue . . . of both ought to be calculated as the firmest foundation of the British Empire. . . .

In vain had the Irish Parliament by its concomitant budget arrangements done its best 'to evince to the world that the conjoint strength of both kingdoms will form in future the collected power of the whole'.[2]

When the debates on the project reopened on 12 May, Pitt arrayed his oratorical powers for another sublime effort. The 'most earnest manner' in which he addressed the House was observed this time. He again bade

the members consider that the decision before them was one between lasting harmony or lasting conflict in the relations of the two kingdoms. He depicted what lasting conflict would mean in sombre terms. The projected treaty 'tended to conciliate a difference between this and our sister kingdom, which, though now confined to secret repinings, to disgust, to jealousies and a war of interests and of passions, might perhaps, in time, proceed a length which he shuddered to think of and could not venture to express'. In this warning he gave frank expression to the feelings which had animated him the whole time, for he was unusually receptive to the potentialities of national resentment. At the same time, having during the course of two months heard the estimates of experts and the apprehensions of manufacturers, he now conceded by implication that an acceptance of the treaty would result in an increase of commercial profit only for Ireland. 'It tended to enrich one part of the Empire without impoverishing the other.' This, however, implied that it 'gave strength to both'. From here he proceeded to a most carefully considered entreaty. The case was one in which magnanimity was far-seeing wisdom. He attributed the virtues of mercy to the project in the language of Shakespeare's Portia:

> it is twice blessed;
> It blesseth him that gives, and him that takes.

Britain had compelling reasons for being merciful. It was in adapting Portia's adage to the realities of politics that Pitt now gave the remainder to which we have already referred:

> That after the severe calamities under which this country has so long laboured, and after the heavy loss which she has sustained from the recent division of her dominions, there ought to be no object more impressive on the feelings of the House, than to endeavour to preserve from further dismemberment and diminution, to unite and to connect what yet remains of our reduced and shattered empire, of which Great Britain and Ireland are now the only considerable members, in the mutual bond of affection, of mutual kindness, and of reciprocity of interests.[1]

From these high-minded visions Pitt passed on to the particular stipulations of the treaty. As they then read, they allowed 'the quality of mercy' for which he implored the British legislators to be 'strained'

rather much. To save his project from defeat Pitt had resolved upon what he believed to be a strategical retreat. The original draft and the Irish additions were to be modified by a great number of amendments calculated to soothe the anxieties of British administrators, merchants and doctrinaires.

In spite of all the warnings he had had from Rutland, he imagined that the 'Twenty Resolutions' issuing from these proposals would still be thought compatible with their original aims by Irish patriots. Herein his power of imagination failed him. The modifications touched the sensitive spot of Irish self-determination. They preserved the principle of equal custom duties, but at the same time demanded that Ireland should adopt all the laws made, or still to be made, by Great Britain for regulating trade and shipping. They maintained the right of the Irish Parliament to decide for themselves the way in which the surplus of the 'Heredity Revenue' should be appropriated for the benefit of the Navy, but also bound Ireland not to deviate from the rules determining the collection of this Revenue. Fox, very maliciously, took care to have the offensive character of these clauses impressed on the Irish 'Whigs'. After having encouraged the mercantile jealousies directed against it, he now pretended that he would not 'barter British commerce for Irish slavery'. When the Twenty Resolutions were finally accepted by both Houses on 25 July and offered to the Irish Parliament, they bore the imprint of all the ill-will with which the Irish offer had been received. Besides, during the year which had elapsed since the opening of commercial negotiations the economic anxieties which had given rise to them had become less pressing.

Under these circumstances the restrictions which the British treaty draft imposed on the country's economic and financial liberty of action were bound to overshadow the possible mercantile advantages which remained. On 12 August the Twenty Resolutions underwent devastating criticism in the Irish Commons. It was in vain that Secretary Orde now passionately entreated his audience 'to forward the interests of the two countries as of one united empire', and presented the resolutions as a mutual bond by which 'each country should prefer the other to all the world besides'.[1] The independent members refused to accept loyalty to this cause as an equivalent for the dearly bought constitutional liberties

which they supposed to be vitally endangered. Grattan was most sensitive concerning this point. He vehemently rejected Orde's 'argument of union'. 'I hold it to be nothing less than . . . a declaration that the full and free legislation of the Irish Parliament is incompatible with the British Empire.' Parliament was by right possessed of two powers, 'external power' and 'the power of the purse'. To the latter 'you owe your existence in the constitution, and to the former your authority and station in the Empire'. The argument of union 'therefore rests the connection upon a new and false principle'.[1] This invective points to Grattan's main susceptibility. In the Irish draft the financial clauses of Resolutions 10 and 11 had been of his making. He had expected them to provide these two parliamentary powers with new fields of action within the Empire. This would have been combined with a visible aggrandizement of Irish prestige, and it was in this context that he valued the imperial connection. The new British draft did not eliminate those rights. But it counterbalanced them by introducing British rights of control, which obscured the prestige effect. Therefore the theme of 'the interest of the Empire' as put to use by the British legislators—and with special emphasis in the most offensive articles—became outrageous in his eyes.

> If any body of men can still think that the Irish constitution is incompatible with the British Empire—a doctrine, which I abjure as sedition against the connection—but if any body of men are justified in thinking that the Irish constitution is incompatible with the British Empire, perish the Empire, live the constitution. Reduced by this false dilemma to take a part, my second wish is the British Empire, my first wish and bounden duty is the liberty of Ireland.

He returned to this vow in the exclamation: 'Our lives are at the service of the Empire; but our liberties? No.'[2]

Grattan not only demanded the rejection of the Resolutions but also wanted the Parliament to prevent the possibility that similar proposals should ever be offered again. This demand was fulfilled. In deference to the wishes of the Government the Twenty Resolutions were accepted in the Irish Commons by a small margin of majority votes, but their unpopularity was sufficiently obvious. Pitt's project was dropped and not renewed in any form. His idea of having the mutual relations of Great Britain and Ireland regulated by mutual obligations in the interest

of the British Empire was written off for ever. This outcome has often been considered as a fateful turning point in British and Irish history. It had an impact, no less lasting and momentous, on the destinies of the concept of the British Empire. Not that Ireland's allegiance had ceased to be a theme in political declamations. The young revolutionary Theobald Wolfe Tone declared in 1790 that he was most staggered by a phrase so very specious, and of such general acceptation as this of 'the good of the empire'. He assumed that the spell emanating from that phrase was one of the reasons why the Irish legislators proved willing to assist Great Britain in the war with Spain, which by then seemed probable as an outcome of Spanish resistance against British intrusion into the Pacific coast of North America. The 'good of the Empire', he said, was a watchword brought into currency by the 'instruments' of England, which had been found convenient 'because it lays the power of Ireland at her disposal'. He found his compatriots dangerously induced 'to sacrifice solid advantages to the whistling of the name of empire' and thereby prepared to become 'the dupes of a sound'. 'Let us substitute "England" for the "empire", and see if it be not nearer the fact and truth.'[1] These warnings were addressed to both Houses of Parliament. They give the impression that their members had been overawed by the very sound of the name. Indeed, most of them, if Tone's pamphlet reached them at all, should have abhorred its treasonable language. Nevertheless, the name of the British Empire had not won the significance for Irish patriots which had been in Pitt's mind when he suggested the first treaty draft of 1785. It had not become explicitly embodied in the constitution of the two countries. It had not been sanctioned, as Pitt wished, as a mutual promise of trusting co-operation. It had not, as was Grattan's intention, become reinterpreted as being expressive of a connection in which the leadership of Great Britain was counterbalanced by Irish rights of control. As matters stood now, the name remained solely expressive of Britain's leadership, and Wolfe Tone could not really be gainsaid when he contended that the acceptance of this leadership would be at variance with Ireland's own interest.

The young agitator, indeed, overlooked an important feature in the picture. At the time when he wrote his pamphlet, the mutual relations between England and Ireland were again exposed to the control of a

group of politicians who overawed the British Government as mightily as they overpowered Irish patriots of whatever description. The successors of Rutland, Lord Buckingham and Lord Westmoreland had renewed the system of managing Parliament by bargaining with aristocrats and favourites. Effective leadership was in the hands of tough opponents of constitutional reform who held high office in the administration. It was this clique, with the Lord Chancellor John Fitzgibbon at its head, that represented 'the Empire' in Ireland. Unknowingly Pitt and Grattan had both worked for this result when they disagreed over the Resolutions of 1785. Neither of them had realized he had lost the support of the other. Pitt had really believed that, after all the prevarications which the treaty draft had undergone in Westminster, it still signified a generous offer to Ireland. Grattan and his friends had become convinced that the whole project had been inspired by the intention of undermining Irish liberty. They could not possibly know that Pitt's ultimate intention had been to co-operate with them once the treaty was secured. Grattan's resentment was the stronger because the manifest encouragement which he had given to the negotiations was unforgotten and was recorded as one of his political blunders.[1] After the experience of 1785, Pitt was no longer interested in Irish national aspirations. Once having failed as political reformer and educator, he was in this matter—as he was in the causes of parliamentary reform in Britain and of the slave-trade—not eager to make his position vulnerable by fighting for high-minded principles. Therefore he left the field of Irish politics to the 'Castle' ascendancy. Grattan unluckily gambled on the Regency Crisis of 1788–9 by trying to break the connection between Pitt and this group. The failure of the attempt made Pitt even more resolute to let Ireland be ruled by these men. They exploited their position by impressing on the Lord Lieutenant and the British Government that the loyalty of Ireland depended entirely on the maintenance of their principles.[2]

Their obstinacy and their ability to remain in power became a decisive element in the crises which harassed the country from the first stirring of popular unrest, incited by the French Revolution, through the perilous years of war, down to the radical solution which changed the whole meaning of the attachment of Ireland to the Empire—the Act of Union. For some years the question of Catholic Emancipation was a bone

of contention between Pitt's Cabinet and the managers of Irish politics. Had Grattan been enabled to lead the Irish Commons, the drastic revision of the penal code could have had a fair trial. In his view, this reform was bound up with national autonomy. 'The question is now whether we shall be a Protestant settlement or an Irish nation, . . . for so long as we exclude Catholics from natural liberty and the common rights of man we are not a people', he had declared as soon as independence was sanctioned in 1782.[1] Pitt and his Cabinet came round to the cause of revision late in 1791 for very different reasons. They saw the dangers implied in French revolutionary influence. They hoped to counteract the machinations of Protestant Republicans who could incite great numbers of restive peasantry. There was good reason for rallying the Catholic gentry and urban middle class to the anti-revolutionary cause. The men in control of Ireland managed to obstruct any revision almost completely until Pitt, after the outbreak of war in 1793, forced them to accept a reform which, going farther than that considered before, included the franchise of Catholic farmers. One important disability remained. The admission of Catholics to membership in Parliament was still withheld. In order to keep the country quiet, changes in leading personalities were still more advisable than a reform on this point. Pitt made a move in both directions early in 1795, only to stop abruptly after some weeks. Having rallied to the Government the group of Whigs led by the Duke of Portland and by Edmund Burke, who had broken with Fox over his attitude to France, he tried to make them the mediators between him and the independent spokesmen of the Irish nation. One of the Portland Whigs, Earl Fitzwilliam, was sent to Dublin as Lord Lieutenant. Grattan's hopes rose high. He and his friends had from the early days of constitutional reform repeatedly been induced to trust the Portland Whigs as consistent friends of Irish liberty. These men now seemed, under the acquiescence of a reconciled Pitt, to be the harbingers of reform that would be according to his own ideas and would bring credit to himself. Elated by this expectation, in the Address Debate of 22 January, by which the Earl was welcomed, he expressed enthusiasm for the British Empire such as had scarcely been heard from him before. He dwelt on the danger that threatened from France, which had just added Holland to her conquests. 'She finds one Empire, and one Empire

only, that stops her progress—Great Britain . . . the war goes to the accomplishment of universal empire on the ruins of the Empire of Great Britain, and the question before you is what part will be taken by Ireland? . . . ' He warned: 'As the British Empire must be saved on the Continent, so it may be overthrown in Ireland.'

Soon Fitzwilliam was recalled, and Grattan was again left to lament that Pitt did not understand what Irish liberties meant for the cause of the Empire. The new reversal of policies signified, he declared, that 'domestic reformation' in Ireland was thought 'a crime against the Empire' in London.[1] He retired from Parliament after some further frustrations. A few years later, after the 'Rebellion' of 1798, there was cause for fear that the British Empire might be 'overthrown in Ireland' in a sense diametrically opposed to that of Grattan's rhetorical appeal of 1795. Pitt finally decided that the radical change of the constitution which he had come to think desirable could no longer be postponed. Only a legislative union of the two countries could bring Ireland under the military control of Great Britain, so that her rebels could be prevented from becoming tools in the hands of France. In England the idea of such a union had a long tradition. Among its advocates were critics of the economic situation like Adam Smith, who wanted it in the interests of the depressed classes of the country. It was desired by politicians who either loathed the corrupt system by which British control was upheld, or dreaded conflict between the two Parliaments once this system became unworkable. Lately, however, the most insistent advocates of the radical measure were those in the administration itself, such as Fitzgibbon (now Lord Clare). He made no secret of his conviction that the parliamentary union was indispensable for the protection of the Protestant and, in the last resort, English minority, against the masses of the population, and that these masses would be a permanent menace after they had obtained rights of suffrage.[2] Pitt, though fully aware of all these arguments, was finally influenced in his decision by none of them; to him it was the war situation that was decisive. It was in this sense, especially in the great speeches of 22 and 31 January 1799, that he spoke of the 'interest of the whole of the British Empire' and repeatedly called the measure indispensable for the Empire's happiness, safety, strength, power and resources.[3] In this context the term 'Empire' referred to the power of Great Britain, which

must be safeguarded. Pitt had not forgotten that it had implied more to him in 1785 when he sponsored the 'Commercial Propositions', and hoped then to become instrumental in making Great Britain and Ireland 'one nation'. He now indulged in the hope that the cessation of national jealousies which had been expected from that earlier project might more safely come to pass under the system of union, and that the economic benefits it would bring to the Irish would go far to assimilate Ireland with Britain. In these expectations he was certainly as sincere as he was in his intention for the union to be followed by the completion of Catholic Emancipation. He could, however, scarcely have believed his own words when he asserted that the great constitutional act would be carried by the free consent of the Irish Parliament. He could not have failed to see that the prospect of becoming a minority in Westminster was utterly repellent to the men who took pride in the separate nationality of Ireland and—since 1782—its legislative independence. When he gave that promise he already knew that on the announcement of the impending project many of the hitherto most reliable supporters of the Government had become its opponents on this vital point. Pitt had decided to force the union upon Ireland and should have foreseen—as his helpmate Castlereagh was soon to see—that corruption on a large scale was indispensable for the legalization of the constitutional revolution, which was meant to make governing by corruption unnecessary.

While Pitt identified the policy of union with the cause of Empire, the concept of the Empire was called in to support the opposite view by the Irish Opposition in the preliminary debates and demonstrations of 1799. It became apparent that to Irish patriots the name of British Empire had retained the significance which had clung to it in the heyday of Grattan's Parliament. It was bound up with the principle of Irish independence; it constituted the necessary counterpart of national liberty. All the stultification of this liberty by the management of Parliament practised from Dublin Castle had not shaken the belief that the connection of Ireland with the British Empire was bound up with her own 'Imperial Crown' and with the institutions which embodied her separate legislation. The Commons, in the royal message of 22 January 1799, were entreated to provide the most effectual means for 'consolidating, as far as possible, into one firm and lasting fabric the strength, the power

and the resources of the British Empire'. An amendment was immediately moved which pledged the House to exert itself for this cause but reserved 'the undoubted birthright of the people of Ireland to have a resident and independent legislature'. This amendment was rejected with a majority of only one vote; it was clearly expressive of the general feeling. So also was the final resolution of the Commons to divest the address of any reference to the intended union. Among the leading public men, John Foster, once Chancellor of the Exchequer, now Speaker of the House, and up to now trusted by the Ministers, stood up for rebutting their favourite watchword. The union would, he warned, 'tend, if not to actual separation, to attempts at least to separate us from Great Britain, to our utter ruin and to the subversion of the British Empire'. He argued against Pitt and Castlereagh that by reserving the royal assent the existing constitution sufficiently prevented the Irish legislature from engaging in actions 'which could in any way injure the Empire or tend to separate Ireland from it'. He insisted that by adapting the commercial policy of Ireland to that of Great Britain that legislature had compensated for the failure of the treaty negotiations in 1785, and that in the vital questions of peace and war it had never prejudiced the progress of the Empire.[1]

On the relation in which 'union' stood to 'empire' two dogmatic tenets confronted one another. 'The reflection that within a union the British Empire must be dissolved' enabled Cornwallis, the new Lord-Lieutenant, to 'endure the shocking task' of winning a majority for the Act by lavish bribes.[2] When the Bill was finally presented to the Irish Parliament early in 1800, these manipulations were a matter of common knowledge. Steadfast Opposition members, with every reason on their side, stated that the resulting majority vote could not be taken as representing the real sentiments of the nation. On the strength of this fact they finally—though, of course, without success—demanded a dissolution in order to take the sense of the constituencies. After a long voluntary absence Grattan had returned to the House and, from beginning to end, he lent his powerful oratory to the arguments against the Bill. In his first speech on 15 January he dwelt most seriously on the concept of the Empire, and he returned to it in his last. To Ireland, he declared, the British Empire had been valuable as a barrier against the invasion of her

liberties. The Irish Constitution, on the other hand, was one of the pillars of the British Empire. It had 'imperially worked well'. He predicted that 'the Empire of Great Britain and the freedom of Ireland' would both become 'victims' of the new order.[1] He returned to this verdict in the peroration of his last speech on 26 May. An 'identification' of the two nations, such as was allegedly expected from the Act, could be accepted as an 'imperial maxim' only when it was based on a 'union of hearts'—and this vital condition was not fulfilled.

Grattan at the same time entered a solemn protest against the manner in which the Empire was now brought into play on the English side. Dundas, 'the sagacious English Secretary of State', was his main target in this respect. 'What advantage, says he, will it be to the talents of Ireland, this opportunity in the British empire thus opened!' 'That is what we dread', Grattan retorted. What else would happen to those talents but that they would be 'dragged from the kingdom of Ireland to be sold in London'? A 'parental representation' had now been promised to Ireland. On this 'new baptism' he commented that, 'instead of the plain august language of the constitution, we are here saluted with the novel and barbaric phraseology of empire'. Finally, he called by its name the remodelled legislature in which Ireland should now be represented. 'Well, this assembly, this imperial Parliament, what are its elements? Irish absentees, who have forsaken their country, a British Parliament that took away the constitution.'[2] The name scoffed at by Grattan was already established. From the outset of the discussion it had been clear that the legislature resulting from the Act would be known as the 'Imperial Parliament', though its official name was only to be that of the Parliament of the United Kingdom of Great Britain and Ireland. The title of the Imperial Parliament had once figured in the now obsolete American Declaratory Act of 1766. Its renewal had been virtually put out of court by the Acts of 1782–3 which declared the Parliament of Ireland to be independent of that of Great Britain. By virtue of the Act of Union the name was reinstated in political, if not in legal language, and Government men in Westminster as well as in Dublin manifestly welcomed this achievement. The lasting establishment of that name has in fact been one of the results of the Act of Union of 1800. Its antecedents, however, show it to be a monument erected to the second of the

misadventures to which the British Empire had been exposed within a short time after the rise of its name.

3. GRATTAN'S LAST FIGHT

In his addresses to the last Irish Parliament Henry Grattan had looked askance at the name of 'Empire'. When five years later he took his seat at Westminster his attitude was different. In the course of those years, Great Britain had tried to come to terms with Napoleon and, finding this impossible, had undertaken to defy him again. Grattan, it appears, was deeply impressed by this daring. He was certain of its success. He took it for granted that the United Kingdom and not its adversary would emerge from the struggle as the leading world-power. It was destined now to deserve the name of British Empire. The problems of his Irish homeland had to be seen in this perspective. He reconciled himself to the union, but clung to the internal Irish issue which he had fervently advocated before the union. The Irish Catholics must be freed from the final shackles of discrimination. Their emancipation was necessary to establish the British Empire on a solid basis.

In the spring of 1805 he was returned as member for a Yorkshire borough to the House of Commons. At the same time a petition was presented by spokesmen of the Irish Catholics. They declared that the exclusion of their religion 'from civil honours and offices and from advancement in His Majesty's Army and Navy' was impairing 'the most valuable resources of the British Empire'. They rested their claim upon its 'conduciveness . . . to the general and permanent tranquillity, strength and happiness of the British Empire'. They predicted that the removal of the disqualifications would defeat the intention of 'the enemies of the British Empire' of using the disunion of the inhabitants of Ireland to bring about its subjugation. Lord Grenville and Fox, the Opposition leaders, who moved for consideration in committee, made some use of the argument.[1] Grattan, as seconder of Fox's motion, gave it full weight. He urged the necessity of historical change. After having shown his power of controversy by a careful scrutiny of each objection raised against emancipation, he concentrated on the most seductive of them—the constitutional prerogative of the Protestant implied in the mere facts that Protestantism was sanctioned by the Revolution of 1689. The

maxims of that Revolution should be revised, he said. They ought to be broadly understood as aiming at civil and religious liberty. To accept them in this sense was not to overthrow but to complete the Revolution. This general postulate was consonant with the exigencies of the Empire: 'You cannot make the proscriptive system of the Revolution the measure of Empire.' By abandoning it

you will extend the principles of your Empire on those of your constitution, and have secured an uniformity of action by creating an identity of interest. Thus will you have simplified the imperial and constitutional motions to one and the same principle of action, moving you in your home and in your imperial orbit, informing the body of your laws and vivifying the mass of your Europe.

An 'identity of interest', a solidarity rallying Englishmen and Irishmen, Protestants and Catholics, in willing co-operation for the benefit of the Empire—this was the necessity which Grattan presented to the Imperial Parliament. This axiom of politics gave urgency to the postulate of equal rights. 'See whether you can conduct your Empire on any other principle.' The greatness of the Empire and the world-wide responsibilities on which it had embarked allowed for no other.

In order to ascertain the principles of your Empire, survey its comprehension. Computing your Indies and your Eastern dominions England has now, with all the deference of her moderation, a very great proportion of the globe. On what principle will she govern that portion? On the principles on which Providence governs the remainder.... As there is no such thing as an exclusive Providence so neither, considering the extent of your Empire, should there be such a thing as an exclusive Empire.[1]

We are reminded of James Otis of Boston, who forty years earlier had brought into play the impending growth of the Empire, together with the principles of civil liberty, in order to assert the rights of the colonies. The same was now done by Henry Grattan for the sake of the Catholic people of Ireland. Another reminiscence, however, was nearer to hand. Grattan was addressing a parliamentary majority led, and an administration headed, by William Pitt. Twenty years had gone by since Pitt had urged a reform of the commercial and financial relations of Great Britain and Ireland with the avowed intention of creating an 'identity of interest' by such regulations. He had a few years before, obviously for the same reason, aimed at Catholic emancipation as a corollary to the Act

of Union. In 1785, as well as in 1800, the cause of the Empire had been his favourite topic. He was known to have renounced the cause of emancipation when he again accepted office from King George. Would he now have an answer, at least, to the challenge implied in Grattan's Entreaties? Would he reply in terms of Empire to a demand couched in these terms? He evaded the issue. The speech with which he defeated the motion on the following day was mainly a justification for his change of attitude. Like many others he complimented Grattan on his brilliant first appearance in Westminster,[1] but did not comment on his interpretation of Empire politics.

This debate was the first and the last in which the two great arbiters of Anglo-Irish relations could cross swords. It was also the last in which Grattan had Fox as an ally. He had to wait for some years before Catholic emancipation appeared again as a timely proposition for parliamentary debate. He waited still longer, until April 1812, before he reverted to his argument of 1805, the compelling interrelation between that issue and the future of the British Empire. But now, and on later occasions too, he was even more emphatic on this point. 'The day you finally ascertain the disqualification of the Catholics you pronounce the doom of Great Britain. It is just it should be so. The King who takes away the liberty of his subjects loses his crown; the people who take away the liberty of their fellow-subjects lose their empire.' The universities of Oxford and Cambridge had, by remonstrating against the repeal of Catholic disabilities, 'petitioned for the dismemberment of the Empire'. 'Do not hazard the name of England on such a principle; do not hazard the Empire of England on such an experiment.' The good name of England as well as the very names of the Empire and the Imperial Parliament were the real stakes at issue in the cause of Catholic emancipation. 'The Parliament is justly called imperial. It is not a partisan. The Catholics of Ireland make a part of the third estate. Is it not so?' Until, as he said again after the war, Ireland was relieved of penal laws, 'the inhabitants of the Empire can never be identified, and the Empire itself never in full strength'.[2] In these and other declarations the appeal to the cause of the Empire was not merely a device. Grattan desired to see his entire political activity related to the loftiest interpretation of the British Empire. To this end he inserted a particular passage in the refashioned version of his earlier speeches on Irish rights which he prepared for

posterity. Under the quite different conditions of 1780 he pretended to have had the vision that, once Ireland was admitted to full equality, 'a new and milder empire may arise from the errors of the old, and the British nation assume once more her natural station—the head of mankind'.[1]

The cause for which Grattan fought was sometimes near to success, before as well as after his death in 1820. However, he found no disciple to adopt his far-reaching views. When Wellington, Peel, and Parliament with them finally resigned themselves to Catholic emancipation in 1828, they did not bestow a free gift on the Irish people. They gave way to the upheaval which, led by Daniel O'Connell, had resulted in victory in the election at Clare. Grattan's endeavour to make the measure an aid in the consolidation of the British Empire had been frustrated. It was the last in the series of frustrations which had marked the career of the concept from the time when Benjamin Franklin had first tried to elaborate it into an idea of politics. From that time onward, the men to whom that name signified national solidarity of a higher order, and not only a proclamation of national power, had been colonists or Irishmen, or, sometimes, Britons who understood the national feelings which were alive in the dependent countries. Only in the context of these feelings could the concept have the appeal of a heart-expanding idea. For a long time the only corners of the British Empire in which memories of the early significance of its name were preserved were the Canadian settlements of the American Loyalists who had earned a mark of honour for their faithfulness to the unity of the Empire.[2] In Ireland the age of the Revolutions left a different heritage. Grattan's sombre predictions were verified only too well. The majority of Irish Catholics had been indifferent to the union when it was imposed on them by the Act of 1800. Their victory under O'Connell's leadership in 1828 was the first step towards the recognition of the fact that their incorporation in the British Empire was not of their own choice. Its name could not but be tainted for them with that bitterness which Grattan had managed to overcome.

The prospects of expansion and internal growth which were ahead for the British Empire at the end of the Napoleonic period were beyond the imagination of the nation by whose energies they were to materialize. The name of the British Empire was at that time far from resounding the spirit of the 'Imperium Populi Romani'.

VII

EMPIRE IN THE NAPOLEONIC PERIOD

I. L'EMPIRE FRANÇAIS

The French Revolution was indirectly responsible for a new approach made in England to the concept of the British Empire. Under its impact the tentative reinterpretation of the political entity which had been suggested by the Irish Constitution of 1782 was superseded by another, which emphasized the all-round authority of the 'Imperial Parliament'. The influences which issued from the Revolution and the application of the term '*empire*' to France herself were of a different kind.

To speak of a state, and of a great one in particular, as of an *empire* was legitimate usage in France no less than in England. The word could, like its original in humanist Latin, pass as an alternative expression for *état*, in so far as this other word referred to a country as a political entity. Before the Revolution French authors did not avail themselves of this alternative very frequently, and even then unobtrusively. 'La France est sous tous les points de vue l'empire le plus fortement constitué'—this sentence, occurring in the closing section of the Abbé Raynal's *Histoire philosophique*, may serve as an example.[1] In view of this established usage a revolutionary connotation should not always be supposed when the word occurs in a revolutionary pamphlet. The whole aspect changes, however, when the national experience of 1789 inspires a rhymer to an exclamation like this one:

> Soudain l'Empire électrisé
> Tout François fut magnétisé,
> Le pauvre Tiers resuscita.
> Alleluia.

or this one, in a eulogy of the National Guards:

> Le pauvre soldat . . .
> Il tient à l'Empire,
> Mais par la raison;[2]

or this, by Joseph de Chénier:

> Par le choc éternel des intérêts contraires,
> Des préjugés rivaux et des lois arbitraires
> Le sein de notre Empire est encore agité.[1]

'L'Empire' or 'notre Empire' has come to denote the personality of the national whole. It has been accepted as another name for 'la France'. This was an innovation. The Académie had, indeed, authorised 'l'empire français'. But the dictionary had quoted this expression only as an instance of the suitability of *empire* for denoting 'all the countries which are governed by a great king'. In the manifestos of 1789 the word was not meant to sound royalist. The greatness proclaimed by it centred in the people. It did homage to the French nation which was about to assert itself.

Being invested with this meaning, the word became popular in the first years of the Revolution. It figured in the resolutions of 'federation' which were made at provincial rallies. In Bretagne and in the Vendée 'fédérés' declared 'qu'ils ne sont ni Bretons ni Angevins, mais Français, citoyens du même empire, et qu'ils renoncent à leurs avantages locaux et particuliers'. These proclamations were animated by 'civisme'; 'l'empire' denoted that the French people were trying to live up to their Roman heritage. The word was soon regarded as expressing the spontaneous self-assertion of the national spirit. 'Nous ne disons plus le Royaume de France; nous disons l'Empire des Français.' By this statement a fanciful enthusiast justified his idea that the national rally on the Champ de Mars on 14 July 1790 should culminate in a ceremonial retitling of the monarch. Louis XVI should no longer be 'Roi'. He should be proclaimed 'Empereur des Français' by the President of the National Assembly. Amidst the acclamation of the *citoyens-soldats* and triumphant flourishes he should become invested with 'une couronne impériale'. The proposer believed that this solemnity would be in perfect keeping with the sovereignty of the people and with the example of the Romans, to whom 'king' and 'tyrant' were synonymous. '"Empereur" signifie celui qui commande à un peuple libre.'[2] The name of 'Empire des Français', bestowed on the state by common consent, was a symbol of liberty too.

The republican interpretation of the term could go further than this. Jean-Paul Marat, some months after the Champ de Mars, openly hinted at an empire without a monarch. 'Eh, de quoi sert aujourd'hui le prince dans l'État qu'à s'opposer à la *régénération de l'Empire*, au bonheur de ses habitants? Pour l'homme sans préjugé, le roi des Français est moins qu'une cinquième roue à un char. . . .'[1] Less radical patriots might extol the 'regenerated' French Empire of the present but would not forget that of the old monarchy. Such a twofold meaning was applied to the term by a civil servant who demanded reforms in the territorial distribution of commercial benefits and proved his case by a historical survey of the French balance of trade.[2] But the republican connotation had the last word before the violent actions by which the monarchy was brought to an end. It was voiced in a war song which was composed when Dumouriez had his way on the declaration of war against Austria in April 1792:

> Veillons au salut de l'empire,
> Veillons au maintien de nos droits.
> Si le despotisme conspire
> Conspirons la perte des rois.

This 'romance patriotique' was recommended 'à tous les soldats français, volontaires nationaux et gardes nationales de l'Empire' as one of the songs of liberty which should terrify all tyrants.[3]

There was tragic irony in the fact that this war for the 'destruction of kings' had been publicly sanctioned by Louis himself. The hope which had induced him to acquiesce in it was bitterly reversed. The danger of foreign intervention, instead of acting in his favour, precipitated his undoing, and that of the French monarchy.

With the formal establishment of the Republic the political system of the nation became possessed of a name with which 'l'empire' could not compete. 'L'Empire' lived on, however, in the war song of the spring of 1792. For this song survived all the violent changes in the republican system of the following years. The Directoire Exécutif, in January 1796, listed it among the 'airs chéris des républicains', one of which was henceforth to be played by the orchestra at the opening of every theatrical performance. The song was kept alive in this way until the last months of the Directoire.[4] After the Brumaire it was scarcely suitable any longer.

The First Consul could not possibly countenance the propagation of verses which proclaimed the downfall of autocrats.

After four years of leadership, shortly after the reopening of his struggle with Great Britain, Napoleon Bonaparte became aware that even the plebiscite which had declared him Consul for life was not a sufficient safeguard against conspiracies which relied on legitimist sympathies. These sympathies had to be placated by the establishment of a new hereditary monarchy. The dignity to be bestowed on him as the founder of a dynasty had, however, to assume an appearance which would scotch the objection that he was simply usurping the titles of the old monarchy. The overthrow of 'royalty' effected by the Revolution must be definite. 'Imperial' nomenclature suggested itself as being highly appropriate. It was in the line of the Roman tradition which had lately been drawn upon in the naming of the 'Consulate', but, as was significantly attested by Jean-Etienne Portalis, the learned juridical councillor, it was 'not one of those arbitrary denominations which one chooses to satisfy momentary needs, or to conform to current ideas'.[1] As a title signifying highest secular authority and paramount power it had an old tradition, which to Frenchmen was not—as it was to the Puritan John Adams—contaminated by reminiscences of court flattery. Many people were bound to remember that early in the revolutionary era the name 'L'Empire français' had been used to symbolize a vision of national greatness emerging from national unity. The name was even more suitable now that the great national aim of the Revolution—*les frontières naturelles*—was achieved. Napoleon Bonaparte had made this glory secure and had added to it. The titles of 'l'Empereur' and 'l'Empire' were bound to lend splendour to each other.

This was possible only because the republican fervour which had once given life to 'l'Empire' had passed away. Carnot, the 'organizer of victory' before Bonaparte, protested against burying the Revolution in the establishment of emperorship. This prevarication, however, was explained away by spokesmen of the government. Jean-François Curée, who moved the innovation in the Tribunat, enumerated three advantages inherent in the 'titre d'Empereur'. It satisfied the need of 'une dénomination sublime... qui en même temps qu'elle donnera l'idée des premières fonctions civiles, rappellera de glorieux souvenirs, et ne portera aucune

atteinte à la souveraineté du peuple'.[1] Portalis in his memorandum on the *sénatus-consulte organique* was even more positive: 'le titre n'est pas plus étranger aux républiques qu'aux monarchies; il ne s'est jamais lié à des idées de pouvoir absolu dans le prince, ni à des idées de servage dans les citoyens'. For this assertion the emperors of ancient Rome and the fact that the German 'republic of kings' was headed by an emperor had to serve as evidence. These semi-official assumptions came very near the arguments offered by the speaker who wanted Louis XVI to be proclaimed 'empereur' when the French people were fraternizing at the Champ de Mars. The real distribution of power was now the opposite of what it had seemed then to be.

Another legislator, Carison de Nisard, like Carnot a former general of the Republic, was a little more scrupulous. He instructed the 'tribunat' about the five functions which according to the Roman law ought to be united in the 'supreme executive power' of the 'empereur', and added the discreet warning that this power must not become 'monstrous' by encroaching on the judiciary and the legislative authorities.[2]

Other supporters of the motion were not worried by questions of constitutional doctrine. If they dwelt on the past, it was that of the French monarchy. It was this monarchy they now called 'l'Empire français'. Its leadership had been conferred on three dynasties in succession. None had possessed higher titles of legitimacy than the fourth, which was now to be established. The third, the Capetingian, had ended tragically; but this was providential. The fourth was certain to renew the splendours of the second, 'la race de Charlemagne', who had lent his greatness to the title 'Empereur'. For 'quel empire s'éleva ou se rétablit jamais avec plus de force et de gloire?' It had smashed his enemies within and without, except one who was outside the pacified continent. It was 'le premier empire du monde', one of the orators said. It was, 'le plus beau des empires', said another. He also provided historical arguments: 'Les autres dynasties commencèrent dans les temps d'ignorance et des préjugés. Celle-ci s'elève lorsque les préjugés sont bannis et dans le siècle des lumières. Trente millions d'hommes sont gouvernés par le plus grand des héros . . . .' A third 'tribune' managed to combine the 'century' and the 'hero'. The misfortunes which preceded and followed the destruction of the House of Bourbon were destined to

prepare for 'l'établissement de l'Empire qui va s'élever majesteusement, fort de tous les intérêts de tous les vœux, de toutes les espérances du siècle de Bonaparte. Sous quels heureux auspices va commencer notre ère impériale; gloire, liberté, sûreté, tout est là sous l'égide de la sagesse et du génie.'[1]

Napoleon agreed with the twofold aspect under which as Emperor he was given adulation. As the successor of Charlemagne he had his elevation *in solium imperii* celebrated by Pius VII on 2 December 1804.[2] As the man who had initiated his own era he took the crown from the hand of the Pope and placed it on his head himself.

2. THE NEW CHARLEMAGNE AND THE ECLIPSE OF EMPIRES IN 1815

The proclamation of 18 May 1804, by which Napoleon Bonaparte became Napoleon the First, *Empereur des Français*, was taken as a challenge by the ruler to whom the oldest emperorship of Europe had descended. Francis II was acutely aware that his status as Emperor in the loose confederation of the Holy Roman Empire bore no comparison with the efficient authority which gave a meaning to the title acquired by the French upstart. He desired to demonstrate that he was the equal of this new monarch—and of the third 'Emperor' in Europe, the Czar of Russia—with regard to his real territorial dominance, which united peoples of very different nationalities under a highly centralized administration, and whose sphere had under his own auspices been enlarged in Poland and in the Adriatic. By a simple rescript issuing from his *Staatskonferenz* he had, on 14 August, styled himself 'Kaiser' of this state. It was called Oesterreich (Austria), after the province in which the ancestor of the Hapsburg dynasty had laid the foundations of its territorial growth and in which the city of Vienna, the seat of this new 'Kaisertum', was situated. The act was not meant to abrogate the other imperial dignity of which Francis was possessed. There was still reason for keeping the titles of 'Kaiser' and 'Reich' in reserve. They were abandoned only when in 1805 Francis had both his imperial ranks put to the test in the War of the Third Coalition—when Napoleon routed his armies at Ulm and Austerlitz, and by the Peace of Pressburg deprived him of any hold on

territories in west and southern Germany. The fourteen German princes of the Rheinbund, over which Napoleon presided, formally declared on 1 August 1806 that Kaiser and Reich no longer existed for them. Napoleon had made known even before that he was no longer prepared to countenance these institutions and would, by a new invasion of Austria, enforce their extinction unless it were effected by a voluntary act of the Kaiser. Under this pressure the obstinacy of Francis gave way. On 6 August he resigned the title, and released the estates of the Reich from all the constitutional duties implied in their membership. The Holy Roman Empire had ceased to exist.

Napoleon refused to tolerate even a shadow of any demand on the loyalty of German princes that might rival his own. This, however, was not the only reason why he insisted on the abrogation of Francis I's title to the Holy Roman Empire. Between the Senatus-Consult of 18 May 1804 which proclaimed him Emperor of the French, and the Coronation of 2 December which demonstrated the reality of this dignity, his title had, in his own mind, taken on a new character. The claims attached to it had extended far into the area once covered by the Empire of Charlemagne and its medieval revivers. In his coronation oath he had pledged himself only to preserve the 'territory of the Republic'. A few months later, however, the full meaning of the new dignity was demonstrated in Italy. The Iron Crown of the Lombards was added to the Imperial Crown of France. Genoa, in violation of solemn engagements, was annexed to France. When discussing the significance of this act with his governor, Napoleon himself was already using the phrase 'mon empire'. Having encroached upon the Papal States by the occupation of Ancona, he intimated to Pius VII that 'his' empire, in its titles, as well as in its extent, was that of Charlemagne; the Pope would do wisely to comply with this interpretation.[1] 'L'Empire' henceforward proved an elastic concept, growing with the increase in Napoleon's power. First it was the territory of the French nation inside the 'natural frontiers' vindicated by the wars of the Revolution. Then it was administrative France—France aggrandized by Napoleon's annexations, which in the end were to comprise the Papal States, Holland, and the German Hansa towns. Next it included all Italy, and also the dependent and 'confederate' territories in Germany.[2] The most drastic extension of direct imperial rule—making

Rome, Amsterdam and Hamburg imperial cities—was meant to counterbalance the sea-power of the one consistent enemy, Great Britain.

This last move was actually conditioned by the continental blockade, by the necessity of compensating indirectly for the irreparable setback of Trafalgar. This is not to say, however, that the 'grand empire' was only a strategic device. One cannot imagine a situation in which Napoleon would have considered abandoning the imperial titles he had acquired after 1804 so long as these titles were made good by his command of Western Europe. In March 1811 he virtually pledged his personal honour on their ecumenical significance. He solemnly professed his intention of terminating his quarrel with the Pope by inaugurating a reform of the Church of 'his Empire'. He declared it to be 'the Church of the West, if not the Church of universal Christendom'.[1] The son born to him a few days later was presented to the world as the King of Rome.

Yet his Empire was to remain 'l'Empire français'. His French subjects should, for all their deference, have reason to consider themselves the legitimate partners of their Emperor. When the Institut de France proposed entitling him 'Augustus' and 'Germanicus' on the Arc de Triomphe he strictly forbade it. He gladly accepted the heritage of Charlemagne; he repudiated that of the Roman Caesars. 'Le titre de l'Empereur est celui d'Empereur des Français.' This, he declared, implied a history wholly different from that of the illegitimate and destructive rulers of ancient Rome. The Institute should make every effort to make this contrast widely understood.[2] When Napoleon fell out with his brother 'King' Louis, and decided to annex Holland to France, one of the reasons he gave was that Louis had encouraged the Dutch in an attitude of disrespect towards French history and the French nation. He professed to be totally averse to reverence paid to him at the expense of France. He would not disavow his predecessors from Clovis down to the *Comité du Salut public.* To blacken their memory was to insult him personally; to speak evil of his people was to become his enemy.[3] He was convinced, however, that France would steadfastly prove worthy of being 'the heart of the Empire' and identify herself with the imperial cause. The power, the honour and the integrity of the Empire of sixty million men, which included Italy and Holland, together with the danger threatening the homeland, were by Napoleon made the key-note of the conscription

order which he sent to France from Dresden in September 1813, when the armies of the three eastern powers closed in upon his.[1] He was slow to reconcile himself to the fact that outside France 'his Empire' was lost. In November he found himself faced by the possibility that Metternich would help him to maintain the French Empire inside the 'natural frontiers' which he had once secured for the Republic. He accepted negotiations on these 'Frankfurt proposals' only when it was too late, and when the Allies had decided to enforce a peace based more or less on the 'ancient' frontiers of the Bourbon monarchy. This in the first place meant the abandonment of the Scheldt estuary, the main object of the struggle with England. To concede this was tantamount to undoing the territorial achievement of the Republic which had given substance to the Empire. It was to avoid this doom that in February and March 1814 Napoleon exerted his military genius in an attempt to deter the allied armies from continuing the war in France. Caulaincourt, his plenipotentiary at the peace negotiations at Châtillon, would have liked to save the throne of his master by complying with the 'ancient limits'; but Napoleon prevented unambiguous promises to this effect. He counted on the disunion between the Allies—among whom, in his opinion, England alone was really interested in the curtailment—and also on the loyalty of the French nation to the cause of the Empire in the sense he gave it. When on 20 March he was about to frustrate the advance of the Allies towards Paris by his strategic versatility, he also made a last attempt to impress on his Austrian father-in-law that to the nation the frontiers, the Empire and the Emperor were the same cause. He drafted a letter to be written by Marie-Louise:

> Write to your father that the idea of imposing on us a peace which would humiliate us and deprive us of Antwerp is impracticable. The nation, the peasantry in particular, is possessed of energy. In the end the Allies will be beaten and the Empire will be more powerful than ever. Entreat him not to sacrifice the Empire to the greed of England, to disregard the resentment of Stadion and others, and instead to consider the interests of his own monarchy, the well-being of his family and the tranquillity in which he hopes to live. The peace he has to make must be based on the Frankfurt conditions.[2]

This letter was never written—and within a fortnight the allied troops had entered Paris. Under their protection and the leadership of

Talleyrand the Senate had deposed Napoleon and called Louis XVIII to the throne. After some days of mortifying experiences Napoleon complied with this decision in the treaty of Fontainebleau made on 12 April. By this act he renounced for himself, his descendants, and his family 'all right of sovereignty and dominion over the French Empire'. Actually, his renunciation also sealed the fate of the French Empire. The restored Bourbons were pledged to the 'Kingdom', not to the 'Empire' of France—and they were not pledged to the natural frontiers. The question whether the name 'l'Empire français' depended on the greater France of the Revolution or on the personality of the Emperor found a surprising answer a year later, when Napoleon returned from Elba and the Bourbons fled in confusion. Professedly, at least, the restitution of the imperial titles related only to the man and the social system for which he stood. He was wary of making them expressive of his former territorial claims. In his circular letter to the sovereigns of Europe he even seemed to renounce these claims definitely. The allies would not believe in his conversion. They refused to put Napoleon's good faith to the test. Instead, they challenged him to invade Belgium again. The battle of Waterloo decided against the reinstatement of the French Empire under the auspices of its founder. But Napoleon's captivity led to the establishment of the legend of the hero-emperor who had been prevented from proving what his Empire really meant.

For the present the second abrogation of the 'Empire français' was a corollary to the resettlement of Europe which had been inaugurated at the headquarters of the allies in March 1814 by the diplomatic exertions of Castlereagh, and painfully elaborated at the Congress of Vienna. This system of European peace proved to be bound up with one more eclipse of an imperial title, apparently definitive. A mutual alignment of the German states in the centre of Europe was necessary for her stability. Their federative relations had to be built on sanctions firmer than those of the decayed Holy Empire had been. Just this necessity, however, made it impossible for the Holy Empire to return in the shape of a Reich, German now in name as well as in substance. Such a renascence, indeed, strongly appealed to fiery individuals who felt that the ascendancy of France had been a challenge to the German nation as a whole. The

Freiherr von Stein was indefatigable in devising constitutions which, being built upon the co-operation of Austria and Prussia, would make the Reich a powerful custodian of European peace. There were loyal Austrians also who wanted to restore their Kaiser to legal, not only to political, authority in Germany. In fact this sovereign was the only prince who could have raised a claim to the imperial crown which he had surrendered so reluctantly in 1806. Francis was, however, now decidedly averse to its recovery. Metternich was quick to satisfy Castlereagh by this sacrifice when the two statesmen held their first conferences in January 1814. Castlereagh understood him to say that the imperial crown of Germany would give the monarch an 'unconstitutional and odious authority'.[1] Even at this preliminary stage of the peace arrangements, when the future demarcation of the German principalities was far from being settled, one basic condition of their status was guaranteed to them. Their rulers were to have sovereign authority in their internal affairs. This had been conceded to the princes of the South, kings and grand-dukes of Napoleon's creation, when they joined the coalition before or after Leipzig. This was the 'constitutional' impediment which in Francis's and Metternich's opinion precluded the establishment of an imperial authority. Nor could Prussia, now a European power again, be expected to submit even nominally to such an authority—the less so as on the insistence of Castlereagh she had been made paramount in Western Germany, in the interest of European peace. Imperial institutions, had they been created on paper, would not have been supported by such widespread loyalty as would have been necessary for their efficient running; they would rather have met with definite ill-will. When the framework of the 'Deutsche Bund' was discussed at the Congress of Vienna, the committee entrusted with its elaboration could not make any progress for months, because the medium-sized states effectively objected to a federal executive as well as to a federal court of justice. The result was an organization which provided for mutual peaceful intercourse and common defence. These elementary national functions made the federal constitution fit in with a general European alignment. Metternich's antipathy to national passions, which soon afterwards proved so influential in federal agreement, was not responsible for these basic arrangements. Neither he nor any contemporary could be

aware that the idea of a German Empire had now become accessible to later constructive redefinition simply because it had been rejected.[1]

To question whether at this juncture the British Empire was also going through an eclipse of some kind might easily seem immaterial. British ascendancy in eastern and southern India, established by Wellesley in the first period of the French wars, had proved beyond the reach of Napoleon's schemes. After Trafalgar British dominion had freely spread over the Mediterranean islands, the Cape, the French and the Dutch Indies. However, with the approach of the disintegration of Napoleon's empire, the British statesmen prepared themselves and their continental allies for an exemplary act of political and economic sacrifice. The expulsion of France from her conquests in Europe would be followed by a voluntary retreat of Great Britain from most of the French and Dutch colonies which had surrendered to her during the war. This co-ordination of colonial and continental arrangements had formed part of the suggestions which Pitt had in 1804 offered to Czar Alexander when he responded to the Czar's plan for making a new system of Europe the programme of the Third Coalition. Castlereagh and his ministerial colleagues showed themselves wedded to it when the alliance of the two powers began to materialize again in the summer of 1813. They stated their intentions with almost dogmatic precision in an appendix to the Cabinet memorandum of 26 December 1813, which Castlereagh took to allied headquarters.[2] The interrelation between the continental and the colonial had several different aspects. One of them concerned the conditions under which the plan would come into effect. Great Britain would 'throw her acquisitions into the scale of general interests' only provided (*a*) 'the limits of France shall be reduced within proper bounds', and (*b*) 'the peace of the Continent shall be secured by an amicable understanding between the Allies'. If these conditions were guaranteed, Great Britain would be ready to renounce 'an exclusive accumulation of strength and resources'; she would 'return within corresponding limits'. 'Her object is to see a maritime as well as a military Balance of Powers established amongst the Powers of Europe.' The vexed concept of political equilibrium was applied to the future maritime situation only to emphasize its contrast with the present 'exclusive accumulation' of naval and colonial strength in the hands of Great Britain. The Cabinet

especially wanted to see Holland and Spain restored as maritime powers. Apart from this the definition which, on another occasion, Castlereagh gave of that equilibrium—'a relation between the power of resistance and the power of aggression'[1]—allowed for a special reservation on the part of Britain in the present case. Her rulers would lay claim to those conquests 'which affect essentially the engagement and security of their own dominion'. Great Britain was, in other words, entitled to improve on her former maritime position by the retention of strategical outposts. In this respect she would not allow other powers to fix the measurements of equilibrium. The ministers defined no less clearly what she really was prepared to give up. 'They do not desire to retain any of these colonies for their mere commercial value—too happy if by their restoration they can give other States an additional motive to cultivate the arts of peace.'

Three months after the drafting of these principles, the reduction of France 'within proper bounds' was secured, so that the conditions laid down for the fulfilment of these promises were fulfilled.[2] Colonies should not be treated as pawns in the diplomatic conflicts aroused by the Polish and German questions at the Congress of Vienna. In the final treaties of 1814–15 Great Britain was allowed to adhere to the principles of the Cabinet memorandum of 26 December 1813. She retained some few acquisitions important for her sea-routes—Mauritius, the Cape, Malta, Heligoland, St. Lucia. Among the colonies which she restored, Java, returned to Holland, was prominent in commercial importance. Its abandonment meant the frustration of Stamford Raffles' assiduous effort to make the island a model of enlightened British administration.[3] Duties of generosity towards subject races were, indeed, not outside the scope of the new order on which British foreign policy was intent. The abolition of the slave-trade was a major object of the negotiations at Paris and Vienna. The Dutch East Indies were returned only on condition that the authorities would no longer countenance this unholy traffic. That question once settled, however, generosity towards the European claimants of colonial territory was the leading maxim. Credit for faithfulness in this respect was given to the ministers even by their parliamentary opponents.[4] To suspect it of being hypocritical was beside the point. The statesmen made no secret of their conviction that

the question was one in which generosity agreed with the national interest. Colonies whose occupation had been a political and strategic necessity in the late war could, in the long run, absorb forces needed to 'preserve our authority in Europe'. It was, therefore, said the Prime Minister in the House of Lords, 'necessary not to proceed on a principle of colonial monopoly'.[1] More important still was the estimation of the moral influence which the attitude of Britain to colonial questions should have in European public opinion. When the restitution of the Netherlands was just entering the diplomatic agenda, Castlereagh wrote to Lord Liverpool: 'I still feel great doubts about the acquisition in sovereignty of so many Dutch colonies. I am sure our reputation on the Continent, as a feature of strength, power, and confidence is of more real moment to us than an acquisition thus made.' When afterwards in the House of Commons he defended the terms of the peace with France against the objection that they might be too liberal, he declared that he had dreaded nothing so much as to have appeared to be putting obstacles in the way of the prosperity of French trade. Conditions imposed by Britain ought not to allow for the imputation of 'selfish ambition'.[2]

Evidently the fact that in the war Britain had acquired so many foreign colonies was important to Castlereagh, first of all as an opportunity of gratifying their original masters by giving back the most remunerative of them. This demonstrative magnanimity must be seen against the background of Napoleonic propaganda, which had missed no chance of assuring the nations of Europe that but for the insatiable greed of England they would be living in peace. Castlereagh and, under his influence, his colleagues too were responsive to the necessity of counteracting the impression which this had made on continental opinion. There was, he assumed, no better means of winning confidence in Europe than by showing that Britain was not intent on accumulating the riches of the world overseas. Special attention deserves to be given to the fact that, while attaching so much weight to opinion abroad, he did not need to feel constrained by opinion at home. He could scarcely assume that prudence in the handling of foreign opinion would be as primary a maxim to the ordinary citizen as it was to him. It is significant, therefore, that he had no fear that popular displeasure might be aroused by the abandonment of conquered colonies. Under other circumstances,

such displeasure might have originated from mercantile interest as well as from national pride. After all, warfare had been harnessed to commercial speculation twenty years earlier, when Pitt had allowed British forces to be diverted to the French West Indies with the twofold aim of bringing down revolutionary France and of getting control of sugar and cotton plantations. But no such monopolist demands were raised now. In their effort to enforce the suppression of the slave-trade in the colonies of all the countries with which they had to make treaties, the Government had to take account of the sensibilities of these countries about their national prestige. Yet though their energy in action against the slave-trade exposed them abroad to the suspicion that they were economically self-seeking after all, opinion at home was not easily satisfied that they were doing enough to achieve the noble aim.[1] Such passion for moral glory was not, however, linked to a corresponding desire to see the physical greatness of Britain respected by all the nations. No demands, either material or commercial, were attached to the name which had been established as the symbol of this greatness: the 'British Empire'.

Britain did not seem to be very interested in the existence of this name. The power to which it referred had proved solidly established in all quarters of the globe when the most resourceful of conquerors threatened to bring it down. The British Empire had stood up to the Empire of Bonaparte. While this other Empire expanded, it had made conquests too. When its rival collapsed, the rulers of the British Empire—and this meant the British nation itself—became free to decide how far it should extend in future. What a subject for national eulogies, one might think. Had popular opinion expatiated on it, British statesmen might have felt seriously embarrassed. It would have harmed their efforts to prove that they were treating the other European nations as their equals. There was, in fact, no need for fear. The name of the British Empire was not mentioned in the discussion of the peace. On the European scene this Empire, too, underwent an eclipse.

The reasons for this are substantially the same as those which made British diplomacy, in colonial matters, immune from objections originating in mercantile interests. In the hour of political triumph, England found her future greatness guaranteed less by her power abroad than by achievements she had made at home while the war went on. The name

of the British Empire was by no means forgotten; but it was now felt to refer primarily to the greatness of the island itself. This becomes most impressively evident from a publication which outwardly would seem to contradict such a statement.

> It is impossible to contemplate the progress of manufactures in Great Britain within the last thirty years without wonder and astonishment. Its rapidity, particularly since the commencement of the French revolutionary war, exceeds all credibility. The improvement of the steam engines, but above all the facilities afforded to the great branches of the woollen and cotton manufactories by ingenious machinery, invigorated by capital and skill, are beyond all calculation; and as these machines are rendered applicable to silk, linen, hosiery and various other branches, the increased produce, assisted by human labour, is so extensive that it does more than counterbalance the difference between the price of labour in this and other countries.

These lines occur in the middle of the *Treatise on the Wealth, Power and Resources of the British Empire in every quarter of the World*, a comprehensive economic and statistical survey written by a police official, Patrick Colquhoun.[1] The title of the book directs the reader especially to the chapters which deal with the Empire overseas, its population, products and trade with Great Britain. The author was aware that such a synopsis would be in demand, as no comparable attempt had been made before. His interest in the colonies was genuine. He did not content himself with the compilation of figures; he tried, to the best of his abilities, to imagine what each one of them could in future contribute to the British economy. He confessed to a very poor opinion of the convicts' settlement of New South Wales. 'It must ever be lamented that in the choice of difficulties the British Government should have been induced to have recourse to such an expedient.' The population there was 'lost to the nation'. Colquhoun is, on the other hand, enthusiastic about the prospects of Canada and the other British colonies in North America. 'It is, indeed, impossible to estimate the extent of this vast region; nor can we contemplate without wonder and astonishment the probable situation of this fine country in two centuries hence, inherited perhaps by many millions of people speaking the English language and enjoying the blessings of the British constitution.... These countries only require the fostering attention of the Parent State to render them of incalculable value to the nation.' A comparable estimate applied to the newly

acquired Cape of Good Hope. The prospects of this region ought to be explored. The inquiry would, in all probability, show that the country—apart from its importance for the route to India—was possessed of 'resources by which, with proper attention it might soon become a most valuable colony to the supreme government'.[1] In both countries, however, 'proper attention' would have to take the form of encouragement of such immigration as would turn their natural resources to economic advantage. Colquhoun felt certain that the West Indies, too, offered great opportunities to energetic settlers. But how was this labour force to be recruited? Two conditions were, in the opinion of the author, so evident that he did not even think it necessary to discuss them. The immigrants had to be of British nationality. They had not, on the other hand, to be selected from that labour force which was essential for the future development of the mother-country. While pondering on this difficulty, Colquhoun became aware of another one which was about to emerge with the end of the war. There would be numbers of 'military and naval officers, soldiers and seamen who may be deprived of adequate means of subsistence in consequence of the return of peace'. These veterans, he believed, would provide excellent material for the development of the colonies. The territories overseas which he had enumerated represented 'the resources which the nation possesses' for their reward and profitable employment.[2]

In this particular reflection the economic development of Great Britain and that of the Empire overseas were for once considered as co-ordinated problems. However, if measured by achievements at home the value of the colonies appeared potential rather than actual. The greatness of the Empire as it stood at the end of the war was almost exclusively concentrated in the mother-country. It resulted from the unexampled productivity of labour in British industry during the previous decades. We have already heard Colquhoun speak of this. Another passage in his book was, if possible, still more emphatic, though somewhat less precise. 'An era has arrived in the affairs of the British Empire, discovering resources which have excited the wonder, the astonishment and perhaps the envy of the civilized world.' 'Wonder' and 'astonishment', the favourite superlatives of our not too eloquent author, had referred in one of the instances quoted before to the record

of the previous thirty years of British industry and in the other to the prospects of British North America. In this instance they were implicitly related to the British Empire. As the context shows, however, here too it was the economic progress of the nation at home which fascinated the writer. An 'accumulation of property' had been witnessed which was 'extensive beyond all credibility and . . . rapid in its growth beyond what the most sanguine mind could have conceived'. By this enrichment alone 'the nation has been placed in so elevated a situation in the scale of Europe'. Summary expressions made 'the British Empire' or 'the British dominions' appear possessed of this wealth, and a short reference mentioned people living in 'Ireland and the Colonial Dependencies of the Crown' together with inhabitants of Great Britain as private owners of that wealth. However, the argument in this treatise concerned the 'paradox' implied in that wealth. It had been called upon to bear 'a war of unexampled expense' and had been burdened with an enormous national debt. It stood in striking contrast to 'the limited population and territory of the British Islands'. Must we assume, therefore, that it originated mainly in the external British Dominions, in the Empire overseas? The question was not even asked by Colquhoun. The wealth of the Empire showed in the main 'the progressive and growing opulence of the country'. This opulence was in the last resort 'derived from the productive labour of the people in whose efficiency the excellence of the British system of government has no small share'.[1]

In Colquhoun's mind, it follows, the British Empire had a twofold aspect. It was established 'in every quarter of the world', but its magnificence was constituted by the internal development of the United Kingdom. At the end of a war which had shown the Empire overseas to be inviolable, and even susceptible to further growth, the most impressive facts to which the name of the British Empire related were found not in events beyond the Atlantic Ocean, but in developments at home, which had enabled the nation to bring the war to a victorious end. Colquhoun did exceptional work in giving thought, at this juncture, to the balance-sheet of the overseas Empire, He was by no means exceptional in relating the name of the British Empire to Great Britain. This interpretation is applied even more explicitly in the pamphlet in which a greater mind than his defined what that epoch had meant to the

economic and social welfare of the country. In his *Observations on the Effect of the Manufactory System*, published at the end of the war, Robert Owen addressed a stern warning to the rulers of Britain. He saw an ominous significance in the industrial achievements which had enraptured Colquhoun. He was convinced even more decidedly than the other writer that in the last resort it had been this system that had won the war, and enabled the British Empire 'to contend for twenty-five years against the most formidable and immoral power that the world perhaps ever contained'. He was, however, afraid that the British nation might have to pay heavily in health and morals for its material and political gains. We must draw attention at this point to an external feature of the presentation of Owen's ideas. 'The British Empire' or, in short, 'the Empire' does not figure only in that one assertion. It stands for the country and the nation throughout the argument. 'Those who were engaged in the trade, manufactures and commerce of this country thirty or forty years ago found but a very insignificant portion of the knowledge, wealth, influence, or population of the Empire.' 'The manufacturing phenomenon' of the 'mechanical inventions which introduced the cotton trade' has, Owen goes on to state, had 'a rapid increase of the wealth, industry, population and political influence of the British Empire' as its 'immediate effects'. At the same time 'the manufacturing system has already so far extended its influence over the British Empire as to effect an essential change in the general character of the mass of the people'. The 'comparatively happy simplicity of the agricultural peasant' is on the decline. After having, in general terms, censured the moral effects that follow from the spread of acquisitiveness Owen turns to his main object. 'Parents do not hesitate to sacrifice the well-being of their children', whom they send to the factories at the earliest age. He opens his passionate campaign for legislative reform concerning child-labour and education in manufacturing districts. He concludes with an appeal to 'the British Government and the British Nation . . . to arrest by a clear, easy and practical system of prevention the ignorance and consequent poverty, vice and misery, which are rapidly increasing throughout the Empire. . . .'[1]

Manifestly the British Nation and the British Empire are identical notions to Robert Owen. In Colquhoun's argument they were not as

completely interchangeable; but there too the 'nation' had the lion's share in the 'Empire'. Usage had, it appears, reverted to the point at which it stood a century earlier, before the problem of the American colonies gave a stronger emphasis to the dominions overseas.[1] The name had regained a prominent reference to the United Kingdom. Other more casual instances can be adduced for its use in this meaning.[2] Those quoted above at length, however, not only give evidence of the fact, but also point to one of the underlying reasons. During the wars against revolutionary and Napoleonic France, the nation became increasingly impressed by the economic resources which it was acquiring and which were enabling it to sustain the burden of continuous warfare. The Kingdom, for the sole reason of its intrinsic strength, became the 'Empire' anew in the opinion of many of its citizens. The obtrusive realities of growing wealth and of power resulting from this wealth gave vigour to the name. One may add further that the defection of the Americans on the one hand and the union with Ireland on the other had made spectacular changes in the relative strength of the population which in a narrower or larger sense could be called 'British'. The English Canadians numbered perhaps a tenth of what the British Americans had been before the separation; other Britons beyond the Atlantic Ocean counted numerically—and in Australia also morally—for still less. All these groups taken together could not compare with the Americans, who, before Independence, represented about a fifth of the free subjects of the Imperial Crown;[3] nor could they compare with these former fellow-subjects as partners in trade.

These conditions were to remain unchanged for a considerable time, and they meant that the name of 'British Empire' was not frequently used. Edward A. Freeman, who was born eight years after Waterloo, described the result two generations later. 'At no time that I know of would anyone have scrupled to speak, in poetical or rhetorical language, of "the British Empire", "this great empire", and the like. But I can remember the time when no one would have used those phrases, except in language more or less poetical or rhetorical.' In this he was certainly right, and to some extent he was right too when he added: 'It is only in quite late times within my own memory, that the word "empire" has come into common use as a set term for something beyond the kingdom.'[4]

Freeman—who used these remarks in 1885 as arguments for his misgivings against the cause and the name of 'Imperial Federation'—may by 'within my own memory' have been referring to public discussions of the 1860's and 70's. He should, however, have been content to speak of such usage as he really could remember. He was under a misapprehension about its antecedents. He took it for granted that behind the rhetorical references there was nothing but classicist grandiloquence: 'Though the speaker may not have consciously thought of suggesting any analogy with the Roman Empire, yet the traditions of the time when those words could not have been used without implying such an analogy had still left their stamp on language.' Of 'the use of the phrase "British Empire", as a technical phrase from which all memory of Rome has passed away', he said that it was 'a good deal later than the use of the phrase "French Empire" as a technical phrase from which all memory of Rome had certainly not passed away'. Here Freeman's aversion to all 'imperial' language—which was deeply related to his intense dislike of Disraeli—caused him to forget that, as an historian, he might have done well to inspect documents of British history in the eighteenth century before making such sweeping statements. These documents would have shown him that by that time—that is to say, before the French 'empire' started on its career—the British Empire in the minds of Americans, Englishmen and Irishmen had stood for an idea which could not be dismissed as rhetorical cant—the idea of a political system co-ordinating Great Britain in lasting solidarity with communities beyond her borders whose constitutions conformed to her standards. At the same time, Freeman's misreading of the term demonstrates a more general trend. The aspirations which had led Edmund Burke to define an empire as 'the aggregate of many states under one common head' had left no lasting mark on the public mind after they had been defeated by separation in the case of America.

On the face of it, Burke's definition could be thought appropriate to the connection between the United Kingdom and the countries of India. There were legal sanctions and on occasion solemn public affirmations of the principle that the authority held by the East India Company and wielded by its Governor-General in Calcutta was, in the last resort, vested in the British Government and Parliament. The provinces subject

to that administration were 'the British territorial possessions in the East Indies'. Marquess Wellesley was fully entitled to call them 'dependent possessions of the British Empire', as he did in a memorandum on administrative reforms submitted to the Court of Directors in 1800. His own successes in the late war in Mysore enabled him to state, in the same memorandum, that an 'ascendancy of the British power over all the states of India' was now established.[1] Nevertheless, he did not desire to extend the notion of the British Empire to the whole sphere of this ascendancy. English usage at home was not even inclined to class the provinces of his administration with 'the British Empire' at the time when he did. People preferred to speak of 'the British Empire in India' or, when more emphasis was needed, 'our Empire in the East'.[2] In both expressions justice was done to the magnitude of British power in India. But the notion of empire applied to this power in its general sense: it was not a proper name, as it was in its particular connection with 'British'.

This differentiation betrayed an instinctive feeling for the particular relation in which the Empire in the East stood to the British nation and its Empire elsewhere. One might say that Burke's definition of empire as 'the aggregate of many states under one common head' fitted the conditions of India under British rule only too well. It was 'the common head' that connected both worlds. The Indian provinces and states were not British colonies. Citizens of the United Kingdom had a stake there, not as colonists or planters, but only as functionaries and soldiers of the Company, and, since the termination of the Company's commercial monopoly in 1813, in small numbers as merchants also. None of these activities was bound up with permanent residence. Numerically as well as socially, the English residing in the country meant incomparably less in the structure of East Indian society than they meant in that of any West Indian island. Whatever country was in the mind of an Englishman when he spoke of the British Empire, it would be one which, in his imagination, had become intrinsically British. In this respect also the original meaning of the term lived on. At that time the British public would not have been able to understand the political phraseology of later generations, to whom British rule in India appeared as the prototype of 'British Imperialism'.

NOTES

PAGE 1

1 Gellius, *Noctes Atticae*, IV, 18, probably after Cornelius Nepos. Gellius emphasizes that authenticity is accepted for 'haec quidem verba' even by those who reject reports on another speech delivered by Scipio on that day. Modern scholars—from T. Mommsen (*Römische Forschungen*, II, pp. 466 f.) to G. de Sanctis (*Storia dei Romani*, IV, 1, 594) and R. M. Haywood (*Studies on Scipio Africanus*, pp. 86 ff.)—who have taken pains to illuminate the obscurities of the Scipio trials, have, on the whole, seen no reason to contradict him in this respect. Cf. Schanz-Hosius, *Geschichte der Römischen Literatur*, I, pp. 212 f. Certainty is, of course, impossible.

PAGE 2

1 Polybius, XXI, 32; Livy, XXXVIII, 11. Cf. E. Täubler, *Imperium Romanum* (1913), pp. 63, 106.

2 Livy, XLIV, 1; Cato, *Origines* frg., 95 b: 'ne sub solo imperio in servitute nostra essent.'

3 *Inscriptiones Graecae ad res Romanas pertinentes*, IV, no. 293, ll. 14, 27 (the gymnasiarch Diodorus of Pergamon, c. 130 B.C.).

4 'Populus gentium victor orbisque possessor'; L. Annaeus Florus, *Epitome* (ed. H. Malcovati, Rome, 1938), II, 1, 2. κύριοι τῆς οἰκουμένης; Plutarch, *Tib. Gracch.* IX. Florus probably drew from Livy, who quoted a contemporary source (C. Wirszubski, *Libertas as a Political Idea* (1950), pp. 45 ff.).

PAGE 3

1 ('the empire of the world, to which all nations, kings, tribes—some under duress, some of their own will—have yielded'). *Auctor ad Herennium*, IV, 9, 13. From a speech exposing the criminal folly of rebellious *socii* (90/89 B.C.), 'qui pro nobis pugnare at imperium nostrum nobiscum . . . conservare soliti sunt.'

2 Its antecedents in the proscriptions of Sulla (cf. M. Gelzer, in Pauly-Wissowa, *Real Encyclopädie der Altertumswissenschaft*, Reihe 2, (Halbband) XIII, pp. 835 f.) are irrelevant to the passage in question (para. 50).

PAGE 4

1 *In Catilinam*, IV, 11, 23.

2 'could stand up for the Senate's authority, and for the Roman people's freedom and *imperium*': *Philippicae*, III, 37; IV, 8. Cf. also *De Divinatione*, I, 27 (relating to Deiotarus, the king 'huic imperio amicissimus'—*Pro Rege Deiotaro*, 11).

3 *De Legibus*, III, 3: 'Nihil porro tam aptum est ad ius condicionemque naturae (quod quom dico, legem a me dici intellegi volo) quam imperium; sine quo nec domus ulla nec civitas nec gens nec hominum universum genus stare . . . potest.' The semantic diversification of *imperium* is most comprehensively surveyed and evidenced by O. Prinz, *Thesaurus Linguae Latinae*, VII, 1, Fasc. 4, pp. 568 ff.

PAGE 5

1 Cicero addressing M. Lepidus in *Philippicae*, XIII, 14: 'Tibi exercitum . . . patria pro se dedit. Hoc tu arcebis hostem; fines imperii propagabis; senatui populoque Romano parebis.' On the political background see Gelzer, *loc. cit.* 1069 f. The sentence is not related to actual problems of conquest. By a time-honoured quotation the rebellious proconsul is told to mind his duties. Cornelius Nepos praising the exploits of the Carthaginian Hamilcar (II, 5): 'Omnia oppida abalienata . . . restituit patriae. Neque eo fuit contentus, sed etiam fines imperii propagavit.'

2 'Now that their *imperium* had been increased and peace been gained throughout the world': *Inscriptions de Délos*, no. 1511; *Corpus Inscriptionum Latinarum*, I, no. 2500. I follow the reconstruction of the text in *C.I.L.* For the interpretation of the very mutilated document (discovered 1910), see W. A. Laidlaw, *A History of Delos* (1933), p. 273; M. Rostovzeff, *The Social and Economic History of the Hellenistic World* (1941), II, p. 947.

3 'Num tu harum rerum natura accidere arbitraris, quod unam terram ac plures terras et urbem et urbes et imperium et imperia dicamus . . .' Caesar, *De Analogia ad M. Tullium Ciceronem*, according to Gellius, *Noctes Atticae*, XIX, 8, 7. When entreating Q. Caecilius Metellus Pius Scipio to use his authority for restoring unity, Caesar asserts (*De Bello Civili*, III, 57): 'quod si fecisset, quietem Italiae, pacem provinciarum, salutem imperii uni omnes acceptam relaturos.' Compare this with the epistolary style of Cicero's friends Cato and Pollio: 'quod pro meo iudicio facere potui, ut sociorum revocatam ad studium imperi nostri voluntatem sententia mea et decreto laudarem, feci'. 'res enim cogit huic tanto incendio succurrere omnes qui aut imperium aut nomen denique populi Romanum salvum volunt esse' (*Ad familiares*, XV, no. 5; no. 33).

PAGE 6

1 *Imperium* in this juridical meaning stands for itself and does not originally relate to *imperium populi Romani*. Cf. Mommsen, *Römisches Staatsrecht*, I, 22; Rosenberg, *P.W.* IX, 12, 1201; K. H. Vogel, 'Imperium und Fasces', *Zeitschrift der Sav. Stiftung*, Römische Abteilung, LXVII (1950), p. 69.

2 Cf. Vogel, who refers to Festus (*art. cit.*). Cicero, *Ad Atticum*, VI, 4: 'rectissimum videbatur fratrem cum imperio relinquere.'

3 Cicero offers many examples. Cf., besides the whole of *De Imperio Cn. Pompei*, *In Catilinam*, IV, 23; *Murena*, 74; *De Re Publica*, III, 15, 24.

4 Cf. A. von Premerstein, *Vom Werden und Wesen des Prinzipats* (1937), pp. 245–60; R. Syme, *The Roman Revolution* (1939), pp. 317–36; M. Grant, *From Imperium to Auctoritas* (1946), pp. 242 ff.; E. Meyer, *Römischer Staat und Staatsgedanke* (1948), pp. 334 ff. Single points, regarding the development of Augustus's position and the meaning of his titles, have been much under discussion.

PAGE 7

1 A. von Premerstein, *op. cit.* p. 253. That a dangerous ambiguity was at least possible is shown by Cicero, attesting to Caesar in *Pro Ligario*, 7: 'cum ipse imperator in toto imperio populi Romani unus esset, esse me alterum passus est' (cf. Grant, *op. cit.* p. 411).

2 Cf. Ehrenberg and Jones, *Documents Illustrating the Reigns of Augustus and Tiberius*, no. 37 (S. C. de mense Augusto, 8 B.C.): 'cum . . . ob has causas hic mensis huic imperio felicissimus sit . . .'; no. 40 (Tropaea Augusti, Alpes Maritimae, 7–6 B.C.): 'eius ductu auspiciisque gentes Alpinae omnes . . . sub imperium p. R. sunt redactae.' In *Res Gestae Divi Augusti*, cf. especially c. 26: 'gentes quae non parerent imperio nostro . . .'; c. 27: 'Aegyptum imperio populi Romani adieci'; c. 30: 'Pannoniorum gentes . . . imperio populi Romani subieci' etc.; c. 34: 'rem publicam ex mea potestate in senatus populique Romani arbitrium transtuli' (Ehrenberg and Jones, *op. cit.* pp. 22 ff.). The emperor's intention was well understood by those who wrote the heading of the *Res Gestae*.

PAGE 8

1 For a comprehensive appreciation of the literary activities of Maecenas and his circle cf. Syme, *op. cit.* ch. XXX: 'The Organization of Opinion.'

2 *Carmina*, I, 2, 25: 'Quem vocet divum populus ruentis Imperi rebus?' (Cf. W. Wili, *Horaz und die Augustische Kultur* (1948), pp. 142, 211).

PAGE 9

1 'Praefatio', 7–9. Shortly before, Sallust, the obituarist of the Republic, had resigned himself to the doleful conviction that the Roman people had become morally incapable of wielding their *imperium* by collective control. Cf. the invectives attributed by him to the tribune Memmius and to M. Aemilius Lepidus, the father of the triumvir (*Bellum Jugurthinum*, 31, 11, 25; *Oratio Lepidi ex Historiis*, 11). That Livy knew very well the oratorical phrases *imperium populi Romani* and *vestrum imperium* is shown by IV, 5, 1; XXXVIII, 48, 2.

PAGE 10

1 'Imperium Romanum' occurs unobtrusively already in Sallust's writings (*Catilina* x, 1: 'Carthago aemula imperii Romani'). It would, of course, be impossible to contend that the expression was unknown under the Republic. But its emphatic use as a political watchword can scarcely be traced back so far. Livy, IX, 17: Alexander could not have conquered 'invictum Romanum imperium'. Cf. also XXXVI, 171; XXXVIII, 48, 51; XXI, 20, 'gloriam virtutemque populi Romani ac magnitudinem imperii.' Seneca, *Controversiae*, IX, 2, 6: 'Me miserum, imperi Romani terrore lusisti.' Another orator in the same *actio laesae maiestatis* exclaims: 'Exsurgite nunc Bruti, Horatii, Decii, et cetera imperi decora' (§ 9). Cf. the cenotaph of Pisa, A.D. 4: Ehrenberg and Jones, no. 69, p. 68.

PAGE 11

1 Valerius Maximus, V, 3, 1; VI, 4, 1; III, 7, 10; VI, 1, 11; III, 4, 1; IV, 1, 10; VIII, 14, 1; V, 1, 8 & 10; IX, 11, 4; IX, 15, 5; V, 5, 3.

2 'Rome never introduced the term Roman Empire until the tragedy of her freedom was completed. Before that, it was only the Republic or the City.' On the eve of the American Revolution John Adams ventured this comment as putting 'British Empire' out of court (*Novanglus*, letter XII, *Works*, ed. C. A. Adams, IV, p. 173). While the second part of the statement was misleading, the first came near the truth.

PAGE 12

1 *De Bello Civili*, V, 200 f.; X, 410 (the Empire destroyed by the Civil War); VII, 579–588 (Caesar and Brutus); VIII, 798 f. (Pompey). There is no explicit connection between these exclamations and Lucan's stricture on the failure of the leaders of the Empire to subdue the Parthians (VIII, 425 ff.). Lucan's poem was meant to be 'a true philosophical epic' interpreting the Civil War in the spirit of Stoic cosmology and ethics. These ethics were bound to include republican fervour. Berthe M. Marty ('The Meaning of the Pharsalia', *American Journal of Philology*, LVI, 1945, pp. 352–376), who explains these intricacies, thinks it probable that the poem was at the same time to serve as 'the final call of the (Pisonian) conspirator to a general rebellion against Nero's regime'. How Lucan should have made it end in this vein remains inscrutable. It is certain, however, that Stoic republicanism was rife among the Pisonian conspirators (cf. A. Momigliano, *Cambr. Anc. Hist.* X, p. 729). When reading the verses referred to above, one remembers that according to Tacitus (*Annales*, XV, 50) these men were haunted by the fear 'finem adesse imperii' ('that the end of empire was at hand'). Glorifying the enemies of Caesar as saints of liberty was at variance

with the general view taken of their personal ambition; cf. Wirszubski, *op. cit.* p. 126.

2 Sacrificial arrangements at Narbo, commemorating the propraetorship of 43 B.C., which opened Octavian's official career: 'idus Januar. qua die primum imperium orbis terrarum auspicatus est' (Ehrenberg and Jones, no. 100). *Ara Pacis Cumae:* '(dedicata) est supplicatio imperio Caesaris Augusti (custodis civium Romanorum) . . .' *Corpus Inscriptionum Latinarum*, X, 8375, 11; cf. O. Prinz, *Thes. Ling. Lat.* s.v. *Imperium*, p. 572.

3 For the vicissitudes of *imperator* from Caligula to the Flavians, cf. Rosenberg, Pauly-Wissowa, *Real Encyclopädie*, XVII, 1148, s.v. *Imperator*.

PAGE 13

1 *Historiae*, I, 4; II, 76; I, 8, II. 74.

2 For the text of the *Lex de Imperio Vespasiani*, cf. Ehrenberg and Jones, *op. cit.* no. 364 (Appendix). In the translation and interpretation of the clause in question I follow H. Last, *Cambridge Ancient History*, XI, 404–8. The opinion based on Cassius Dio, LIII, 28, 2, that this discretionary power had been formally laid down in a *senatus consultum* of 24 B.C. (cf. von Premerstein, *loc. cit.* and W. Ensslin, *Cambridge Ancient History*, XII, 352) seems little compatible with what is known of Augustus's constitutional arrangements.

3 Tacitus, *Historiae*, I, 25. Pliny, *Epistulae*, IX, 19.

PAGE 14

1 *Historia*, I, 1: 'principatum divi Nervae et imperium Traiani, uberiorem securioremque materiam, senectuti imposui . . .' *Annales*, I, 1: 'cuncta discordiis civilibus fessa nomine principis sub imperium accepit'. This statement is meaningfully supplemented in I, 2: 'Neque provinciae illum rerum statum abnuebant, suspecto senatus populique imperio. . . .'

2 *Panegyricus*, c. 1 (rec. Schuster, 1923, p. 376), c. 6 (p. 381): 'ruensque imperium super imperatorem imperatoris tibi voce delatum est. . . . Ille tibi imperium dedit, tu illi reddidisti.' In cc. 7, 8, 9 (pp. 382–84) the meaning 'imperial dignity' recurs, while later on (cc. 26, 37; pp. 398, 407) *imperium* means only the Empire. Cf. also *Epistulae ad Traianum*, 102: 'commendantes dis, imperii tui auctoribus, et vota publica et gaudia.'

3 Gaius I, 5: 'cum ipse imperator per legem imperium accipiat.' *Digest.* I, 4, 1 pr. (Ulpian): 'Quod principi placuit, legis habet vigorem: utpote cum lege regia, quae de imperio eius lata est, populus ei et in eum omne suum imperium et potestatem conferat.'

4 As evidenced by the quotations of *Vocabularium Jurisprudentiae Romanae iussu Instituti Savigniani*, III, 1, pp. 424–6.

PAGE 15

1 L. Annaeus Florus, *Epitome*, esp. I, 1, 17 (the age of the Roman people and its Empire), 18 (the First Punic War and *imperium orbis*), 23 (the victory over the 'Macedones, adfectator quondam imperii populus'), 34, 36 (beginning of the moral decline with the Numantine war and the affair of Jugurtha, 'crescentibus cum ipsa magnitudine imperii vitiis'), 47 (reflections on the pernicious effects of imperial aggrandizement); II, 7, 13 (the civil wars and the Empire), 14, 34 (the achievement of Augustus).

2 *Res Gestae a fine Corneli Taciti*, XV, 12, 5 (the subjection of Cisalpine Gaul). Cf. also the admonition of Valentinian to Gratian, 'nihil alienum putare quod ad Romani imperii pertinet statum' (XXVII, 6, 12).

3 *De Consulatu Stilichonis*, III, 135–7, 150–59.

4 H. D. Traill, *Lord Cromer* (1897), p. 345.

PAGE 16

1 Cf. the Delian inscription of 58 B.C., above, pp. 5f. The territorial terminology of the Republic and the Principate is surveyed by Mommsen, *Römisches Staatsrecht* (3rd ed.), III, 1, pp. 824–7.

2 *Corpus Inscriptionum Latinarum*, III, 1928f, cc. 1, 1 (tranquillo orbis statu); 1, 27; 2, 2; 2, 9 (totius orbis nostri); 2, 23 (universo orbi). This technical application of *orbis* is rather different from its original decorative use in the formula *imperium orbis terrae*.

3 Both documents (*Corpus Inscriptionum Latinarum*, III, 1419, 5, 26; *Codex Theodosianus*, 6, 8, 1) quoted after Prinz, *op. cit.* p. 582. An inscription dating from the time of the Severi, which relates to a quarry in Egypt 'primiter sub imperio populi Romani', indicates, indeed, that the republican formula was officially respected until then (*Inscr. Lat. Sel.*, ed. Dessau, no. 4424, kindly shown to me by Dr. V. Ehrenberg).

4 Cf. G. Tellenbach, *Römischer und christlicher Reichsgedanke in der Liturgie* (Sitzungsbericht der Heidelberger Akademie der Wissenschaft, Phil.-hist. Kl., 1934/35), p. 9, quoting Tertullian, *Apologeticum*, c. 32.

5 *Liber ad Scapulam*, II (Migne, *Patrilogia Latina*, I, 700 A).

PAGE 17

1 *Divinae institutiones*, I, VII, 15, 16 (*Corpus Scriptorum Ecclesiasticorum Latinorum*, XIX, 633f—the presage of Hystaspes, 635).

2 *Commentaria in Michaeum*, I, 4 (Migne, *Patrologia Latina*, XXV, 1187f.) (476), St. Augustine's views on the Imperium Romanum manifest a more serious interest in its classical past and constitution. Cf. his precise definition of the concept, *De Civitate Dei*, III, 1 (Prinz, *op. cit.* p. 579) and the historical reflections, IV, 15, 29; V, 13.

3 *Epistolae Imperatorum, Pontificum* etc. (Avellana Collectio) *Corpus Scriptorum Ecclesiasticorum Latinorum*, XXXV, no. 17, to the emperors Honorius and Theodosius, 419: 'agamus aeterno imperio vestro maximas atque uberas gratias.'

4 Cassiodorus, *Variae*, ed. Mommsen, *Auctores Antiqui, Monumenta Germaniae Historica*, XII, with full references in the index. *Nostrum imperium* in letters of Theodoric in I, 3, 6, 11; II, 2, 40, etc.; the *formula comitivae* addressed to 'vos autem, Romani', VII, 3: 'destinato a nobis iudici vos convenit oboedire . . . quatenus et nostro imperio et vestrae utilitati satisfecisse videamus' (p. 203). The 'imperial' nomenclature referring to the Gothic kingdom is rightly stressed by Carl Erdmann, *Forschungen zur politischen Ideenwelt des Mittelalters* (ed. F. Baethgen, 1951), pp. 17f. For Theodoric's claims to quasi-imperial honours cf. E. Stein, *Histoire du Bas-Empire* (1949), pp. 116f. But 'ad Romanum repatriauit imperium' relates to the Empire of the Basileus in *Variae*, III, 18 (p. 88)—and Amalasuntha and Theodahad make it a mark of deference to juxtapose 'cum illo imperio . . . Hamalos', 'in regno nostro . . . in vestro imperio' (X, 1, 2; pp. 298, 311).

5 *Epistolae Imperatorum* etc. *Corp. Sc. Ecc. Lat.* nos. 65, 92, 115 (years 478, 515, 540).

6 Tellenbach, *op. cit.* pp. 19f., 23.

PAGE 21

1 R. Folz, *L'Idée d'Empire en Occident du Ve au XIVe siècle* (1953, *Collection Historique*, ed. P. Lemerle) is a competent survey of the whole development and a guide to research on the *Kaiseridee*. Some recent publications not considered in this book are mentioned below.

2 The unspecified character of *imperium* in the *usage* of those authors has been fittingly emphasized by W. Levison, *England and the Continent in the VIIIth Century* (1946), p. 122, and exhaustively demonstrated by R. Droegereit, 'Kaiseridee und Kaisertitel bei den Angelsachsen', *Zeitschrift der Savigny Stiftung*, Germanistische Abteilung, LXIX (1952), pp. 44ff. There is, as also appears from F. M. Stenton's comments on the concept of *bretwalda* (*Anglo-Saxon England*, pp. 34ff., 202), no mutual relation between this popular encomium ('Lord of Britain') and the scholarly term. Folz (*op. cit.* pp. 14, 22, 26, 52) still gives credit to the opposite view.

PAGE 22

1 Among the numerous monographs which have contributed to the elucidation of the event of 25 December 800, only the latest can be mentioned here: P. E. Schramm: 'Die Anerkennung Karls des Grossen als Kaiser', *Historische Zeitschrift*, CLXXI (1951), pp. 449–513. By inter-

preting the act in the light of its ceremonial antecedents the author may be said to have settled the question of its symbolical significance. Regarding Charlemagne's own intentions of giving expression to his dignity, cf. also C. Erdmann, *Forschungen zur politischen Ideenwelt des frühen Mittelalters* (ed. Baethgen, 1951), pp. 20–22. Concerning Alcuin's use of *imperium*, see H. Loewe in Wattenbach-Levison, *Deutschlands Geschichtsquellen im Mittelalter, Vorzeit und Karolinger* (1953), p. 234.

PAGE 23

1 The statement of the *Annales Laureshamenses:* (*Monumenta Germaniae Historica, Scriptores*, I, p. 37) that the title of emperor had been given to Charlemagne because 'he held in his power the city of Rome, which was the usual residence of the Caesars, and also the other cities of Italy, Gaul and Germany', can scarcely (as Folz, *op. cit.* p. 30, assumes) be taken as an authentic report of the deliberations which preceded the coronation, but it certainly reflects interpretations construed upon the event at the court of Charlemagne. Cf. Schramm, *op. cit.* p. 492.

2 *Monumenta Germaniae Historica, Leges*, Capitularia Regum Francorum, I, pp. 271 ff.

PAGE 24

1 *Annales Fuldenses* (*Monumenta Germaniae Historica, Scriptores rerum Germanicarum*) p. 69. Attention was drawn to this notice by E. E. Stengel, *Archiv für Geschichte des Mittelalters*, III (1939), p. 7.

2 While it is fairly certain that the kings of Leon aspired to being called emperors from early in the tenth century (see Folz, *op. cit.* pp. 50 f.), the question whether the same applies to Athelstan of England and his successors—especially Edgar, 959–75—has been much under discussion. Royal charters drafted by clerks who gloried in the terms *imperator, imperator regum, imperiale stemma* or *diadema, imperium Anglorum, Caesar, basileus* were in some general history books taken as testifying to an official title. This view was renewed in recent inquiries on the 'non-Roman imperial idea' by E. E. Stengel, C. Erdmann and R. Folz (*opp. citt.*). Meanwhile F. M. Stenton (*op. cit.* p. 348) had drawn attention to the 'fact that literary ambition, which revived under Athelstan after a long break in tradition, made draftsmen indulge in a highly artificial language, reminiscent of, and partly derived from Aldhelm's stylistic experiments'. Lately R. Droegereit (*op. cit.* pp. 57–73) has stressed two facts which go far to limit the documentary value of the charters in question: (1) Among 500 charters of the period (until 975) in which a royal title figures only 17 use the 'imperial' terminology. (2) Some of them—among them those using *imperiale stemma, imperiale diadema, imperium Anglorum* (*Cartulares Saxones,*

860, 932, 1135)—are most certainly forgeries of the twelfth century, while others are of doubtful authenticity. The first statement proves that there can be no question of official nomenclature. The second cannot, however, be taken as proving that the imperial title was an invention of the falsifiers. On the contrary: as the kings of their own time, the successors of the Conqueror, had no such title, they must have had reason to assume that the expressions used by them made their concoctions appear genuinely 'Anglo-Saxon'.

PAGE 25

1 The spiritual character of this prestige is rightly stressed by Walter Holtzmann, *Das mittelalterliche Imperium und die werdenden Nationen* (Arbeitsgemeinschaft für Forschung des Landes Nordrhein-Westfalen, 1953). '[Das Kaisertum] ist mehr eine geistige Grösse, gehört mehr dem Bereiche der Kirche und der Religion an' ([The emperorship] is rather a spiritual greatness, belongs rather to the domain of the Church and of religion) (p. 10). The author, moreover, shows (pp. 7, 12) the improbability of some attempts to explain the acquisition of the imperial crown by Otto I as resulting from particular political interests (relation to Byzantium, the archbishopric of Magdeburg). Pertinent criticism of some such explanations is also set forth by G. Barraclough in *The Origins of Modern Germany* (1949), p. 55. He also suggests another interpretation in purely political terms. He holds that control of Italy, as of Lothair's 'middle kingdom' generally, was vital for the security of the German kingdom, and takes the imperial crown to be a necessary element of this control (pp. 51–4, 66 f.).

2 Cf. K. Zeumer, *Heiliges Römisches Reich deutscher Nation* (1910), pp. 5–7.

PAGE 26

1 To assume as much means less than to suppose that Widukind's very outspoken 'non-Roman imperial idea' (most minutely scrutinized in the different writings of E. E. Stengel) reflected attitudes and ideas prevalent at the court and in the church of Otto I (as assumed by Erdmann, *op. cit.* pp. 43–5, 74–9 and Folz, *op. cit.* pp. 58–65).

2 Concerning Otto III and the impact of his short reign on ideas and ceremonies, P. E. Schramm's *Kaiser, Rom und Renovatio* (1929) remains the basic study. Results are summarized by Folz, *op. cit.* pp. 76–82. For comments on the political aspects of the episode cf. Barraclough, *op. cit.* pp. 59–62 (the administrative system), W. Holtzmann, *op. cit.* pp. 13–15 (joint church government of pope and emperor).

PAGE 27

1 *Monumenta Germaniae Historica, Briefe der deutschen Kaiserzeit*, v, pp. 107 (1061), 200, 237 (1063–5).

2 Cf. P. E. Schramm, 'Das Kastilische Königtum und Kaisertum während der Reconquista' (*Festschrift für Gerhard Ritter*, 1950), pp. 93 f.; Folz, *op. cit.* pp. 64–6.

3 For Cnut see Folz, *op. cit.* p. 54. Examples of archaizing mannerism in the twelfth century are *Leges Henrici Primi* ('Salutari regis imperio', 'tremendum regie maiestatis imperium'), the forgeries mentioned above, n. 2 p. 24 and Roger of Hoveden, *Chronica* (ed. Stubbs, Rolls Series, 1868), I, pp. 53, 60: 'rex Sithricus, cuius regnum rex Athelstanus . . . suo adiecit imperio' . . . 'Edwius . . . monarchiam imperii suscepit.'

PAGE 28

1 *Gregorii VII Registrum*, ed. E. Caspar (*Monumenta Germaniae Historica, Epistolae Selectae*, II), bk. II, no. 55a, p. 204 (*Dictatus Papae*, XII; I may refer to my remarks in *Festschrift für Robert Holtzmann*, 1933), and bk. VIII, no. 21 (missive to Hermann of Metz, 15 March 1081), pp. 555 f. 558.

2 *Registrum*, bk. I, nos. 11, 19, 85 (pp. 19, 31, 121, letters to the duchesses of Tuscany, the duke of Swabia, empress Agnes, 1073–4); bk. IV, no. 3 (missive to German bishops and princes, 3 September 1076, esp. p. 299).

PAGE 29

1 Compare *ibid.* bk. II, no. 63, p. 218 (letter to duke Geisa of Hungary, 23 March 1705) with II, no. 44, p. 181 (to Queen Judith, 10 January 1075). On no. 63 see G. Tellenbach in *Festschrift für Gerhard Ritter*, p. 64 'Henricum . . . ecclesiarum videlicet et imperii destructorem'. *Registrum*, bk. VIII, no. 21, p. 547.

2 Calixtus II to Henry V, 13 December 1122; Innocent II to Lothair III, 8 June 1133. *Monumenta Germaniae Historica, Constitutiones*, I, pp. 163, 168.

PAGE 30

1 See Schramm's article quoted above, n. 2, p. 27, pp. 103–15.

2 It would be irrelevant in the present study to enlarge on the different manifestations of the imperial idea in the Hohenstaufen period. They are surveyed by Folz, *op. cit.* pp. 102–32. On the possibility of their juridical evaluation see W. Holtzmann's comment, *op. cit.* pp. 18 f. My interpretation is at variance with the widely accepted view that the Investiture contest was harmful to the prestige of the Empire. As regards the testimony of Otto of Freising's *Chronica*, one can (as did the late Karl Hampe in his classic *Deutsche Kaisergeschichte*) easily read too much into its sombre interpretation of Daniel, c. 2 in bk. VI, c. 36. The apocalyptic prediction 'quod Romanum imperium . . . subrueretur' is not meant to relate to the present day. The enduring dignity of the Empire is again asserted in the Prologue of bk. VII, and the narrative closes in c. 34 on the Ciceronian

appeal addressed by Wladislaus II of Bohemia to king Conrad III 'quatinus auctoritate imperiali, ad quam totus orbis spectat patrocinium, ei subveniatur' (ed. Hofmeister, *Monumenta Germaniae Historica, Scr. rer. Germ.*, pp. 305, 309, 367).

3 Cf. Barraclough, *op. cit.* pp. 135–64.

PAGE 31

1 *Bibliotheca rerum Germanicarum*, ed. Jaffé, v, p. 518 f. (Adalbert of Mainz, 1122). *Monumenta Germaniae Historica, Constitutiones*, I, nos. 153, 157, pp. 215, 219 (Frederick Barbarossa, 1155–61).

2 *Ibid.* nos. 165, 167, pp. 231, 233 f.

3 *Ibid.* no. 230, p. 325.

PAGE 32

1 *Registrum domini-Innocentii papae super negotio Romani imperii*, ed. W. Holtzmann (Bonn, 1947/8), nos. 11, 15, 21, 29 (*Deliberatio*), 62 (Decretal *Per Venerabilem*), 79.

PAGE 33

1 Keutgen, *Urkunden zur städtischen Verfassungsgeschichte*, no. 154, p. 186. *Monumenta Germaniae Historica, Constitutiones*, II, p. 593. *Cambridge Medieval History*, VII, p. 218.

2 Zeumer, *Quellensammlung* (1913), no. 141 c.

PAGE 34

1 Research on the subject of *Rex Imperator* is discussed and much evidence which is used in the following is quoted by Calasso, *I glossatori e la teoria della sovranità* (1945); W. Ullmann, 'The Development of the Medieval Idea of Sovereignty', *Economic History Review*, LXIV (1949); E. E. Jacob, *Some Recent Contributions to the study of the later Middle Ages* (1951), pp. 22 f.; Gaines Post, 'Two Notes on Nationalism in the Middle Ages', *Traditio*, IX (1953), pp. 296–320.

2 Apprehensions were, however, rife on both occasions; cf. W. Holtzmann, *op. cit.* pp. 22, 25.

PAGE 35

1 G. Post, *op. cit.* pp. 299, 306–8. Vincentius Hispanus apparently remembers the titular claims of the kings of Leon and Castile and, in principle, wishes to bestow them on his nation. 'Jo. theutonice, excipe ipso iure Yspanos, qui Karolum non admiserunt, nec eius pares. Sed ego Vinc. dico quod Theutonici per busnardiam perdiderunt imperium. . . . Sed soli Yspani virtute sua obtinuerunt imperium et episcopos elegerunt.'

PAGE 36

1 If we except the occasional boast of Henry II, to which W. Holtzmann, (*op. cit.* p. 19) and G. Post, (*op. cit.* p. 303) have drawn attention, and which may have had many analogies.
2 On Alanus, cf. Post, *op. cit.* pp. 304–6.
3 Jean de Blanot (ca. 1255), *ibid.* p. 312.
4 Durand and *Quaestio in utramque partem*, cf. J. Rivière, *Le problème de l'Eglise et de l'Etat au temps de Philippe le Bel* (1926), pp. 426–8.
5 Andreas de Isernia, cf. Ullmann, *op. cit.* p. 24. The discussions of legists and canonists on *rex imperator* were, it appears, in the mind of Robert Bruce, when in the contest with John Balliol ('the great case', 1291/2) he intimated that Edward I of England, being superior lord of Scotland, might act as 'imperator' and divide the kingdom between the two competitors. The right to give royal status to princes was assumed to be a privilege of the emperor (cf. W. Holtzmann, *op. cit.* p. 9). Manifestly this theory (and not 'nationalism' as G. Post, *op. cit.* pp. 311 f., seems to assume) gave colour to the suggestion. It was ignored by Edward and his councillors: cf. Sir Maurice Powicke, *Henry III and the Lord Edward*, pp. 663–9, and *The Thirteenth Century* (Oxford History of England), pp. 381, 595, 602–8.

PAGE 37

1 Cf. Ullmann, *op. cit.* p. 9. For the technical use of *merum imperium* cf. R. Schroeder, *Lehrbuch der deutschen Rechtsgeschichte*, § 49, n. 161 and § 50, n. 3, various examples in *Monumenta Germaniae Historica, Constitutiones*, and Du Cange, s.v. *imperium*.

PAGE 38

1 Gierke-Maitland, *Political Theories of the Middle Ages*, p. 195, That the assertion of possessing 'imperium merum et mixtum et potestas gladii' was familiar to communal chancelleries in Italy is shown, for instance, by the proclamation of the propolani in Todi, Umbria, 6 December 1337, quoted by Gregorovius, *Geschichte der Stadt Rom*, bk. XI, ch. 5.
2 Ed. by F. Susemihl. *Aristotelis politicorum octo libri cum vetusta translatione Guilelmi de Moerbeke* (Leipzig, 1872).

PAGE 39

1 Richard Scholz: *Wilhelm von Ockham als politischer Denker und sein Breviloquium de principatu tyrannico* (Stuttgart 1944, Reprint 1952). Cf. in particular p. 25 (Occam's views as expressed in the *Dialogus*), pp. 98, 147, 153, 159, 166 etc. (passages of the *Breviloquium*).

PAGE 40

1 *Petrarcas Briefwechsel mit deutschen Zeitgenossen*, ed. Paul Piur (K. Burdach and P. Piur, *Vom Mittelalter zur Reformation*, VII, 1933), nos. 1 (24 February 1351), 3 (1352), 6 (23 November 1353), pp. 3–5, 18, 25, 31.

PAGE 41

1 *Petrarcas Briefwechsel*, nos. 8 (October 1354), 11 (June 1355), Anhang VI, 5, (*De vita solitaria*), pp. 42, 52, 209. For other expressions of despair cf. N. Zingarelli, *Le idee politiche del Petrarca* (1935), p. 347.

2 Examples in *Italienische Analekten zur Reichsgeschichte des 14. Jahrhunderts*, ed. Theodor Mommsen (*Schriften der M.G.H.*, Nr. 11, 1952), pp. 289, 310, 316 etc. Acquisition of the right of *legitimatio per rescriptum principis* was one of the coveted privileges. These cases may have attracted the attention of English lawyers to the institution, and thereby indirectly given rise to the one case in which a king of England was called 'emperor' in an official document. When in 1397 Richard II legitimated his illegitimate cousins, the Beauforts, and Parliament was informed of this act, the chancellor declared that the king for this occasion acted 'come entier Empereur de son Roialme d'Engleterre' (cf. A. F. Pollard, *The Reign of Henry VII*, II, p. 6; Taswell Langmead and Plucknett, *English Constitutional History*, p. 553). In the privilege itself the imperial title does not appear. The chancellor seems to have adopted it solely because he wished to create a precedent which laid down that in cases of legitimation the king could avail himself of the principle *rex imperator*. The incident does not testify to a personal demand of Richard II to be called emperor, and can as little be taken into account as a legal precedent to Henry VIII's 'imperial crown' as can suggestions of Robert Bruce in the 'great case' of 1291/2 (above, n. 5, p. 36). Charles IV's son Sigismund made again a lavish display of granting imperial privileges when he manifested his nominal suzerainty in the kingdom of Arles in 1415 (cf. P. Fournier, *Cambridge Medieval History*, VIII, p. 329 f.). This experience serves (and suffices) to explain why, when immediately he set out to visit Henry V in England, he was warned that he must make no use there of imperial authority. Here too the assertion of a 'peculiar insular connotation' of 'empire' in medieval English tradition (assumed by F. J. C. Hearnshaw, *Democracy and the British Empire*, 1920, pp. 14, 16) is out of the question.

PAGE 42

1 *Italienische Analekten* (above, n. 2, p. 41), no. 446, p. 184, April 11, 1355. See also the preceding protocols and letters, nos. 396, 412, 424 etc.

2 Before entering the service of the Florentine republic Salutati had been

secretary to the popes Urban V and Gregory XI. By then his views on the Roman Empire had been simply those implied in loyalty towards papal authority. He was present when Charles IV officiated as Urban's marshal at their joint entry in Rome in October 1368; six months later, in a letter to Boccacio, he gave expression to the deep enthusiasm which was aroused in him by 'illud spectaculum . . . papatum cum imperio convenire, carnem obtemperare spiritui, et denique terrenum imperium celesti obsequi monarchie' (*Epistolario di Coluccio Salutati*, ed. Fr. Novati I, p. 87; April 8, 1369). To these views he reverted later, when there was peace between Florence and the Roman pope. On 20 August 1397, in a letter to Jodocus, marquess of Moravia, he declared that it was the highest obligation of the German princes to work for a termination of the schism; 'nunquam enim dirigetis imperium, nisi prius ordinaveritis et papatum, a quo certum est imperium dependere' (*ibid.* III, p. 217).

PAGE 43

1 As shown by Karl Brandi in *Das Werden der Renaissance* (Göttingen, 1910), pp. 22f.

2 'Ogni sera e ogni mattino sul canto del Palazzo', Vespasiano da Bisticci, *Vite di uomini illustri*, Nicola V 'Papa', c. 5. The cultivation of elegant and meaningful dialogue is one of the main merits of the Florentine Renaissance, as is rightly emphasized by Karl Brandi, *Die Renaissance in Florenz und Rom*, pp. 41–3, 112.

3 The examples quoted below need to be complemented from other sources, but may be assumed to provide sufficient proof for the terminological innovation.

PAGE 44

1 Coluccio Salutati, *Tractatus de Tyranno*, ed. F. Ercole (*Quellen der Rechtsphilosophie*, ed. Joseph Kohler, I, 1914), pp. ix, x, xiv, xxxii, 1: 'Magna belua imperium est (Suetonius, *Tib.* 24). . . . Sed, per immortalis Dei maiestatem, nullusne est rei publicae status in monarchia?'

2 Cf. Bruni's letter to Niccolo Niccoli, 17 December 1407 (Hans Baron, 'Das Erwachen des historischen Denkens im Humanismus des Quattrocento', *Historische Zeitschrift*, CXLVII, p. 13.) See also Vespasiano da Bisticci's biography of Cardinal Branda concerning his particular care for his nephew Zano and the latter's ecclesiastical career: Hermant, *Histoire du Diocèse de Bayeux* (1705), pp. 326–8.

PAGE 45

1 'Conquestio Baiocensis Episcopi Humfrido duci Gloucestriae directa' in *Official Correspondence of Thomas Bekyngton* (ed. G. Williams, *Rolls Series*,

1872), I, no. CCV (pp. 290f., 293; cf. S. B. Chrimes, *English Constitutional Ideas in the XVth Century*, p. 330).

2 Vividly depicted in Vespasiano's biography. 'Er ist der bedeutendste Vertreter der römischen *gravitas* unter den Humanisten' ('He is the most important representative of Roman *gravitas* among the humanists'); P. Joachimsen, 'Aus der Entwicklung des italiënischen Humanismus', *Historische Zeitschrift*, CXXI (1920), p. 217.

3 Leonardo Bruni, *Epistolarum libri octo*, ed. L. Mehus (Florence, 1741), 'Magistratus et imperia': III, no. 11; to Antonio, April 1409. 'Imperator' and 'Imperium': VI, 9; to Ciriaco d'Arezzo, December 1433 to January 1434. Bruni's republican interpretation of Roman history found vivid expression in the introduction to his *Historia Florentini Populi*. Here he stated that the Imperium Romanum had been, in substance as in name, the creation of a free urban republic and that its 'declinatio' had begun when Rome became subject to the Caesars. Cf. H. Baron, 'Das Erwachen des historischen Denkens im Humanismus des Quattrocento', *Historische Zeitschrift*, CXLVII, p. 13. The author rightly emphasizes the contrast between this view and that of Petrarch. On the dates of the letters see the same author's *Leonardo Bruni Aretino, Humanistisch-philosophische Schriften* (1928), App. II.

PAGE 46

1 Niccoli's Notice in Bruni's *Dialogus de tribus vatibus Florentinis* (ed. K. Wotkel, 1889); cf. Brandi, *Die Renaissance in Florenz und Rom*. On Bruni's philosophical views see Joachimsen *op. cit.* pp. 214–18 and Baron's edition.

2 Cf. my article 'Despot and Despotism: Vicissitudes of a Political Term'. *Journal of the Warburg and Courtauld Institutes*, XIV (1951), pp. 278 f, 282.

PAGE 47

1 *Politics*, I, 2. 5, 5. 8, 9, 11, 6. 20; III, 6. 4–6 etc. Bruni's translation of the *Politics* is accessible in many reprints down to the seventeenth century.

2 *Epist. lib.* VII. 2 (ed. Mehus, p. 79); 21 August 1436. The letter was written while Bruni was giving the finishing touches to his translation; cf. Baron's edition, pp. 175 f. The translation was dedicated in 1438 to Pope Eugene IV; Bruni called him 'maximum . . . optimumque gubernatorem qui et spiritualiter universos regis et temporaliter multis civitatibus et populis et provinciis paterno regio imperio dominaris'. Thus the rule of the pope in the Patrimonium Petri is explicitly called 'imperium'. Bruni's Guelf sentiments had to be suppressed when in his official capacity he welcomed the Emperor Sigismund to Florence, 1432/3. 'Testantur res clarissimae et magnificentissimae pro salute Romani Imperii et pace Christianorum a te gestae' (Baron's ed. p. 174).

PAGE 48

1 *Rerum suo tempore in Italia gestarum Commentarius*, ed. Muratori, *Rer. Ital. Scriptores*, XIX, pp. 913 ff. 'Imperium' refers to the state of the Visconti on pp. 918, 937, while on pp. 914, 928, 936 the word denotes the realm of the Emperors.

2 *Blondi Flavii Fortliviensis Historiarum ab inclinatione Romani Imperii, Liber Primus*, etc. (Venice 1484), fol. 1. Laurentius Valla, *Elegantiae*, Praefatio, *Opera* (Basle, 1540), pp. 3 f. *De falso credita et ementita Constantini donatione declamatio* (ed. Schwahn, Teubner, 1928), XXV, pp. 70 f.

3 *Declamatio*, c. III, pp. 6 f.

PAGE 49

1 *Historia tripartita. Disceptationes convivales tres* (1450), *Opera* (1513), fols. 191, 19t. (cf. E. Walser, *Poggio Florentinus, Leben und Werke* (1914), p. 256).

2 G. Kallen, *Aeneas Silvius Piccolomini als Publizist in der Epistola De ortu et auctoritate Imperii Romani* (Stuttgart, 1939). Aeneas Sylvius reiterates the argument of Dante. To ensure peace, Providence has willed 'unum principatum quem Greci monarchiam, nostri vero imperium vocitant. Cum hec *imperia* [of the Assyrians, Medes, Persians, Greeks and Carthaginians] nunquam sibi totum orbem subiecissent . . . placuit . . . Romanum imperium excitare.' Before the Florentine humanists set free the word *imperium*, ecclesiastical authors—as can easily be ascertained—took care not to apply this term to the *regna* of Daniel's prophecy which foreshadowed the *Imperium Romanum*.

3 *De situ, ritu, moribus et conditione Germaniae descriptio.—La Germania*, A cura di G. Paparelli (Florence, 1949), pp. 54, 56, 74, 82 etc.

4 *Ibid.* p. 100: 'Fatemur imperium vestrum non esse quod sub Carolo fuit'; pp. 102, 104: Denial of the maxim: 'ubi aurum est, ibi credis esse potentiam atque imperium', 'non opibus aut auro, sed armorum peritia et armorum fortitudine imperia paraverunt'; p. 108: 'Germanicum elanguit imperium' etc.

PAGE 50

1 *Opera geographica et historica* (Helmstedt, 1699), pp. 219, 221: 'Imperium gentis Hungariae multo latius est quam ipsa Hungaria'.

2 *Op. cit.* pp. 271 (Silesia), 318 (Hibernia), 330 (De Venetis): 'Franciscus Foscarius dux ab imperio depositus . . .; Andreas Donatus, dum Cretam insulam pro Veneto imperio gubernat, dux insulae appellatus . . .; Franciscus Barbarus . . . pacem cum Turcis . . . fecerat, imperiumque Venetum terra marique longe ampliaverat'. Alfonso of Naples wished to prevent Franceso Sforza from 'radices in tanto imperio ageret' (p. 338). Landgrave Lewis of Hesse, p. 298.

PAGE 52

1 For references see 'Despot and Despotism', *Journal of the Warburg and Courtauld Institutes*, XIV (1951), p. 283.

2 Examples given, *ibid.* pp. 281, 284.

3 Grotius, *De iure belli et pacis*, I, 3. 10–15, II, 9. 10, 22. 13; III, 8. 1, 15. 1, 4. Hobbes, *De cive*, XII, 5. Spinoza, *Tract. Theol.-Pol.* XVI, 25, 27, 43, 43; *Tract. Pol.* II, pp. 17 ff. Pufendorf, *De officio hominis et civis*, II, pp. 5, 4 ff.

4 For a more detailed account of the subject I may refer to my article 'The Imperial Crown of this Realm, Henry VIII, Constantine the Great and Polydore Vergil', *Bulletin of the Institute of Historical Research*, XXVI (London, 1953), pp. 29–52. Some points are modified or added in the following pp.

PAGE 53

1 The importance of the 'Arthurian' element in Henry's imagination has already been noticed by C. E. Carrington in *An Exposition of Empire* (1947), p. 2. Henry's evidence for the seal of Arthur by whose production the Duke of Norfolk, early in 1531, amazed Charles V's ambassador Chapuys, was, as I see now, Caxton's Preface to Malory's *Morte d'Arthur*. 'Fyrst in the abbey of westmestre at saynt Edwardes shryne remaineth the prynte of his seal in read waxe closed in beryll in which is wryton Patricius Arthurus, Britannie, Gallie, Germanie, Dacie, Imperator' (Crotch's edition, EETS Original Series no. 176, p. 93; Everyman's edition, p. 2). The full text of Caxton explains why Chapuys was uncertain whether Norfolk had told him of a tomb *or* of a seal (*Letters and Papers of Henry VIII*, V, no. 45; my article, p. 40).

2 Norfolk availed himself of formulas used by those comments, in the interview with Chapuys and in an informal conference with members of Parliament concerning the forthcoming legislation (*Letters* and *Papers*, I. and V, no. 805, cf. G. R. Elton, 'The Commons Suplication' of 1532', *E.H.R.* LXIV (1951), p. 513; my article, pp. 40, 43). The expressions, 'that the king had a right of Empire in his kingdom and recognized no superior', and that the king was 'emperor in his kingdom', are obviously based on the definitions of Roman and French jurisprudence. However, the 'no recognition' phrase was valid only in its original tenor laid down by Innocent III: 'cum rex (Franciae) superiorem *in temporalibus* minime recognoscat' (Decretal *Per Venerabilem*; c. 13 14, 17). On another juridical speculation, which tried to construe the right of the Ecclesia Anglicana on Nicaean decrees, documents of the ancient African Church, the Constitutions of Clarendon etc., see my article pp. 37–9.

PAGE 54

1 *De inventoribus rerum libri tres* (Venice 1499), fol. 30 v: 'auctore Justino li. 1 ab initio quaeque civitas et gens rerum publicarum imperium penes reges habebat, quos ad fastigium huius maiestatis non ambitio popularis, sed spectata inter bonos moderatio provehebat, ex quo . . . nomine magis quam imperio reges appellabantur. Ninus auten (testis est idem Justinus) rex Assyriorum primus omnium veterem gentium morem nova imperii cupiditate mutavit. Unde idem primus omnium . . . totius Asiae excepta India imperio potitus est.' On Polydore Vergil's life and literary activities see Denys Hay, *Polydore Vergil, Renaissance Historian and Man of Letters* (1952).

2 'Quo conveniente Scoticam nobilitatem, Malcolmus nomen insigniaque imperii negavit se prius recepturum quam legem creandi regis a patre Kennetho latam denuo confirmarent.' Quoted by Henry N. Paul, *The Royal Play of Macbeth* (New York, 1950).

PAGE 55

1 For quotations cf. my article, pp. 34–36, 46 n. Polydore Vergil may also have known the 'empire' passages in rhymed chronicles of the fourteenth century (below, n. 2). In 1531/2 he probably directed the attention of Henry's advisers to these testimonies and thereby gave rise to the reference to 'divers sundry old authentic histories and chronicles', to which Thomas Cromwell (as shown by G. R. Elton, 'The Evolution of a Reformation Statute', *E.H.R.* LXIV, p. 178) gave prominence in all his drafts for the Act in Restraint of Appeals.

2 'cum etiam nunc reges Angliae more maiorum diademate imperiali utantur, ut munere ab Imperatore Constantino in suos posteros collato.' *Anglica Historia*, edition of 1534, p. 46, editions of 1546 and 1555, p. 49. For other modifications of the original text which emphasize the imperial character of the realm see my article, pp. 45 f. From a report of Chapuys to Charles V, 26 February 1534 (*Letters and Papers*, VIII, no. 232), it appears that the 'Constantinian' origin of the Imperial Crown made the round of London while more Reformation Statutes were under way. It was not possible, however, to let King Arthur remain a link in the genealogy. Polydore Vergil had in the printed version maintained his disbelief in this figure. John Leland rebuked him for this in his *Assertio Inclytissimi Arturii*; and in this context reiterated Caxton's reference to the seal in St. Edward's shrine: cf. T. D. Kendrick, *British Antiquity*, p. 96. He added, however, a philological explanation which implicitly eliminated any connection with the Imperial Crown: 'Imperatoris vero nomen antiquitus . . . ad duces pertinebat legionum, unde est Arturius imperator dictus vocabulo apto,

significanti et pure Latino.' (Information provided by Professor A. A. Mendilow.)

3 'The Turke now in youre tyme shulde never be abill to get so moche grounde of cristendom if he had yn his empire suche a sort of locustes to devour his substance,' Simon Fish, *Supplicacyon for the Beggars* (1528) (A. C. Ward, *Tracts and Pamphlets*, p. 6)—Francesco Sansovino, *Dell' historia universale, dell' origine et imperio de Turchi* (Venice, 1560). *Tracts and Pamphlets*, p. 47: 'come la casa Paleologa comincio dall' Imperio de Greci, cosi l'Imperio de Turchi hebbe principio nel tempo di Ottomano' ('As the house of the Paleologi began with the Empire of the Greeks, so did the Empire of the Turks have its beginnings in the time of Ottoman').

PAGE 56

1 Cf. R. dei Mattei: 'Polemiche seventesche italiane sulla Monarchia universale', *Arch. Stor. Ital.* CX (1952), esp. pp. 150–63. Giovanni Botero and (hypocritically) Thomas Campanella asserted the comparison in spite of warnings raised by Spanish authors. It may be worth mentioning that meantime the terminology of Aeneas Sylvius (seen. 2, p. 49) which extended the title 'imperium' from the Roman Empire to its predecessors in the prophecy of Daniel had become generally accepted. It was familiar to Melanchthon (letter to Camerarius, 12 June 1531, *Corp. Ref.* II, p. 505; cf. H. Ziegler, *Chronicon Carionis* (Halle 1898), p. 11) and figured prominently in Johannes Sleidan's *De quatuor summis imperiis, Babylonico, Persico, Graeco et Romano libri tres* (1556).

2 Philipp III to Martin Alphonso de Castro, prorex Indiae, 28 November 1606: 'impero tibi, ut simulatque litteras has et edictum acceperis, publicationem eius omni diligentia procures in omnibus locis ac partibus istius imperii.' The edict in question prohibits commercial activities of foreigners 'in ipsis partibus Indiae aliisque regionibus transmarinis'. Its observance might however lead to inconveniences if enforced against foreigners already resident there 'quorum pars maior, quantum intelligimus, eo venit per Persida et Turcarum imperium, non per hoc regnum'. These must be prevented from taking refuge 'ad Mauros inimicos' and acting as spies to them, therefore the viceroy has to control them prudently, 'ita ut adversus imperium nostrum nihil valeant attentare.'—Hugo Grotius, *De Mari Libero*, Appendix. *The Freedom of the Seas*, ed. R. van Deman Magoffin, 1916 (Carnegie Endowment for International Peace), pp. 77 f.

PAGE 57

1 See Tommaseo, Dizionario, s.v. *imperiale* (Brunetto Latini, Dino Compagni) for the Italian evidences, and O.E.D. s.v. *empire* (II 5) for Robert of Gloucester and Robert Mannyng of Brunne.

2 For references see 'The Imperial Crown' (above, n. 4, to p. 52).

3 *Le Prince* (*Oeuvres*, 1665, II), pp. 66, 78 (cc. 18, 21). In Balzac's Latin Letters *imperium* serves the same purpose. He eulogizes Richelieu for having 'tempestas ab hoc imperio procul depulsa' and welcomes the Duke of Epernon 'in illa luce Parisiensi, in illo imperii domicilio' (*Carmina et epistulae*, *op. cit.* with special pagination, pp. 72, 83).

PAGE 58

1 *Le Prince*, pp. 69, 70 (cc. 19, 22).

PAGE 59

1 *De Mari Libero*, c. V, *op. cit.* p. 43.

2 The doctrinal 'Preliminaries' of his *Oceana* stand out as an attempt to rationalize the distinction between the two meanings of the term sanctioned by classical Latin. 'Empire is of two kinds, Domestick and National, or Forrain and Provinciall.' The two systems, as shown at length, are in a sound constitution based on opposite principles of 'balancing' the distribution of property (ed. S. E. Liljegren, Lund and Heidelberg (1924), pp. 14f.). To this constitution, however—so its creator, the 'Archon', proclaims after having laid down its thirty organic articles—the most grandiose prospect is opened. It must by intrinsic necessity result in an 'Empire of the World' which will fulfil the Ciceronian postulate of being also the morally justified 'patronage' of the world (*ibid.* pp. 185, 187, 193, 196). The scheme which holds such golden promise is thought out for the benefit of the Puritan Commonwealth. Nevertheless, as will be shown in another context, Harrington must not be made a 'prophet' of the modern British Empire and any 'Imperialism' attributed to it.

3 *An Essay upon the Original and Nature of Government. Works* (1720), I, p. 103. Mentioned by Dr. Johnson, but missing in O.E.D.

4 *Correspondance de Bossuet*, ed. Ch. Urbain et E. Levesque (*Les Grands Ecrivains de la France*), II, no. 192 (Latin version), p. 113: '[disciplinae artesque] quae regendo ac firmando imperio essent'; p. 124: 'imminutam regum maiestatem ac florentissimam imperium . . . recepisse'; p. 133: 'Tertium opus nostrum regni Gallicani peculiaria instituta complectitur, quae cum aliis imperiis composita et collata universae reipublicae christianae, totiusque adeo Europae designant statum.' The corresponding expressions of the French version (no. 192 bis) are: (p. 135) 'sciences . . . qui peuvent servir . . . à maintenir un royaume'; (p. 149) 'un royaume si florissant'; (p. 160) 'En comparant ce royaume avec tous les autres'. In passing on to the views of his *Discours sur l'histoire universelle* Bossuet speaks, in this letter too (pp. 158f.), of 'les changements des empires'.

PAGE 60

1 *La Justesse de la langue française* (1718), here quoted after F. Guizot, *Nouveau Dictionnaire Universel des synonymes de la langue française*, p. 349.

PAGE 61

1 Note the alternate phrases in Thomas Becon (Theodore Basil), *The Policy of War* (1542): 'It does me good, yea, it makes me seriously to rejoice even at the very heart, to see how glad my countrymen are to serve the commodities of *this our country, England*. . . . All with one consent employ their endeavours to satisfy, even unto the uttermost of their power, *the imperial preçept of the King's most royal majesty*.' 'For all things that should conserve and keep *this realm of England* safe and free from the invasion and danger of our enemies, what kingdom in the world is to be compared unto *this English empire*? How has our most puissant and redoubted king fortressed this *his most flourishing monarchy, empire and kindom*, with all things that any man can invent for the prosperous *conservation of a commonweal*.' (*The Early Works of Thomas Becon* (Parker Society, 1843), pp. 235, 245.) John Leland, *New Years Gift* (*Itinerary* (Oxford, 1745), p. xxiii): 'so shaul your Majestie have this your Worlde and Impery of Englande so sette forth yn a Quadrate Table of Silver.' Shakespeare, 2 *Henry VI*, I, i, 153; *Richard III*, III, vii, 136; IV, iv, 471; *Henry V*, I, ii, 226. For George Chapman see below, n. 1 to page 63. All these instances, together with those referred to in n. 2 to page 53, show that the Tudor notion of empire was closely bound up with the Imperial Crown of the monarch.

PAGE 62

1 For evidence see 'The Imperial Crown of this Realm', *Bull. Inst. of Hist. Res.* XXVI (1953), pp. 50f.; E. H. Firth, 'The British Empire', *Scot. Hist. Res.* XV (1918), pp. 185f; S. T. Bindoff, 'The Stuarts and their Style', *C.H.R.* LX (1945), p.

PAGE 63

1 The notion of 'The Queen's empire' could be applied to the project in George Chapman's homage and entreaty:

> So let thy soueraigne Empire be encreast,
> And with Iberian Neptune part the stake
> Whose Trident he the triple worlde would make.

('De Guiana Carmen Epicum', 1596). These verses, incidentally, go far to show that, in spite of the destruction of the Armada, the Elizabethans never imagined that Neptune's trident had been wrested from Spain.

2 Quoted by Henry N. Paul, *The Royal Play of Macbeth* (New York, 1950), pp. 163 f. John Selden in *De mari clauso* (1618) asserted 'Sereanissimum Magnae Britanniae regem maris circumflui, ut individuae atque perpetuae Imperii Britannici appendicis, dominum esse (Book II. Title).

PAGE 65

1 The rumours that the assumption of an imperial title was seriously considered by Cromwell were given undue credit by S. R. Gardiner and A. O. Meyer (*Quellen und Forschungen aus italienischen Archiven*, x (1907), pp. 235 ff.). Edmund Waller, courtier to every monarch, hit a false note when he praised Cromwell for having made 'Your drooping country . . . The seat of empire, where the Irish come, And the unwilling Scots.' The triumphant exclamation immediately following this homage, 'The sea's our own', etc., was more in tune with national feeling. ('A Panegyric to My Lord Protector', *Works*, ed. R. Bell, p. 134.)

PAGE 66

1 *Oceana*, ed. Liljegren, pp. 33 ('Venice'), 169 ('Holland'), 20 ('Colonies in the Indies'), 185–98: the Archon's oration on the 'empire' or 'patronage' of the world. The argument of this harangue is (like that on pp. 133–6) built on the distinction between 'Commonwealths for Preservation' and 'Commonwealths for Encrease', borrowed from Machiavelli, *Discourse*, I, 6. Oceana is described as being made 'for increase'. Harrington never commits himself to defining the directions of its enlargement. He does, however, discuss the policy to be observed towards the conquered 'Marpesians', i.e. the Scots, who are now safely under 'Oceana's' control. He adds the remark (p. 196): 'and if a man shall think, that upon a province more remote, and divided by sea, you have not the like hold; he hath not so well considered your wings, as your talons, your shipping' etc. (cf. the text above). The 'province divided by sea' to which this boast refers is obviously Ireland, the 'Panopea' of the book. Therefore comparisons with 'nineteenth-century imperialists' and allusions to 'the white man's burden' (as made by V. T. Harlow, *The Character of British Imperialism* (1939), p. 15) are unwarranted. On Harrington's interpretation of 'empire' cf. supra, ch. II, p. 59, n. 2.

PAGE 67

1 The doctrine in question has been most forcefully developed by G. von Schulze-Gaevernitz, *Britischer Imperialismus und englischer Freihandel zu Beginn des zwanzigsten Jahrhunderts* (1906). (Introductory chapter: 'Die Grundlagen der britischen Weltmacht'.) The book was written when Max Weber's great essay 'Die protestantische Ethik und der Geist des Kapitalismus' had just appeared in the *Archiv für Sozialwissenschaft* (1904–5). It was

one of the first books to show the impact which this highly inspiring, though very debatable, study has exerted on historical and sociological thought. Von Schulze-Gaevernitz's conclusions, which transfer the discussion from the field of the historical psychology of economy to that of politics and thus from 'capitalism' to imperialism, would, however, scarcely have occurred to the author had he not been so deeply impressed by the economic interpretation of imperialism which J. A. Hobson had just introduced. For von Schulze-Gaevernitz's theory Hobson, one might say, provided the subject-matter, while Max Weber instigated the method of motivation—the attempt, that is to say, to replace the materialist dialectic of Marxism by an analysis of social dynamics which postulated religious motives transformed into secular energies. More obviously than Max Weber's argument, that of von Schulze-Gaevernitz became itself a dialectical construction. Of books written under its influence, F. Salomon, *Der britische Imperialismus*, W. Dibelius, *England*, and F. Trie, *Imperialistische Strömungen in der englischen Literatur* (2nd ed., 1928) are best known. Trie adheres to von Schulze-Gaeverniz's basic idea (pp. xiii, 20, 40–43). He is, however, doubly inconsistent—explaining English imperialism by other motives besides 'Calvinist Protestantism' and at the same time defining 'Imperialism' so comprehensively as to make it applicable to national self-assertion of any kind. Such a definition as that given by him on page 1 ('Aus dem Wunsche heraus, lieber zu viel als zu wenig zu geben ist der Begriff Imperialismus so weit als möglich gefasst worden' etc.) may be thought an extreme case of the fatal flexibility which followed the concept of imperialism throughout its career. No wonder therefore that the author can state (pp. 2, 7, 21 etc.) that not all imperialism is English or Puritan. This admission, however, prompts the question whether the book has any consistent argument at all. As it starts from a definition of imperialism without asking how the words 'Empire', 'imperial 'etc. were understood in English literature, its intentions are *toto coelo* different from those of the present study, which in only a few cases has made use of the same source material. As regards Puritan opposition to Cromwell's aggression in the West Indies cf. V. T. Harlow, *op. cit.* pp. 16f.

PAGE 68

1 Andrew Marvell, *The last Instructions to a Painter upon the Dutch Wars*, pp. 695–702. Thomas Sprat, *History* etc., Part III, sect. 34 (4th ed., 1734, p. 404). Concerning Shaftesbury and 'Potency at sea', cf. Sir John Clapham, *Concise Economic History of Britain*, p. 279.

PAGE 70

1 *A Sermon preached at the Cathedral Church of Salisbury on the 26th day of June 1706. Being the Day of Thanksgiving* . . . (London, 1706), pp. 3, 12.

PAGE 71

1 On the indecisive results of La Hogue, cf. Burnet's *History of My Own Time* (Clarendon Press edition, 1823), III, 162–5, especially p. 164. Burnet's original memoirs were even more critical (H. C. Foxcraft, *A Supplement to Burnet's History . . .*, p. 375). For the parliamentary debates on the Association of 1696 see G. N. Clark, *England 1660–1714*, p. 184.

2 These feelings also appear in the sermon which Burnet, at Queen Mary's command, prepared for the occasion but finally withheld to give precedence to the Archbishop of Canterbury. La Hogue 'may be justly reckoned the greatest victory that ever has been obtained at Sea', though the danger averted and the losses of the enemy had been greater in the destruction of the Armada. However, Burnet warned the audience that the wars were not 'quite at an end, and all dangers over as those from the sea', and at the same time 'we must not so far rejoice in the happy successes of Englishmen, as to forget the faithful assistance, and the noble performance of our Allies'. (*Some Sermons Preach'd on Several Occasions; and an Essay towards a new book of Homilies . . .* (London, 1713), pp. 50, 68, 71.)

3 *Britannia Victrix or the Triumphs of the Royal Navy, In the late victorious Ingagement with the French Fleet* (London, 1692), p. 2a.

PAGE 72

1 *Select Works* (1718), I, pp. 1 f. Confidence in the new age inaugurated by William and the Navy had already been voiced by Dennis in the previous year after the battle of Aughrim, when he told the 'British muses':

> To him your Britain owes
> That nothing but the sound of war she knows.
> Everywhere else death and destruction reign,
> Our happy isle does peace within retain,
> Defended by a double guard,
> Its monarch and the Main.

('A Pindarick Ode on the King', *op. cit.* p. 31.)

2 *Poems on Several Occasions*, ed. Waller, pp. 54 f.

PAGE 74

1 *Ibid.* pp. 106, 117 f. 'Imperial Windsor' in verse xxviii read in the first impression 'Imperious Windsor'. The line on the 'annual fleece' mirrors traditional views which, according to the actual export figures, were somewhat out of date in 1700. Cf. R. Davis, *Econ. Hist. Rev.*, 2nd ser., III (1954), pp. 150–53, 162.

2 (Sir) George N. Clark, *The Later Stuarts* (important, of course, for the appraisal of the situation in general), p. 268; instances in L. G. Wickham Legg, *Matthew Prior* (1921), pp. 43–7, 50–53. The identification of England with Britain, and virtually even with Great Britain, under Charles II is exemplified by the dedication of Dryden's *Annus Mirabilis* to the City of London as to the 'Metropolis of Great Britain', by anti-Dutch pamphlets of 1672 (*Harleian Miscellany*, VII (1810), pp. 521, 606) and by the economic tract *Britannia Languens* of 1680.

3 *Carmen Seculare*, verse vii, *op. cit.* p. 106. No less presumptuous is the expectation that all nations would on the high seas honour English ships by striking the flag.

PAGE 75

1 A comprehensive survey of the maps of the English—and from 1727 British—Empire in America has, together with other quotations concerning the use of these names before 1760, been provided by James T. Adams, 'On the Term "British Empire"', *Amer. Hist. Rev.* XXVII (1922), pp. 485–9. The titles and sentences collected by him do, however—except for some characteristically originating in the colonies (see below, ch. III)—testify to a general acceptance of 'The British Empire' as referring to all the countries under British sovereignty.

PAGE 76

1 *The Groans of the Plantations* (1689), pp. 1–5, 26. Cf. G. L. Beer, *The Old Colonial System*, I, pp. 158–67; V. T. Harlow, *A History of Barbados, 1625–1685* (1926), pp. 260–62; Sir Alan Burns, *History of the British West Indies* (1954), p. 300.

PAGE 78

1 *A Discourse upon the Uniting Scotland with England* . . . (London, 1702). 'Ad Scotos pro Scotis.' The author, Blackerby Fairfax, physician of the Navy, was of Suffolk origin (cf. *D.N.B.*, Fairfax, Nathaniel), but nevertheless his argument is a penetrating self-assessment of the national conscience. Scotland could once pride itself on excelling England 'in the glory of arms', but was now trying too late to vie with her in the formerly despised field of commerce and 'to contend with the greatest naval power that ever yet appear'd upon the seas, for a dominion, all the world seems to give them the sovereignty of' (p. 5). Moreover, 'the Union we have already had is so insensibly grown into our constitution that now we seem so firmly ingrafted into their stock that the vital vigour of our government knows no other channels . . . (p. 11). 'The sudden growth of empire', as exemplified in 'Phenixes of Empire', such as Macedon, the Vandals, the

Saracens, must not now be taken as an 'argument to the contrary' (p. 13). The author goes as far as to advise Scotland to 'forget your name . . . and as our constitutions and customs shows us plainly to be originally the same people, let us no more scruple the calling ourselves English than we do the calling our language so in any part beyond the sea' (p. 63). Any 'project in the Union of the three Northern crowns, of a reciprocal residence of our Sovereign in each Kingdom', entailed the danger that, considering 'our propinquity to the English plantations our trade thither should be burthened like the Irish', and must be abandoned lest 'the growth of Empire therefore may . . . be hereby diverted or rendered uncertain' (p. 64).

2 The origins of the 'Imperial Crown' were no longer generally remembered. Blackerby Fairfax assumed that England 'has placed on her head an imperial diadem by the conquest of France, as Germany owes her eagles to the Roman overthrow' (*op. cit.* p. 68). William Atwood, when defending 'the dependency of Ireland on the Imperial Crown of the Kingdom of England' (1698), traced this ornament back to Elizabeth only (*Bull. Inst. Hist. Res.* XXVI, p. 49). John Dennis, in his poetical obituary of William, first uses the term in the Shakespearian sense as denoting the dignity of any great king, and in this context qualifies it by Whig sentiments. He praises the young Prince of Orange because 'A false and borrowed lustre he despis'd, deriv'd from sceptres and imperial crowns', and compelled 'imperial crowns who saw to what a height above all human greatness he was rais'd to recognize in him an excellence superior to their own' ('The Monument, a Poem sacred to the immortal Memory of . . . William the Third', *Select Works*, I, pp. 112 f.). In the end, however, he sees William's greatness living on in 'the widsom of that mighty Queen who now adds lustre to th' Imperial Crown' (*op. cit.* p. 144). Dennis felt, it appears, that Anne would enjoy being addressed in imperial terms. So did other 'Augustan' poets, such as Matthew Prior (*Poems*, p. 163), Nicholas Rowe (Johnson and Chalmers, *Works of the English Poets*, IX (1810), p. 467), Thomas Tickell (Dodsley's collection (1775), I, p. 12). Dennis's next protracted paean, *Britannia triumphans or a Poem on the Battel of Blenheim*, was dedicated 'to her most sacred majesty Anne, Queen of Great Britain, France and Ireland; the true defender of the Protestant faith; the great supporter of the liberties of Europe; the illustrious maintainer of the honour of the English Nation; and the victorious asserter of the empire of the ocean'.

PAGE 79

1 For Vetch's letter of 12 August 1709 and a similar sentence occurring in an address to the Queen issued by the authorities of Massachusetts see J. T.

Adams, 'On the term "British Empire"', p. 487. The priority of Oldmixon's *The British Empire in America* need not be taken as explaining the language of the Scotsman, who, now that the two kingdoms were united, was able to make colonial acquisitions which were not exclusively on behalf of England.

2 Johnson and Chalmers, *op. cit.* p. 449.

3 Dodsley's collection, I, p. 17. The surrender of Dunkirk, July 1712, formed part of the armistice arrangements (Clark, *op. cit.* p. 223).

PAGE 80

1 Against St. John's complaints see Clark, *op. cit.* p. 225.

PAGE 81

1 Tickell, *loc. cit.* pp. 10, 12, 17. Diaper, 'Dryades' (*Complete Works*, ed. D. Broughton), ll. 730–37.

2 *Poems*, pp. 260, 275.

PAGE 82

1 *Britannia, a Poem*, ll. 96–105, 166–9, 205–17. *Liberty*, IV, ll. 382 f.

2 For Young's 'Naval Lyrics' see O. Doughty, *English Lyric in the Age of Reason* (1922), pp. 80–84.

3 Cf. Richard Pares, *War and Trade in the West Indies* 1739–1763 (1936), pp. 66–75, especially the diplomatic report, p. 68, and the memorandum of the Governor of Jamaica, p. 74. Among the prose propaganda pamphlets of those years (vividly reviewed by G. B. Hertz, 'The War Fever of 1739', in *British Imperialism in the XVIIIth Century*, 1908) *The Importance of Jamaica to Great Britain* is particularly remarkable for its reluctant eulogies on Oliver Cromwell (pp. 1 f., 76), its urgent demand to have Cartagena 'annexed to the Imperial Crown of Great Britain'—'and the Havannah must fall of course'—and its glowing appeals to the mercantile appetites of the most various British industries (Buckingham lace, Scots and Irish linen, English beer, planters in North America. 'The Postscript', pp. 71 ff.).

PAGE 83

1 G. Pearch's *Collection of Poems* (1775), II, pp. 63 f., 67.

2 *Works* (1788), II, pp. 105, 130 f.

PAGE 85

1 Part V, ll. 633–6.

2 'An Ode to the People of Great Britain', Dodsley's collection, III, p. 19.

3 For the British Empire in public opinion from 1755 to 1758 see below pp. 97 ff.

PAGE 86

1 C. E. Carrington, *The British Overseas* (1950), p. 68.

PAGE 87

1 Pownall, *Principles*, especially pp. 51, 91–4. The author quotes Seneca, *De Clementia*, I, 4, 1—'Imperium rerum vinculum, per quod respublica cohaeret'—but overlooks the fact that the 'cohesive' power is attributed there to the *imperator*, not to some civic *imperium*. At another time he refers to Tacitus, *Agricola* 3, where the original text has 'Nerva Caesar res olim dissociabiles miscuerit, principatum ac libertatem'. Following Bacon and Bolingbroke, Pownall misquotes 'res olim insociabiles, imperium et libertatem'. Disraeli, as is well known, fell into the same trap in his speech on agricultural distress in 1851, and in his Guildhall address of 1879. Cf. Monypenny-Buckle, *Life of Disraeli*, I, p. 1099, II, pp. 855, 1367. On the Ciceronian *imperium et libertas* see above, ch. I, p. 3.

2 *Calendar of State Papers, Colonial Series, America and West Indies*, 1735/36; no. 4831, p. 368.

PAGE 88

1 On his former advocacy that sugar should be an 'unenumerated commodity' cf. R. Pares, *op. cit.* p. 80 n., *Cal. S.P., Col. Series* 1733, no. 349. On the financial misfortunes between 1735 and 1736 which made him go into hiding and almost cost him his councillorship in Barbados, see *Cal. S.P.* for these years, nos. 183, 188, 395 f., 399, 493 f.

2 'And such advantages are here pointed at with remarks on the consequences that may attend the whole British Empire, as well in regard to its naval force as otherwise, from a tender care of its colonies and fisheries in America' (vol. II, pp. Av, A2).

3 Vol. II, pp. 94–6. The chapter closes with a renewed discussion of the specific West Indian interest which was earlier treated along with that of the Northern colonies ('ship-building, corn pitch, tar' etc.), adding 'some few remarks on the advantages that would accrue to this empire, if those junior branches of it, the Sugar Islands, should be raised to such a pitch, as to make only double the quantity of sugar, Rum, and molasses, they do now'.

PAGE 89

1 Ed. Smyth, II, pp. 205–8, Sect. 22. Franklin's jealous concern for the English character of the colonies is expressed in Sect. 23, where he objects to the expanding settlements of the Palatine Boers, 'who will shortly be

so numerous as to germanize us instead of our anglifying them'. Sect. 24 adds Franklin's curious views on race; the English and the Saxons 'make the principal body of white people on the face of the earth'.

2 A fourth testimony, not quite as expressive, may be taken from a statement of 1736 concerning the notorious malpractices of Rhode Island shippers in the West Indian Trade. 'These practices will never be put an end to till Rhode Island is reduced to the subjection of the British Empire; of which at present it is no more a part than the Bahama Islands were, when they were invaded by the Buccaneers.' This sentence has been quoted by M. W. Jernegan, *The American Colonies* 1492–1750, p. 380 (and from there by H. U. Faulkner, *American Economic History*, 7th ed. (1954), p. 78), in a context which makes it appear to be taken from a report of the Board of Trade. There is no such report in the relevant volume of the *Cal. S.P.* Whatever the source, the remark probably originated from an observer in the colonies.

3 Cf. the phraseology of Archibald Kennedy's fervent warning against French encroachments in North America and further mismanagement of relations with the Indians, written in 1754 for the benefit of the Albany conference; *Serious Considerations on the Present State of the Affairs of the Northern Colonies*, especially pp. 3, 5 f., 15.

PAGE 90

1 See below, the Excursus to the present section.

PAGE 91

1 De Rochas d'Aiglun, *Vauban. Sa Famille et ses Écrits. Ses Oisivetés et sa Correspondance*, I (1910), pp. 413–16; *Moyen de rétablir nos colonies de l'Amérique* . . . (28 April 1699).

2 Vauban and Chambers enumerate three historical types of colonies; Véron de Forbonnais by subdividing the categories of Chambers arrives at six. However much their distinctions otherwise differ, they agree in taking the migrations of Noah's progeny (Gen. 10) as the prototype of archaic colonization, which resulted from troubles or overpopulation at home, and in glorifying the achievement of the modern 'colonies of commerce' (Chambers). Vauban emphasizes that in contradistinction to the colonies of the ancients they all have 'commencées avec peu de monde, manquant la pluspart de nécessaire, et plutôt en vue des richesses des pays que par dessein de les peupler'. In his view the Dutch establishments are still the most successful, but he notices that after difficult beginnings the English colonies 'présentement prospèrent très bien'. He sees as another particular feature of modern colonies that for the greater part they have

been 'entreprises par des particuliers' and wonders whether they would not have succeeded still more, 'si elles avaient été fondées par les rois après mûre délibération de conseil'. Véron de Forbonnais (*Encyclopédie*, III, p. 649): 'La cinquième espèce de colonies est de celles qu'a fondées l'esprit de commerce, et qui enrichissent la métropole. Tyr, Carthage et Marseille, les seules villes de l'antiquité qui ayent fondé leur puissance sur le commerce, sont aussi les seules qui ayent suivi ce plan dans quelques-unes de leurs colonies. . . . La forme de ces colonies répondoit assez à celles des nations commerçantes de L'Europe en Afrique et dans L'Inde.' The American colonies are reserved for a special (sixth) category, because they have been destined for commerce as well as for cultivation; for this latter reason, 'il étoit nécessaire de conquérir les terres et d'en chasser les anciens habitants. . . . Ces colonies n'étant établies que pour l'utilité de la métropole, il s'ensuit, que le commerce doit en être exclusif aux fondateurs.' For this section of the article *L'Esprit des lois*, XXI, ch. 21 (quoted in the following note) served as the model.

PAGE 92

1 Bk. XIX, ch. 27: 'Comment les lois peuvent contribuer à former les mœurs, les manières et le caractère d'une nation'—the second chapter on England, complementing bk. XI, ch. 6: 'De la constitution d'Angleterre'. The style of the argument is hypothetical and deductive. 'Elle (=cette nation) donnerait aux peuples de ses colonies la forme de son gouvernement propre . . .' etc. Montesquieu has said before that such a nation would establish colonies 'plus pour étendre son commerce que sa domination', though in bk. XXI, ch. 21, he is to say the same of French and Dutch colonies.

2 Conclusion of bk. XXI, ch. 21.

PAGE 93

1 *Wealth of Nations*, bk. IV, ch. 7, pt. 2; in the Cannan edition, II, p. 89. Being broadly equivalent to the 'mercantile system'—'not leaving things at perfect liberty'—the 'policy of Europe' comes in for criticism outside as well as inside the chapter 'On Colonies'; nevertheless, the term may be thought an implicit gloss on Montesquieu's 'lois fondamentales de l'Europe'. Adam Smith's intense study of *L'Esprit des lois* appears from many other passages; cf. Fletcher, *Montesquieu and English Politics*, pp. 61 ff.

2 *Observations*, Sects. 9–11; *Letters to Shirley*, in *Writings*, ed. Smyth, III, pp. 231–41.

PAGE 94

1 As is well known, most people wishing to emigrate to the colonies were supposed to be 'a burden to the public' at home, not only by Charles

Davenant, who thought them potential criminals, but also still by Joshua Gee, who classed them among 'the poor'. Cf. K. E. Knorr, *British Colonial Theories*, pp. 75 f.

2 In *Liberty Asserted*, John Dennis's dramatic contribution to war poetry (1704), the Canadian Indians are depicted as very unlike 'untamed barbarians'. They have an élite connected by ties of love and friendship with French and English officers in the war which the author imagines to be fought out in Canada. Moreover, the Indian hero Klamar preaches to the French general Frontenac the task

> To turn those talents to their noblest use,
> To bring the nations round to happy freedom
> And make atonement to our Indian world
> For all the woes thy curst ambition caus'd. . . .
> Then impious war should here for ever cease,
> Which never came among these happy groves,
> Till thy false race first landed on our shore.
> For 'tis for Liberty we war, not Empire.

(Act V, sc. 1, *Select Works*, II, pp. 179 f.)

3 Dodsley's collection, I, pp. 11 f. On the humanitarian element in Augustán literature see Bonamy Dobrée, *The Theme of Patriotism in the Poetry of the early XVIIIth Century* (Warton Lecture, 1949).

4 'Wild India wears a smiling face', while France unjustifiably 'with downcast eyes is seen' on the monument; so Dr. Garth's epigram acidly commented (Johnson and Chalmers, *op. cit.* IX, p. 450).

PAGE 95

1 G. M. Trevelyan, *England under Queen Anne*, III, pp. 141 f.

2 The well-known passage concludes Gulliver's report on the country of the Houyhnhnms (horses) and explains the reasons 'which made me less forward to enlarge His Majesty's dominions by my discoveries. . . . Instead of proposals for conquering that magnanimous nation, I rather wish they were in a capacity or disposition to send a sufficient number of their inhabitants for civilizing Europe.' The reprimand is made more offensive by an ironical commendation of the British, 'who may be an example to the whole world for their wisdom, care and justice in planting colonies'. The passage has no equal among English vilifications of colonial acquisitions down to the twentieth century. It referred, of course, to actual frontier atrocities. Nevertheless, one should not forget that it forms part of the grimmest satire ever written on contemporary civilization, and therefore one should not quote it either as authoritative information on colonists in general (like J. Ewing in *Cambridge History of the British*

Empire, I, p. 623), or as having influenced public opinion in this respect (see Dobrée, *op. cit.* p. 17).

3 Cf. Hertz, *op. cit.* pp. 215–17, Basil Williams, *op. cit.* pp. 88, 305, and sources quoted there.

PAGE 96

1 *An Essay on the Methods for preventing the Ruine of Great Britain* (1721), especially pp. 17, 26. Berkeley here still projected reformatory legislation, workhouses financed by a parliamentary poor-tax, sumptuary laws etc. The pamphlet was published anonymously, and Berkeley did not acknowledge the authorship of the America stanzas either. Both pieces take the same view of the spirit of the age though they arrive at different conclusions. Presumably, therefore, the stanzas are rightly inserted in the Oxford edition of Berkeley's *Works* (IV, p. 365). The westward movement of 'empire and art' was an established idea long before Prior and Berkeley; cf. Tommass Campanella's Prooemio to the *Monarchia di Spagna*.

2 Statistical data and estimates have lately been surveyed and lively descriptions given by Lawrence H. Gipson in *The Coming of the Revolution, 1763–1775*, ch. 2. For trade figures see J. Holland Rose, *CHBE*, I, p. 535.

PAGE 97

1 Joshua Gee, *The Trade and Navigation of Great Britain considered*, 3rd ed. (1731). Preface and Supplement.

2 *Liberty*, V, 638 ff. In the poetry of the time 'social' is 'an emotive word with an enormous aura of various significances' (Dobrée, *op. cit.* p. 5).

PAGE 98

1 For details of the foundation see Williams, *op. cit.* pp. 292 f.; Carrington, *op. cit.* pp. 80 f.; G. Merton Coulter, *Georgia* (1947), pp. 15–35.

2 How the new colony was made to fit the fashion appears from the literary and artistic propaganda productions shown by Coulter, *op. cit.* pp. 17, 21.

3 *The Fleece*, IV, 194–208 (Everyman's *Minor Poets of the XVIIIth Cent.*, p. 300). Dyer's name may be added to the list of famous names surveyed by R. Coupland, *Wilberforce* (1923), pp. 77 f., and *CHBE*, II, pp. 190 f. Mercantile interests in England had, indeed, very different afterthoughts. The pamphlet *The African Trade* (1745) ventured to assume that only the opportunities of slave labour in the plantations prevented the colonists from competing even more than they did already with British manufactures (Cunningham, *The Growth of British Industry and Commerce*, II, p. 476). Franklin (*Observations*) thought it necessary to refute the fear lest negroes should become an important factor in the industrial labour force.

PAGE 99

1 *Op. cit.* IV, 493–598, 683–5. Is there any reason to 'feel that Dyer and Glover and the others are fighting against a dulling disillusion' (Dobrée, *op. cit.* p. 17)?

PAGE 101

1 William Whitehead, 'Verses to the People of England' (1758), Supplement I to Dodsley's collection, 2nd ed. (1770), p. 95.

2 *The Monitor or The British Freeholder*, no. 14, 18 November 1755: 'What has the British Empire got by the vast sums of money paid in subsidies to the Dutch, Saxons, Bavarians. . . .?' No. 20, 20 December 1755, bids its readers remember that the rights of the nation had been 'confirmed by that act which secures the crown of the British Empire to the illustrious family now upon the throne'. On the general attitude of the paper see H. R. Fox Browne, *English Newspapers*, I, pp. 151–3; W. T. Laprade, *Amer. Hist. Rev.* XXIV (1930), p. 736.

3 No. 68, 13 November 1756.

4 *Britain's Commercial Interest Explained and Improved* (London, 1757); 2nd ed., unchanged (1759), under the title *Great Britain's Commercial Interest*. . . . The following quotations especially refer to 'Dissertations' II, XI, XII, XV, XVI, XVII (vol. I, pp. 56, 273, 277 f., 287, 289, 328, 420 f., 427 f., 432, 437–40, 461–71).

PAGE 107

1 'Firmer dependence' of the plantations upon the kingdom of England was mentioned in the Staple Act (15 Ch. II, c. 7) as one of its intended effects.

2 *Writings*, ed. Smyth, III, pp. 231–41. Cf. Verner W. Crane, *Benjamin Franklin, Englishman and American* (1936), pp. 82–5, and *Benjamin Franklin's Letters to the Press, 1758–1775* (1950), Doc. 32, p. 65.

PAGE 108

1 Now for the greater part (two-thirds) recovered and reprinted, and all of them instructively annotated by V. W. Crane in the edition quoted in n. 2 p. 107. In his Introduction (pp. vii–xlvi: 'Franklin's political Ideas: Empire and American Rights') Crane has, with this new material, given additional proof for, and made more precise, the disclosures of his earlier book (quoted *ibid.*) concerning what one may call Franklin's political duplicity in the years 1766 to 1774 (misunderstood before as inconsistency; cf. Randolph G. Adams, *Political Ideas of the American Revolution*, p. 34). In so far as the following conforms to Crane, the reader is, for the evidence, referred to his Introduction and commentaries.

2 *Franklin's Letters to the Press*, no. 33, pp. 63–72, admirably reconstructed by Crane. He dates the pamphlet either 1766 (p. xxxix) or 'winter of 1765–66' (p. 63). However, Franklin's letter to an unknown correspondent, dated 6 January 1766 (ed. Smyth, IV, p. 400) is markedly sceptical concerning the readiness of the Americans to accept representation in Parliament, and his letter to the *Gazeteer* of 29 January (Verner, no. 31, p. 59) justifies their aversion. In view of these testimonies Franklin must be assumed to have abandoned the pamphlet in December 1765 at the latest. For an earlier draft suggesting representation as a timely measure, cf. Van Doren, *Benjamin Franklin*, pp. 332–4; for an unsigned letter, so much in tune with Franklin's ideas that it might be thought to originate from him, L. H. Gipson, *The Coming of the Revolution*, p. 77.

PAGE 110

1 Letters to Cadwallader Evans, 9 May 1766, Lord Kames, 11 April 1767, John Ross, 13 December 1767; *Writings*, ed. Smyth, IV, p. 456; V, pp. 17, 74.

2 The earliest document is the letter to the *Gazeteer*, 11 January 1766, *op. cit.* no. 26, p. 48, which confirms Franklin's autobiographical account of 1774 (Smyth, VI, p. 260), and is printed in *Autobiographical Writings*, ed. Van Doren, p. 308. This account, on the other hand, shows him as not having doubted the authority of Parliament before the Stamp Act crisis. This again is confirmed by the draft pamphlet of 1765, which calls the Act unnecessary, unreasonable and improper but not illegal (*op. cit.* no. 33, p. 69). The afterthought making this constitutional doctrine an imaginary basis for colonial representation in Parliament underlies the letter to William Franklin, 13 March 1768 (Smyth, V, p. 115).

PAGE 111

1 See the letter to Peter Collinson, 30 April 1764, that to an unknown correspondent, 6 January 1766, and the *Examination* itself, Smyth, IV, pp. 244, 403, 429. As regards the legal situation Franklin privately thought Parliament to be under the existing constitution entitled to external taxation even amidst the struggle against the Townshend duties. Cf. the letter to his son, mentioned in note 2 to page 110.

PAGE 113

1 *Autobiographical Writings*, pp. 347–99, especially pp. 354 f., with Franklin's oral comments, reported pp. 355–61.

PAGE 114

1 *Autobiographical Writings*, pp. 371 f.

2 *Ibid.* p. 307. The memorandum was outlined early in 1774, soon after the scandal (see Crane, *Benjamin Franklin's Letters to the Press*, pp. 253 f.), but

remained unfinished and unpublished as Franklin decided to stay on in England. The *Hints* handed out to Barclay and Fothergill avoid an open revelation of Franklin's constitutional doctrine, but try to bring it into effect by a contract which would preclude further parliamentary rulings (Art. 17: 'All powers of internal legislation . . . to be disclaimed'). The English negotiators hesitated much before they rejected this provision outright (pp. 351, 361, 382).

PAGE 115

1 See Franklin's Glosses, *Autobiographical Writings*, pp. 380f. and 344f. (Smyth, VI, pp. 311f.), Letters to Charles Thompson and Joseph Galloway.
2 *Autobiographical Writings*, p. 188.

PAGE 116

1 Smyth, IV, pp. 4f., *Autobiographical Writings*, p. 122.

PAGE 117

1 Cf. Hutchinson's letter to Lord Dartmouth, 14 December 1773, published by L. H. Gipson, *op. cit.* p. 215.

PAGE 118

1 *Two Discourses* . . . (London, 1760), pp. 8, 33, 38, 54, 57.
2 The 'Empire', cf. 'This country' would be 'in numbers little inferior perhaps to the greatest in Europe, and in felicity to none' (*op. cit.* p. 56).

PAGE 119

1 Thomas Hutchinson, *The History of the Colony and Province of Massachusett's Bay*, ed. Mayo (1936), III, pp. 60f. 'These addresses', Hutchinson comments, 'have the appearance of caution, which I have not before met with in any publick papers since the revolution.'
2 *Ibid.* pp. 73f.

PAGE 120

1 Ezra Stiles, pastor at Newport, Rhode Island, to Dr. Fordyce in London, 22 November 1763, advocating more close relations between 'our infant churches on the one hand, and the Dissenting Churches in England and Ireland and the established Church of Scotland' on the other, maintained that 'By harmonious intercourse' they might become 'a much more respectable body in the British Empire and the Protestant world' (quoted by L. B. Namier, *England in the Age of the American Revolution*, pp. 44f.). Arthur Dobbs, Governor of North Carolina, writing to the Earl of

Halifax, 14 January 1764, promises to counteract 'all such pernicious illicit Trade carried on with foreigners to the prejudice of the British trade with these colonies after the immense expence and debt incurred in defence of... future safety of the extensive British Empire on this Continent and Islands'. This letter, quoted by G. L. Beer on p. 205 of *British Colonial Policy*, 1754–1765, relates to the Order in Council on the reform of the customs service (4 October 1763; cf. *English Historical Documents*, IX, *American Colonial Documents to 1776*, ed. Merrill Jensen, p. 637, no. 97), as does Governor Bernard's letter, dated a week earlier (quoted below, note 1 to page 127), which puts forward, indeed, other views on the true commercial interests of 'the British Empire'.

2 J. Almond, *Anecdotes of the Life of... Chatham* (1793), III, p. 381.

3 The diction of the inscription was satirized by Busby Birch (pseudonym for Bonnell Thornton) in *City Latin* (London, 1760). The author assumed that the text was 'first drawn up in English, by some learned deputy or other... which... will readily account for the many Anglicisms that occur in it' (p. 3). The lines quoted in the text come in for special mockery. Did they mean: 'he [Pitt] recovered the British Empire in Asia, he augmented it in Africa, he secured it in America'? More probably 'some official would-be-critic foisted in this line about Asia, Africa, and America, because Europe happens to come in the next sentence, and he was willing to have all the four quarters of the globe together' (p. 20). This poor witticism goes far to show that the particular intention underlying the *imperium* lines escaped the satirist.

The British Empire is conspicuous for its absence in the pasquinado directed after Pitt's resignation against him and his intimacy with Beckford. *A Letter from a Right Honourable Person, And the Answer to it, translated into Verse* . . . (1761), but no less in Almond's eulogy, *A Review of Mr. Pitt's Administration. The Monitor* later on (no. 391, 29 January 1763) said in Pitt's praise: 'it was that gentleman's generous conduct towards every subject of the British Empire that reconciled all parties', but this merely meant that 'merit was always a recommendation to him whether it was found in a native of South or North Britain'. Retrospectively it may be noticed here that the name of the British Empire had not suggested itself to governors and generals in America when they were pledging their devotion to the common cause in letters to Pitt during the war. Cf. *Correspondence of William Pitt, when Secretary of State with Colonial Governors* . . ., ed G. S. Kimball (1906), I, p. 382 (Thomas Pownall), and, II, p. 158 (General James Wolfe; conclusion of his letter of 2 September 1759, destined to be a farewell message).

4 On the insistence of Lord Chancellor Hardwicke (Brian Tunstall, *Pitt*, p. 279).

5 'If we have an Universal Empire on the Continent of North America, we can take the sugar islands when we will' (*A Detection of the false Reasons and Facts, contained in the Five Letters from a Gentleman in Guadeloupe . . .* (London, 1761), quoted by W. L. Grant, 'Canada versus Guadeloupe', *Amer. Hist. Rev.* XVIII, p. 740). 'Canada and Florida were giving to Britain 'the universal empire of that extended coast' (Lord Shelburne in the House of Lords, 9 December 1762, quoted by V. T. Harlow, *The Founding of the Second British Empire*, I (1952), p. 183). '[The French] did not rightly understand the value of North America, till they saw, in a settled peace, of what prodigious advantage the trade and navigation, continually increasing by the improvement and extension of the British Empire on that continent, must be to the mother country' (*The Monitor*, no. 393, 12 February 1763).

PAGE 121

1 *Propositions for improving the Manufactures, Agriculture and Commerce of Great Britain* (London, 1763), pp. 3–5, 10, 17, 55, 117. The colonies are, however, only one among many interests of the author. He enlarges on most diverse 'proposals' such as 'to abolish all our work-houses', 'to establish a police for the discouraging of idleness' etc., 'to repeal the laws which prohibit the importation of Irish cattle and provisions', 'to lay open our public companies and to discourage all monopolies' etc.

PAGE 122

1 *An Historical and Chronological Deduction of the Origin of Commerce from the earliest accounts to the present time* (1764). Title-page, Preface, Introduction, pp. xv, xvii.

PAGE 123

1 First edition, anonymously published, London, 1764, pp. 3–6.

PAGE 124

1 *Ibid.* pp. 16, 62 f.
2 *Ibid.* pp. 23–5, 45 f.
3 *Ibid.* pp. 114–18.
4 'But if, finally, it should appear, that these colonies, as corporations, within the dominions of Great Britain, are included within the imperium of the realm of the same,—it will then of right become the duty of legislature to interpose in the case' (of maintaining subordination, p. 31). '. . . nor is it more necessary to preserve the several governments subordinate within their respective orbs, than it is essential to the preservation of the empire to keep them disconnected and independent of each other' (p. 34).

PAGE 125

1 'Government, by those ministers, whose department it is to superintend and administer the public revenue, having taken the points of the colony revenue under consideration. I must, for the present, think myself precluded from entering into the discussion of those points, which I had allotted to this part of my paper' (p. 66).

2 This interpretation has been established by G. L. Beer, *op. cit.*, especially p. 144, and is often emphatically adopted.

3 Concerning the authorship, see Edmund S. and Helen M. Morgan, *The Stamp Act Crisis* (Chapel Hill, 1953), pp. 23, 75. The date of publication is noted in a copy at the British Museum (1093. e.72).

PAGE 126

1 Whately, *op. cit.* pp. 63–7. The passage is a remarkable instance against the assumption that a 'growing interest in colonies as markets rather than as sources of raw material . . . become noticeable from 1763' (Eric Robson, *The American Revolution, 1763–1783* (1955), p. 8). The authors certainly undervalued the prospects of English agriculture and could not possibly foresee the range of technical improvement in British industry; but they were right in asserting the importance of cheap credit. Cf. T. S. Ashton, *The Industrial Revolution*, Introduction; *An Economic History of England: the 18th Century*, p. 29.

PAGE 127

1 The representatives of these interests (see Gipson, *op. cit.* pp. 63–5) were, however, not the only ones to be disquieted. When the intentions of the Ministry were foreshadowed in orders to enforce the customs regulations and, in particular, the old Molasses Act (cf. *American Colonial Documents*, ed. M. Jensen, p. 637; Morgan, *op. cit.* p. 27), Governor Bernard of Massachusetts in the letter quoted in note 1 to page 120, and (manifestly on his instigation) Governor Fitch of Connecticut warned that blows aiming at the French sugar exports to North America might have unwelcome repercussions in another colonial industry. 'The French will open a trade to the Mississippi and increase their fishery, to supply the French as well as the Spanish, Dutch and Danish West Indies with all the articles they have heretofore been supplied with from the Northern Colonies.' Letter to Major-General Gage, 30 January 1764. Fitch Papers, *Connecticut Historical Society Collections*, XVIII, p. 278.

2 Whately, *op. cit.* pp. 87–90. *The Jenkinson Papers*, ed. N. S. Jucker (1949), p. 348: 'The several laws that had formerly been passed on this subject . . . had been executed for some time in a most negligent and shameful manner.

The beginning to execute them afresh made them have the appearance of new laws tho' they had subsisted in reality for a great many years. . . .'

PAGE 128

1 As witnessed by the agents of Virginia and Connecticut. E. and H. Morgan (*op. cit.* p. 54) have drawn attention to these important evidences.
2 Cf. Gipson, *op. cit.* pp. 69 f., for the precedents; Morgan, *op. cit.* pp. 54–61, on Grenville's policies.
3 Letter of 23 September 1757, quoted by Beer, *op. cit.* p. 164.
4 *The Administration of the Colonies*, p. 66.

PAGE 130

1 *Select Letters on the Trade and Government of America and the Principles of Law and Polity, applied to the American Colonies, written by Governor Bernard at Boston* (London, 1774), pp. 67–85. *Some Political Writings of James Otis.* Collected with an Introduction by Charles F. Mullett. *University of Missouri Studies IV*, no. 3, pp. 47–101.
2 *Select Letters*, pp. 23 (*Barrington-Bernard Correspondence*, ed. Channing and Coolidge, p. 75), 67, 85.

PAGE 131

1 *Some Political Writings of James Otis*, p. 91.
2 The meeting of the Assembly in Concord, Mass. Bernard, *op. cit.* p. 24 (Letter VII); Morgan, *op. cit.* pp. 13, 34.

PAGE 132

1 Concerning this point (Bernard's thesis 48 and Otis, *op. cit.* p. 75) the possibility of a discussion in Concord is also considered by E. and H. Morgan, *op. cit.* p. 34.
2 After Randolph G. Adams had classed Bernard among the early representatives of 'the theory of imperial federation' (*Political Ideas of the American Revolution*, 1922) E. and H. Morgan gave a fuller account of his *Principles* and interpreted them on the background of his published and unpublished correspondence. Their interpretation indulges overmuch in the fashionable habit of reducing systematic ideas to personal motives (*op. cit.* pp. 10, 12, 18).
3 *Barrington-Bernard Correspondence*, p. 53.

PAGE 133

1 'A Vindication of the Conduct of the House of Representatives . . .', *Some Political Writings of James Otis*, pp. 13–47. For the remonstrance of the House see p. 21.

2 *Select Letters*, p. 23 (23 June 1764). On letters of 1763 see Morgan, *op. cit.* p. 11.

PAGE 134

1 *Principles*, thesis 97, *Select Letters*, p. 84.

2 Bernard had held out the cause of the British Empire shortly before in his protest against the enforcement of the old Molasses Act, which would react on the New England fisheries and lumber trade and thereby on imports from Great Britain: 'There is an entire loss of 100,000 pounds . . . worth of goods to the general British Empire' (Letter of 7 January 1764; *Select Letters*, p. 10). Fitch of Connecticut, three weeks later (cf. above, note 1 to page 127), reiterated the warnings against French fisheries and Mississippi lumber voiced in that letter, and imitated the appeal to the cause of the British 'Empire' by the remark: 'the . . . disadvantages to the British *Nation* are so manifest that they need not be mentioned'.

PAGE 138

1 The corresponding passage (mentioned above, p. 129) in Otis's 'Rights of the British Colonies' runs: 'Every British subject born on the continent of America, or in any other of the British dominions, is by the law of God and nature, by the common law, and by act of Parliament (exclusive of all charters from the Crown) entitled to all the natural, essential, inherent and inseparable rights of our fellow subjects in Great Britain.' *Some Political Writings*, p. 70.

PAGE 139

1 See, for instance, Pownall's outraged protest against this 'vulgar opinion', *Administration*, 1st ed., p. 25, 2nd ed., Table of Contents and pp. 28 f.

PAGE 140

1 For the inclusion in th. 97 see above, p. 134.

PAGE 141

1 'Rights of the British Colonies', *op. cit.* pp. 69 f. Otis rightly declared that 'the worst enemies of the charter governments are by no means to be found in England' but 'are and have ever been natives of or residents in the colonies'. The question had a topical significance in Rhode Island, Connecticut and Pennsylvania; cf. Morgan, *op. cit.* pp. 12, 16 f., 47 f.

2 Otis, *op. cit.* pp. 71, 74, 78.

PAGE 142

1 *Ibid.* p. 57.

PAGE 143

1 *Ibid.* pp. 74, 71, 87 (short references), 91.

PAGE 144

1 'Substance of a Memorial presented the House . . . and by them voted to be transmitted to Jasper Mauduit, Esq., Agent for this Province; to be improved as he may judge proper.' Printed in the Appendix to 'The Rights of the British Colonies', *op. cit.* pp. 94–101, and mentioned in the message directed on 25 June to Governor Fitch of Connecticut by the committee of which Otis was a member ('Fitch Papers', *Connecticut Historical Society Collections*, XVIII, p. 285).

2 For Bernard's hopes and apprehensions see his letters to Lord Barrington and Richard Jackson, 23 June, 9 and 11 July (*Barrington-Bernard Correspondence*, pp. 75–7; *Select Letters*, pp. 23 f.; Morgan, *op. cit.* p. 19). Barrington testified to Lord Halifax's interest (Morgan, *loc. cit.*). London newspapers asserted from November 1764 to January 1765 that colonial representation in Parliament was seriously considered in Government circles. (See W. T. Laprade, *Amer. Hist. Rev.* XXXV, p. 746.) This was no vain rumour. William Knox, who belonged to Grenville's circle, was therefore entitled in 1768 to include his own representation scheme among the suggestions of *The Present State of the Nation*, which, as he insisted, renewed ideas considered by the Administration of 1764.

PAGE 145

1 Cf. Morgan, *op. cit.* pp. 54 ff.

2 Otis suspected that 'revenues raised in the Colonies without our consent', such as were implied in the new legislation and recommended by 'the Administrator', were in the first place destined for the salaries of the Crown officers ('The Rights of the Colonies', p. 90).

PAGE 146

1 Whately, *op. cit.* (see above, p. 125 and note 1 to page 126), pp. 101–14, especially p. 109 (Morgan, *op. cit.* pp. 76 f.), pp. 112 f.

2 Whately, *op. cit.* pp. 39 f., leading on to the demand for 'superintendence', pp. 41–43. Two more conventional references to the British Empire may be noted. The provisions of the Royal Proclamation of 7 October 1763 are, we are there assured, not 'intended to fix bounds to the British Empire in America' (p. 20). The 'evasion' of the navigation and trade laws has, the author complains, had the result that Great Britain's 'ability to raise within herself the supplies, which the support, the defence and the improvement of her vast Empire require, is so far less . . .' (p. 90). The author elsewhere prefers the traditional expression 'the British Dominions' (pp. 39, 43 etc.).

PAGE 147

1 Account of the agent for Connecticut, Jarid Ingersoll (*Conn. Hist. Soc. Coll.* XVIII, pp. 319 f.; *American Colonial Documents*, p. 651).

2 See ed. of 1765, pp. 9 f. For the context see above, p. 128.

PAGE 148

1 'I do admit, in the fullest manner, the probable inconvenience of the parliament's imposing taxes upon the people of distant countries, with whose circumstances and conditions very few of the members can be supposed to be well acquainted; although, as the colonies are now become so important a part of the British empire, I sincerely hope that the landed gentlemen will think it their duty to inform themselves of colony affairs' (*The Claim of the Colonies to an Exemption from Internal Taxes Imposed by Authority of Parliament Examined*... (London, 1765), p. 17). Knox expressed doubts concerning Whately's theory 'that the subjects in the colonies are in all respect upon a footing with the non-electors in Great Britain', but nevertheless strongly defended the right of Parliament to tax them; he supposed that in the new legislation this right was applied in a 'tender' manner (*op. cit.* pp. 16 f.).

2 For Oxenbridge Thacher's prayer concluding *The Sentiments of a British American* (September 1764) see Moses C. Tyler, *Literary History of the American Revolution*, I, p. 56. *Journals of the* (*Virginia*) *House of Burgesses, 1761–1765*, p. 304; *American Colonial Documents*, p. 669.

3 *Some Thoughts on the Method of Improving and Securing the Advantages which accrue to Great Britain from the Northern Colonies* (reprint from the *New York Mercury*, London, 1765, pp. 1 f., 21, 23). The author also objects to the assumption that commercial damage is to be feared from the Sugar Act (pp. 18 f.). As a New Yorker he expects that the Empire will emerge from the annexations 'the more glorious, as it was . . . to be founded on . . . the cultivating and peopling an immense wilderness, which should, for ages to come, afford an Asylum to the oppressed subjects of arbitrary Governments' (p. 2).

4 *A Brief State of the Services and Expences of the Province of the Massachusetts Bay in the Common Cause* (London, 1765), p. 22.

PAGE 149

1 *Speeches of the Governors of Massachusetts, 1765 to 1775, and the Answers of the House of Representatives to the same* . . ., ed. Alden Bradford (Boston, 1818), pp. 34 f. (30 May 1765). Cf. also Bernard's speech of 10 January, in which he promised 'to promote the real welfare of this province, consistently with its subordination to the King of Great Britain, and its common interest of the whole empire' (*op. cit.* p. 28).

PAGE 150

1 *Authentic Account of the Proceedings of the Congress held at New York, in 1765, on the Subject of the American Stamp Act* (1767), especially pp. 11 f., 22, 24. Otis had no hand in composing the letters. On the attitude of the southern Colonies cf. Namier, *op. cit.* p. 267. The original version of the petition to the Commons included one more reference to the Empire (Morgan, *op. cit.* p. 111).

PAGE 151

1 Letter to Lord Barrington, 23 November 1765, *Barrington-Bernard Correspondence*, pp. 93 ff., especially pp. 95 f.
2 Morgan, *op. cit.* p. 82.

PAGE 152

1 *Loc. cit.* pp. 93 f., 97, 100. For Bernard's attitude towards the Massachusetts Assembly cf. *Speeches of the Governors*, p. 57 (address of 8 November). He later on confessed that 'the expediency of allowing the American states' representatives in Parliament' had been 'the subject which occasioned the greatest fluctuations of his sentiments' (Preface to *Select Letters* (1774), p. v).
2 Letters of 8, 9, 15 November 1765, *Speeches of the Governors*, p. 70; Fitch Papers, *loc. cit.* L. H. Gipson, quoting the letter to Fitch in a footnote to *James Ingersoll* (1920), p. 111, introduces it by the remarkable, though somewhat misleading, observation, 'The expression British "Empire" was not infrequently employed by Englishmen of that period.'

PAGE 153

1 'The power of Parliament, like the circulation of the human heart, active, vigorous and perfect in the smallest fibre of the arterial system, may be known in the colonies by the prohibition of their carrying a hat to market over the line of one province into another, or by breaking down a loom in the most distant corner of the British Empire, in America. . . .' Basil Williams, *Life of William Pitt*, II, pp. 191 f.

PAGE 154

1 For the text of the Conway Resolutions see *Parl. Hist.* XVI, pp. 161 f.
2 *Barrington-Bernard Correspondence*, App. I, p. 242 (24 October 1765). Conway paid careful attention to public opinion in England and America. The pamphlets acquired by him form part of the Spencer Althorp Collection in the John Rylands Library, Manchester.
3 The titular innovation did not evoke any comment in public. Benjamin Franklin was set thinking by it only when he found it reiterated in the protest lodged by the law opposed to the Repeal. 'Do your Lordships mean the Parliament *imperial*?' he wrote on the margin of a reprint. (V. W.

Crane, *Benjamin Franklin*, p. 124; *Letters to the Press*, p. xliii.) The remark reflects his new constitutional views.

PAGE 155

1 'Declarations I repeatedly made in the House at the time when the repeal of the Stamp Act was agitated.' Letter to Thomas Pownall, 17 July 1768 (*Grenville Papers*, IV, p. 317).

2 The most informative evidence of the debate and the only evidence of Burke's speech is the note taken down in shorthand by Gray Cooper, secretary to the Treasury, published by Ch. H. Hill in the *Amer. Hist. Rev.* XVII, pp. 565–74 (Burke's speech is on p. 571). The speech was surprising only in its general constitutional argument. Burke had been known for many weeks to be a passionate advocate of Repeal. In a letter of 31 December 1765, he revealed to his Irish friend Charles O'Hara that his 'resolution' was taken independently of what the Administration might decide. He would vote in accordance with his private opinion, 'though some of my very best friends should determine to the contrary' (Ross J. S. Hoffman, *Edmund Burke, New York Agent with his letters to the New York Assembly and intimate correspondence with Charles O'Hara* (Philadelphia, 1956), p. 327). He was soon spared such conflict. On 17 January he was entrusted by his party friends with presenting to the House the 'Manchester petition', one of the numerous petitions issuing from the commercial centres in which the disastrous repercussions of the Revenue and Stamp Acts were set forth (cf. *Parl. Hist.* XVI, pp. 133 ff.). On this occasion Burke had his 'first trial' as parliamentary orator (Hoffmann, *op. cit.* p. 330, Burke to O'Hara, 18 January). On 27 January he joined in the motion that the House should consider the petition of the Stamp Act Congress and was congratulated on his speech by Pitt (cf. Basil Williams, *Pitt*, II, p. 197. Pitt's compliment to the 'young member' after an American report that is rendered there is virtually, though not literally, identical with that mentioned in note 1 to page 156).

PAGE 156

1 Gray Cooper's notes, *loc. cit.* Pitt's rhetorical question 'not look into foundations?' (p. 572) certainly aimed at Burke's distinction between the 'speculative' and the 'practical' aspect of the constitution. This criticism was not resented by Burke, as it had been preceded (and was, it appears, followed too) by highly appreciative remarks relating to Burke's general attitude towards the colonies. 'Mr. Pitt has been very kind and generous in protecting me by very strong and favourable expressions, twice or thrice in publick, and often in private conversations'; Burke to O'Hara, 1 March 1766, Hoffman, *op. cit.* p. 331. One of these expressions attested to Burke

'that he had delivered his sentiments thro' the medium of a much better understanding than he [Pitt] was ever endowed with, and with a degree of precision which he believed was never before heard in that house.' In this form, Pitt's 'compliment' made the round of Dublin and was quoted in a letter directed to Edmund andWilliam Burke by their friend John Ridge (Fitzwilliam MSS., Lamport. Kindly communicated to me by Mr. John Brooke). This letter, indeed, dwells on 'Ned's speech on the general question of binding the Colonies by acts of the British legislation', but the writer rightly understands that the compliment refers to 'the question of repeal'. As appears from both letters and other testimonies (Hoffman, *op. cit.* p. 333), the 'refined and metaphysical' or, as the least benevolent critics said, 'abstracted and subtile' character of Burke's speech of 3 February made it the object of much controversial comment. It was one of those oratorical successes which impress the audience without becoming materially influential. Burke's own judgement was: 'I think, if I had not been known to be the author of a book somewhat metaphysical' (i.e. *The Sublime and Beautiful*), 'the objections against my mode of argument would be of another nature; and possibly more just. However, until I know better, I intend to follow my own way' (to O'Hara, *loc. cit.*). In fact he let many years pass before he gave more extensive proof of what his 'own way' was.

PAGE 157

1 *Parl. Hist.* XVI, p. 173 (10 February).

PAGE 158

1 Smyth, IV, p. 438. The *Boston Gazette* had written in the same vein in an article which was reprinted in the *Pennsylvania Gazette*. Cf. L. H. Gipson, *The Coming of the Revolution*, p. 110. Franklin himself had already by the *Gazetteer* of 27 December 1765 (*Letters to the Press*, no. 20, p. 40) launched the statement: 'it is notorious the last war was begun, not for the "immediate protection" of the Americans, but for the protection of the *British trade*, carried on with *British manufactures* among the Indians in America'.

PAGE 159

1 *The True Interest of Great Britain, with Respect to her American Colonies, stated and impartially considered.* By a Merchant of London (1766), pp. 12, 16, 36, 51. In a demand for a revision of the Revenue Act of 1764 the author concurred with the requests of London merchants generally (cf. 'L. S. Sutherland, Edmund Burke and the first Rockingham Ministry', *Econ. Hist. Rev.* XLVII, 1932). The new Revenue Act of 6 June 1766 (6 Geo. III, c. 52, *American Colonial Documents*, no. 114) was the result.

PAGE 160

1 *Letters and Dissertations on Various Subjects. By the Author of the Latter Analysis A.P. On the Disputes between Great Britain and America* (London, 1776), letters of 1 and 20 January, 1766, pp. 8–12.

2 'A Letter from a Merchant in London to his Nephew in America.' Tract III in *Four Tracts together with Two Sermons* (Gloucester, 1774), whose Preface (pp. ix–xi) reports the circumstances under which the pamphlet was written. Reprinted from there (without the Preface) in Robert L. Schuyler, *Josiah Tucker, A Selection from his Economic and Political Writings with an Introduction*, New York, 1931. Tucker's critical attitude towards the colonies was known as early as 1760. He had even earlier had an argument with Franklin concerning the colonial trade. Cf. *Franklin's Letters to the Press*, p. 17 n., and Tucker's 'Letter to Edmund Burke' (1776), Schuyler's edition, p. 386 n.

PAGE 161

1 Schuyler's edition, pp. 316, 323, 327. Franklin knew what Tucker thought of him. Cf. Smyth, V, p. 68 (to his son, 25 November 1767).

PAGE 162

1 *An Application of some general Political Rules to the present State of Great Britain, Ireland and America. In a Letter to the Right Hon. Earl Temple* (London, 1766). Reprint in Almon's Collection of Tracts (1773), pp. 5 f., 76 f.

2 'Short Account of a late Short Administration', *Works* (G. Bell & Son, 1913), I, p. 182.

PAGE 163

1 *A True History of a late Short Administration* (1766), pp. 4 f. C. Lloyd, *The Conduct of the late Administration examined . . .* (1767), pp. 82, 150; for 'the empire of Great Britain' cf. also pp. 7, 42, 61, 112.

PAGE 164

1 *The Snare Broken. A Thanksgiving Discourse preached . . . March* 23, 1766, pp. 2, 9, 24 f. On Mayhew's vehement sermon against the Stamp Act see Whateley's letter to Grenville, 8 November 1765, *Grenville Papers*, III, p. 108.

2 10 April 1766; MS. source, quoted by J. C. Miller, *The Origins of the American Revolution*, p. 128.

3 Address to the House of Lords (called 'Hereditary Guardians of the British Liberties'), dated 10 July 1766. Shelburne MSS., *Stevens Transcripts*, Brit. Mus., Add MS. 42259; (III), p. 12. Cf. also the eulogy of the *New Hampshire Gazette*, 22 May, quoted by Miller, *op. cit.* p. 170.

4 On the demonstration of the merchants see Miller, *op. cit.* p. 118.

5 *Four Dissertations on the reciprocal Advantages of a perpetual Union between Great Britain and her Colonies* . . . (Philadelphia, 1766). The pamphlet opens with the 'List of the Subscribers' Names', 190 in number, among whom were 169 Pennsylvanians. Bradford's paper had, when the Stamp Act became valid, appeared 'in mourning, with skull and crossbones' (*Dictionary of American Biography*). The passages quoted in the text are from Dissertations II (p. 52) and III (p. 104). The author of Dissertation II severely inveighs against several late writers who, 'either blinded by passion or employed and instigated by the enemies of the British Empire, have endeavoured to sow discord and dissension between the mother country and her American colonies' and is confident that his 'fellow subjects of America will not be wanting in any proper expressions of deference and subordination to the head of the British Empire' (pp. 53, 77). This writer, indeed, also shares the accepted British opinion that engagement in manufactures 'would be incompatible with the true interest of the Colonies' (pp. 69–71).

PAGE 166

1 *Parl. Hist.* XVI, pp. 339, 341.

PAGE 168

1 *Writings of John Dickinson*, II (1895), p. 361 (Letter VIII).

PAGE 169

1 *Ibid.* pp. 312 f., 332, 335 f., 349 (Letters II, IV, V, VI).

2 *The True Sentiments of America: Contained in a Series of Letters sent from the House of Representatives of the Province of Massachusetts Bay to Several Persons of High Rank in this Kingdom* (London, Almon, 1768), especially pp. 15, 20 (to Shelburne, 15 January 1768), 21 (to Conway, 13 February), 27 (to Rockingham, 22 January), 42 (to Lord Commissioners of the Treasury, 17 February), 50 (Circulatory letter directed to the 'Speakers of the respective Houses of Representatives and Burgesses on this Continent', 11 February). Cf. also the sentence in the letter to Lord Camden, 29 January (p. 32): 'your attention to the British colonies, their connection with and dependence upon the mother state, and their rights as subjects seem to be necessary and important not to them alone, but to the whole Empire.'

3 In the words of the information given on this incident by Bernard to Barrington (28 January 1768, *Correspondence*, p. 138). Too much should not be made of an often-quoted observation made in Virginia by the clergyman Andrew Burnaby in *Travels through the Middle Settlements in*

North America in the years 1759 and 1760 (London, 1775), p. 34: 'Many of them consider the colonies as independent states, not connected with Great Britain otherwise than by having the same common king and being bound to her with natural affection.' Burnaby's witnesses were not necessarily well informed of the legal position of the colonies. Perhaps their citizenship was of no long standing. When Franklin formed his radical constitutional views in 1766–8, he was not conscious of concurring with the opinion of many colonials.

PAGE 170

1 On the situation in Boston see M. Jensen in *American Colonial Documents*, pp. 711, 714.

PAGE 171

1 Reprinted in *A Collection of Tracts from the late Newspapers . . . Containing particularly The American Whig . . .* (New York, 1768) (Brit. Mus. 1197 d. 25), pp. 57 f. On authorship and tendencies of the series cf. Dorothy R. Dillon, *The New York Triumvirate* (New York, 1949), pp. 44–7. (Information kindly supplied by the Research Department of Congress Library, Washington.)

2 This line seems to have become rather popular in the colonies. It is also quoted in one of the four Philadelphian *Dissertations* of 1776 (cf. above, note 5 to page 164) as having predicted the 'accession of power to the British Empire' embodied in three millions of faithful American subjects (pp. 57 f.).

PAGE 172

1 'A spirit nearly akin to prophecy' was, indeed, attributed to the presumable author by his biographer (Theodore Sedgwick, jr., *A Memoir of the Life of William Livingston* (New York, 1833), p. 145).

PAGE 175

1 Bernard to Barrington, 28 January 1768, *Correspondence*, Appendix I, and pp. 245–52. This version of the letter, preserved in vol. XI of the Bernard Papers at Harvard University and published by Bernard himself in *Select Letters*, pp. 53 ff., is arranged in a more orderly way than that entered in his Letter Book (*op. cit.* pp. 133–8). It seems to represent the final text.

2 Letter to Grenville, 14 July 1768 (*Grenville Papers*, IV, pp. 312–14), asking for permission to renew the dedication now that it is enlarged by the 'new and particular address' which urges colonial representation in Parliament. Pownall also wishes for 'a conversation on these American matters'.

3 *Administration of the Colonies*, 4th ed. (1768), pp. 29, 43 f.

PAGE 176

1 *Ibid.* pp. 29–37. Preface, pp. xiv f.
2 Cf. above, note 1 to page 166.

PAGE 177

1 *Ibid.* pp. xv f., 37.
2 Of this move evidence is provided by William Franklin (letter to his father, 22 August 1767; cf. Crane, *Franklin's Letters to the Press*, p. 72 n.). On earlier and later assistance given by Franklin to Pownall, see *ibid.* pp. xlix f., 25 f., 200. Of their correspondence only an undated exchange of letters seems to be preserved, published by Bigelow, *Writings of Benjamin Franklin*, IV, pp. 64 f. Here Pownall seeks Franklin's advice concerning the question of mutual advantages in colonial trade relations. Franklin urges his settled view that the problem ought to be immaterial. He uses the occasion for strongly emphasizing the alternative of 'union' or 'disruption'. The analogy of the 'laws of gravity', mentioned above, was by Josiah Tucker imputed not to Pownall, but to Franklin in a side-remark which he inserted into *The Case of Going to War* when it was reprinted from the original pamphlet of 1763 in the *Four Tracts*, 1774 (Schuyler's selection, pp. 297 f.). This lapse of memory shows in any case that the passage in Pownall's book reminded Tucker of Franklin's *Observations*, whose meaning he had early learned to distrust.
3 13 March 1768; Smyth, V, pp. 114 f.

PAGE 178

1 *The Present State of the Nation, particularly with respect to its Trade, Finances, . . . Addressed to the King and both Houses of Parliament* (London, Almon, 1768). Knox was provided by Grenville with factual evidence (*Grenville Papers*, IV, p. 368). He also corresponded with Grenville on certain points of the book. On 27 June, Grenville sent him a last warning against the suggested method of taxation and against relating the trade laws (*Hist. MSS.* Rep. VI, p. 95). Knox, it appears, silently dismissed these objections. On 23 July he informed Grenville that printing had already begun, though publication would be postponed 'till near the meeting of Parliament' (*Grenville Papers*, IV, p. 321). Grenville became fully acquainted with the book only when its publication was imminent and Knox sent him a complete copy on 4 October; only then did he learn from the author that 'the American controversy was reserved for a separate work (*ibid.* pp. 368 f.).
2 *Ibid.* 4th edition (London, 1769), especially pp. 18–24, 35–7 (France), I, 43–69 (Grenville and his successors). Points of the argument which need no discussion here are the author's defence of the peace negotiations, his

gloomy view of Britain's commercial situation (both extensively refuted in Burke's *Observations*), and his anxiety lest 'the martial turn of my country' should involve it in another war, for instance in defence of 'the liberties of the Corsicans' (pp. 11 f.).

PAGE 179

1 *Ibid.* pp. 76–9 (Ireland), 84–8 (America), 90–3 (East India).
2 *Ibid.* pp. 41, 107.
3 *Ibid.* pp. 45, 92.
4 Above, p. 102.

PAGE 180

1 *Ibid.* pp. 82 f. Knox overrode the objection of Grenville that the assessment of the different shares to be borne by the single colonies had always been found impracticable (letter of June 27; cf. note 1 to page 178).

PAGE 181

1 Grenville had (*loc. cit.*) rejected this suggestion as 'an absolute repeal of one half of the Acts of Navigation, and contrary to the established principle and policy of every other European nation with respect to their colonies'. Knox now agreed that a strict maintenance of those laws would be of advantage to both countries, but nevertheless defended his plan as 'entirely consonant to the general interest of Great Britain' as distinguished from that of 'a few individuals' there. It would make colonial products cheaper and save costs of transport (*The State of the Nation*, pp. 84–6).
2 'On this principle, and on this principle only, it is that I think the Colonies ought to be allowed to send members to Parliament' (p. 88). That this juridical proviso was very seriously meant is shown by a letter written by Knox to Grenville shortly after *The State of the Nation* had gone to the press (9 August 1768; *Grenville Papers*, IV, pp. 335–7). While studying papers of the Board of Trade he has been 'filled with astonishment at the multiplicity of evidence for the right of Parliament to tax the colonies' as having been freely acknowledged by the colonies themselves. He goes farther and declares himself 'tempted to deny that there is any such thing as representation at all in our constitution'. Are the Commons, he asks, not simply commissioned by the people as 'the Lords are commissioned or appointed by the Crown'?
3 *The State of the Nation*, p. 73. For the modicum of correctness in the assertion see note 2 to page 144.

PAGE 182

1 As mentioned by Bernard, *Correspondence*, p. 180, 20 October 1768.
2 See his report to Barrington, 20 February, *ibid.* pp. 145 f.

3 *American Colonial Documents*, no. 120, p. 715 (11 February 1768). Being 'equally represented' was in any case impossible, and even a partial representation was bound up with so much expense, that in the opinion of the House 'a taxation of their constituents, even without their consent, grievous as it is, would be preferable to any representation that could be admitted for them there'.

PAGE 183

1 *Franklin's Letters to the Press*, no. 115, p. 136.

PAGE 184

1 17 July 1768. *Grenville Papers*, IV, pp. 316–19.

PAGE 185

1 The fear that George Grenville might return to office was all but an obsession to Lord Rockingham; his desire of preventing this contingency was one of the few points in which his claim to 'consistency' in politics can be substantiated. This is shown in Mr. John Brooke's analysis of party connections, *The Chatham Administration, 1766–1768* (1956), pp. 97 f. Burke intended, by hitting at authors who professed confidence in Grenville, to be helpful in this cause. At the same time, the particularly uneasy position which faced his political friends in the new American crisis spurred him to try his gift for controversial literature. The intentions of their Declaratory Act had been stultified by the Townshend legislation itself, and still more by the resistance movement which was forming itself in America in answer to them and which virtually spelled disaster to that Act. 'A repeated opposition from that side of the water, upon a principle directed against all duties for revenue, must be met. It must either be admitted, which is timidity, weakness, irresolution and inconsistency; or it must be resisted, and the arms of this country must be exerted against her colonies.' The 'miserable dilemma' is first defined this way and afterwards set forth in a very long, though, as the writer confesses himself, 'very little digested' memorandum, submitted on 14 August 1768 by William Dowdeswell to Lord Rockingham, whose Chancellor of the Exchequer he had been. (The greater part has been published by J. Brooke, *op. cit.* pp. 369–73.) Dowdeswell examines all possible developments which occur to him. He finds no hopeful prospect in any of them, but in the end assumes: 'we shall be soon trying who shall stand most forward in proposing terms of accommodation to end a struggle by which this country, possessed of everything has everything to lose and nothing to get'. Such retreat on the part of the government will involve some loss; but 'those must answer for it who have wantonly and unnecessarily revived the question'. With this

prospect in view he has nothing to suggest to the party members but 'much moderation', distressed though they must be by the unwillingness of the colonies to show 'moderation' with regard to the constitutional principle. They must, in other words, countenance a policy of retreat which is against their own conscience and be content with leaving to others the still more unsavoury duty of answering for it. Burke was not able to give different advice; but he was eager to shield his friends from the reproach that they had a share in the responsibility for the present situation, and to prove irrefutably that there was no practicable alternative to 'the system of 1766'. While Dowdeswell was realizing that this system had broken down, Burke grasped at the opportunity, offered to him first by Pownall and then by the *State of The Nation*, of contrasting it with other schemes and thereby encouraging belief in its lasting validity.

2 *British Museum, C.* 60.*i.*9, pp. 28–75.

3 *Ibid.* pp. 32, 34, 37. On p. 28, Pownall's demand for 'some very considerable person' who should be sent to America elicits the malicious remark: 'Is this the key of this work?'

PAGE 186

1 Beginning and end of a lengthy marginal, pp. 52–4, which in particular deals with the eventuality that in Pownall's independent courts 'the judges might determine the character void for legal defects or as forfeited for abuses'.

2 *Ibid.* p. 45.

3 *Ibid.* pp. 29, 45: 'The author affects to be a mere novice in the affairs of mankind. Objects of politics always have been the instruments of faction, what other instruments can it have? Is it very wise by increasing the number of political discussions to furnish faction with a greater number of those instruments? To talk in this loose manner of the effect of faction is quite childish.'

PAGE 187

1 *Works* (Bell), I, p. 278.

2 *Ibid.* pp. 246f.

PAGE 188

1 *Ibid.* pp. 257f.

PAGE 189

1 *Ibid.* pp. 246, 256.

PAGE 190

1 *Ibid.* pp. 260–4.

PAGE 191

1 *Works* (Bell), pp. 277–80.

PAGE 192

1 *Ibid.* pp. 204, 257, 283.

PAGE 193

1 Cf. Burke's 'Speeches on American Taxation', *Works*, I, p. 394.
2 Gipson, *op. cit.* p. 203.
3 London, for W. Griffin, 468 pp., attributed by Sabin to J. Goldsmith. Wholly different from John Entick's four-volume work of 1774.

PAGE 196

1 As appears from the materials collected by F. J. Hinkhouse (*The Preliminaries of the American Revolution as seen in the English Press, 1763–1775*, 1926) the notion of the British Empire was by no means conspicuous in newspaper articles dealing with American affairs.
2 *The Present State of the British Empire. Containing a Description of the Kingdoms, Principalities, Islands, Colonies, Conquests, and of the Military and Commercial Establishments under the British Crown in Europe, Asia, Africa and America.* By the late Rev. John Entick, M.A. and other Gentlemen. In four volumes (London, B. Law, 1774). 'The Introduction', pp. 1, 4. John Entick had been the editor of *The Monitor*; cf. above, ch. III, p. 101.
3 *The State of the British Empire*, IV, pp. 293–494, pp. 521–40.

PAGE 197

1 *The True Interest of Great-Britain set forth in Regard to the Colonies; and the Only Means of living in Peace and Harmony with them.* Published 1774 separately (Norfolk) and as Tract IV of *Four Tracts together with Two Sermons* (Gloucester). Reprint in Schuyler's *Collection*, pp. 333–69; the passages quoted above are on pp. 333–40, 359.

PAGE 198

1 *The State of the British Empire*, pp. 340–57, especially pp. 343, 345–8, 356. The impracticability of colonial representation in Parliament is argued by way of a detailed criticism of *Considerations on the Expediency of admitting Representatives from the American Colonies into the British House of Commons* (London, 1770). This pamphlet originated from Francis Maseres, who from 1766–9 had been Attorney General in Quebec. Its constitutional suggestions are summarized by Miller, *op. cit.* p. 160. Tucker, without mentioning the author's name, professes to know him as a man deserving 'much respect and deference'; he seems not to have taken notice of the earlier projects of that kind.

2 *The State of the British Empire*, pp. 359–61, 365 f. For other points of Tucker's argument cf. Harlow, *The Founding of the Second British Empire*, I, pp. 204–7.

PAGE 199

1 *The State of the British Empire*, pp. 336 f., 340, 342 f., 347, 349, 355 f.

2 For Tucker's prediction see *ibid.* p. 367. The date of publication appears from *Gentleman's Magazine* (1774), p. 29.

PAGE 200

1 To Horace Mann, 28 March, 1 May 1774. *Letters*, ed. Paget Toynbee, VIII, pp. 436, 449.

2 From a letter written a short time later (F. D. Cartwright, *The Life and Correspondence of Major Cartwright* (1826), I, p. 59). For more assertive reactions to Tucker's tracts, see *Gentleman's Magazine*, January to March 1774, and Harlow, *op. cit.* p. 210.

3 Ten letters to the *Public Advertiser*, 20 March to 14 April, 1774, signed 'Constitutio', reprinted in the pamphlet *American Independence, the Interest and Glory of Great Britain*. Cf. Harlow, *op. cit.* pp. 211 f. The controversy with Tucker pervades Letters VI to IX, pp. 32–57 of the pamphlet. The sentence quoted above, Letter III, p. 15, was written just before Tucker's tracts became known to Cartwright (p. 17).

PAGE 201

1 Letter IV, pp. 21 f.; Letter VI, p. 30.

PAGE 202

1 Letter IV, pp. 23 f.; Letter V, pp. 26–9.

2 Letter V, p. 27. Cartwright implicitly refers to the fourth of the schemes for settling the American question discussed and dismissed in Tucker's *True Interest*. Returning to the denunciations of his 'Merchant's Letter', Tucker had said of that 'wild scheme' that 'there are certainly some Americans who seriously embrace it' (p. 358). His mockery of Franklin's 'Newtonian principles' of gravitation, inserted at another place in the *Four Tracts* (pp. 297 f.; cf. above, ch. IV, note 2 to page 177), points manifestly to the butt of his comment. By his 'fourth scheme' he certainly also gave occasion to a letter to the *Middlesex Journal and Evening Advertiser*, 1 March 1774, where 'Britannicus' complained that 'the idea that North America bids fair to become a seat of empire' was 'finding so general a reception among us'—and took pains to prove the 'absurdity of the idea'. Cf. Hinkhouse, *op. cit.* p. 107, where parallel comments are noted without regard to the special occasions of each remark (unfortunately a general shortcoming of this useful collection).

PAGE 204

1 Cf. *Parl. Hist.* XVII, pp. 1215–69, and Horace Walpole, *Journals*, I, p. 351. We may doubt that 'this great composition... was spoken unpremeditated' (Walpole, *op. cit.* p. 443). The fact that it was reshaped and enlarged for the printed version appears from two of its passages. (1) Burke quotes and discusses the Circular Letter of May 13, 1769, directed by Lord Hillsborough to the Colonial Governors (*Works*, ed. Bell, I, p. 394). It is certain, however, that Burke produced this document a fortnight later, at the third reading of the 'Bill for regulating the Government of Massachusetts' and only then gave a chance for discussion of it (*Parl. Hist.* XVII, p. 1314, Walpole, *op. cit.* p. 362). (2) To demonstrate that the unwisdom of 'schemes of American revenue' could be well understood in 1763–5 Burke quotes extensively from Governor Bernard's 'printed letters' (pp. 402–4, 410 f.). His evidence is, of course, Bernard's *Select Letters*, which were published in May 1774 (*Gentleman's Magazine*, p. 229). On the timing of publication see below, p. 216, n. 1.

2 *Select Letters* (cf. above, p. 130, note 1), pp. ii, v.

PAGE 205

1 *Works*, ed. C. F. Adams, II, pp. 363 f.

PAGE 206

1 *The Papers of Thomas Jefferson*, I (ed. J. P. Boyd, 1950), p. 119, almost identical with the preceding 'Resolutions of the Freeholders of Albermarle County', 26 July, pp. 117 f.

2 *Journals of the Continental Congress* (1904), I, p. 23.

3 *Papers of Jefferson*, I, pp. 121–6, 129.

PAGE 207

1 *Ibid.* pp. 127, 121, 123, 124, 129, 135. Jefferson's original draft provided the warning that, if deprived of the rights of their Assemblies, 'the people might take upon them to lay the throne of your Majesty prostrate or to discontinue their connection with the British Empire' (p. 137, n. 34).

PAGE 208

1 In James Wilson's *Considerations on the Nature and Extent of the Legislative Authority of the British Parliament*, which were likewise intended to instruct the Congress members and concurred with Jefferson's interpretation of the constitutional position (cf. M. Beloff, *The Debate on the American Revolution*, p. 11), the notion of the British Empire is less prominent. The statement giving most emphasis to it appears in a postscript dealing with

further commercial relations (*Selected Political Essays*, ed. R. G. Adams, (1930), p. 81).

2 *Journals*, I, pp. 69 (the Resolution concerning the 'parliamentary power of regulating trade'; cf. John Adams' Diary, *Works*, I, p. 397), 76, 82, 84, 89 f. Cf. also the parenthetic reference to Pitt, the 'minister to whose efforts the British Empire owes its safety and its fame' (p. 83). The 'harmony so necessary to the happiness of the British Empire and so ardently desired by all America' should, according to Congress resolution, have also had a place in the Petition to the King (p. 53). The final text, however, omitted the British Empire from this phrase (p. 120).

PAGE 209

1 *Journals*, I, p. 49.

2 Samuel Seabury, *Letters of a Westchester Farmer*, ed. M. H. Vace (1930, *Public. of the Westchester County Hist. Soc.*, VIII), especially *A View of the Controversy between Great Britain and the Colonies* (1774), pp. 107, 110; 'Massachusettensis', *To the Inhabitants of the Province of Massachusetts-Bay* (Boston, 1775, originally letters to the *Massachusetts Gazette*, 12 December 1774 to 3 April 1775), especially pp. 5, 41, 57 f.

PAGE 210

1 Seabury, *op. cit.* pp. 45 (*Free Thoughts on the Proceedings of the Continental Congress*, 1774), 106 f., 110 f., 117–19 (*To the Inhabitants . . .*).

2 'Massachusettensis', *op. cit.* pp. 5, 11, 27 f., 40 f., 45.

PAGE 211

1 Diary, 24 October 1774, *Works*, II, p. 401.

2 Diary, 18 and 30 December 1765, 2 January 1766, *ibid.* pp. 154, 156, 169, 173.

3 *Ibid.* p. 380.

PAGE 212

1 On learning how vigorously William Pitt had concurred with the American protest against the Stamp Act, Adams noted in his diary (*Works*, IV, p. 191): 'What shall we call him? The genius and guardian angel of Britain and British America, or what?' The 'British Empire' did not occur to him then—as it did in 1771, when he made the long entry mentioned above, on trial by jury (*ibid.* pp. 252 f.).

2 'Notes on Debates', Diary, 8 September, *Works*, *ibid.* p. 373.

PAGE 213

1 *Works*, IV, pp. 37 f. (6 February 1775).

2 Letter IV, *op. cit.*, *Works*, IV, p. 46.
3 'Massachusettensis', *op. cit.* letter XI, p. 79.

PAGE 214

1 *Works*, IV, pp. 106 f. (6 March).
2 *Esprit des lois*, bk. II, ch. 1, 4, 5.
3 *Oceana*, ed. Liljegren, pp. 14 f. Above, note 2 to page 59.
4 *The Farmer Refuted*, 5 February 1775. *Works*, ed. H. Cabot Lodge, I (1903), p. 86: 'I deny that we are dependent on the legislature of Great Britain, and yet I maintain that we are part of the British Empire, but in the sense only as being freeborn subjects of his Britannic Majesty.' Cf. also p. 115: 'It is granted that Great Britain has a right to regulate the commerce of the Empire.'

PAGE 215

1 *Works*, IV, p. 173, 17 April.
2 *Parl. Hist.* XVIII, pp. 34 f., 39, 41, 46, 64.

PAGE 216

1 Its forthcoming publication had been announced on 22 December 1774. It was said to have been 'for some months ready for the press; but the friends of administration having been used to attribute a great deal of the opposition to their measures in America to the writings published in England, the publication has been delayed, till the measures of Government have had their full operation' (*Gentleman's Magazine*). The actual appearance is noted by Horace Walpole on 10 January 1775 (*Journal*, I, p. 442).
2 *Parl. Hist.* XVIII, pp. 276 (Lord Lyttelton, 7 February), 355 (Burgoyne, 27 February), 540 n. (Debate on Burke's Speech on Conciliation according to *Annual Register* 1775, p. 109). Expressions like 'every part of the empire', the 'laws and constitution' of, or 'general system' of the empire, 'the general harmony and lasting benefit of the whole British Empire' (pp. 221, 319, 323, 461 etc.) occur so frequently in the printed reports that the topic must be assumed to have been prominent to an unusual degree during the session. Among pamphlets on the Government side cf. Dr. Johnson, *Taxation no Tyranny* (March 1775), pp. 14, 29.

PAGE 217

1 Chatham, *Parl. Hist.* XVIII, p. 198; Burke, *Works*, I, p. 435. John Cartwright, *A Letter to Edmund Burke, Esq., Controverting the Principles of American Government, laid down in his lately published Speech on American Taxation* (London, February 1775), signed again 'Constitutio'. P. 6:

'But be apprized, Sir, that it is not to any creature of your own imagination, an ideal "constitution of the British Empire" (for I totally deny its existence and believe that a faith and hope in it lead to perdition), which I now mean to refer to. . . .' Pp. 11 f.: 'I hope, Sir, it was not at the time when you were yourself connected with a very noble person at the head of the Treasury department that you first affixed to the words British Empire those magnificent ideas you give us of it.'

2 *Journal of the Votes and Proceedings of the General Assembly of the Colony of New York from 1766 to 1777* (reprint, Albany 1820), pp. 112 (Petition to the House of Lords). The petition to the King expressed the gratitude of the colony for having 'become so important a part of the British Empire'; the House of Commons was reminded 'that the grandeur and strength of the British Empire' depended 'essentially on a restoration of harmony of affection between the mother country and her colonies'. Petitions of 15 September 1775; cf. A. C. Flick, *Loyalism in New York during the American Revolution* (Columbia University Press, 1901), p. 41.

3 *Journals of the Continental Congress*, II, p. 149; cf. also the conclusion, imploring 'divine goodness . . . to relieve the Empire from the calamities of civil war', and the 'Second Petition to the King' (composed by John Dickinson): 'We think ourselves required . . . immediately to use all the means in our power . . . for averting the impending calamities that threaten the British Empire' (pp. 157 f.), 6 and 8 July 1775.

4 *Ibid.* pp. 23 f., 31 July. Nova Scotia had shortly before definitely dissociated herself from the old colonies and made an offer of regular contributions to the Exchequer which was to be paid from custom duties. In their 'Address, Petition and Memorial' of 24 June, the 'Representatives of the Freeholders of the Province' completely conformed to the style desired by the British rulers at that time. 'It is our indispensable duty to pay a due proportion of the expense of this great empire. Having thus, as obedient subjects, acknowledged our duty to our king and our willing submission to the supreme legislature of the British Empire, we humbly request the right of being heard in respect of our grievances or wishes. . . . We humbly conceive it will be necessary to the peace and happiness of the British Empire, that . . . the proportion of each colony towards the imperial expense should be of such a nature as it may never after be necessary to alter it.' *Gentleman's Magazine*, XLVI, p. 5.

PAGE 218

1 *Papers of Thomas Jefferson*, I, pp. 241 f., 25 August 1775.

PAGE 219

1 *Parl. Hist.* XVIII, pp. 696, 723. For Shelburne's project, of financial

agreements between Great Britain and the Colonies, see Harlow, *op. cit.* p. 214.

2 *Papers*, p. 269. In the intervening period Jefferson once more declared, 'There is not in the British Empire a man who more cordially loves a union with Great Britain than I do.'

PAGE 220

1 As these classics are easily accessible in different modern editions, references to page-numbers have, with few exceptions, been thought unnecessary for the quotations given in the following.

PAGE 223

1 This definition was imitated by Richard Price in his far more radical *Observations on the Nature of Civil Liberty* (February) 1776. 'An Empire is a collection of states or communities united by some common bond or tie' (cf. *Gentleman's Magazine*, XLVI, p. 83). On Price's constitutional scheme, to which Shelburne agreed, see Harlow, *op. cit.* pp. 213 f.

2 This passage incited Tucker to a particularly scornful retort in 'A Letter to . . . Edmund Burke'.

PAGE 225

1 The language of the Speeches is different too from that used by Burke in his letter to Sir C. Bingham, 1773. There he had insisted that 'the several bodies which make up this complicated mass' could be 'preserved as an Empire' only by reserving for Great Britain 'the sole right to the Imperial Legislation'. Burke had by then resorted to this principle because it offered an ostensible reason for the opposition of the Rockingham Whigs to an Irish Absentee Tax. Cf. R. Coupland, *The American Revolution and the British Empire* (1930), pp. 64 f.; Harlow, *op. cit.* p. 518. As is well known, this tax had been thought necessary by the Lord Lieutenant, Lord Harcourt. Lord North was originally prepared to have it allowed by the British Government and Parliament. It was obstructed by the interested members among the Whig Opposition Lords. Five among them, led by Rockingham, in their letters of protest to Lord North declared themselves bewildered that they should be fined for living in the country which was the chief member of the British Empire. This letter seems also to have been composed by Burke. Cf. W. E. H. Lecky, *History of Ireland in the 18th century*, II, pp. 119–27, especially p. 123; R. Coupland, *The American Revolution and the British Empire* (1930), pp. 64 f.; Harlow, *op. cit.* p. 518; for the letter itself see Albemarle's *Life of Rockingham*, II, pp. 227 f. In a letter of explanation addressed to a Scotch-Irish notable, Sir William Mayne, Rockingham showed himself aware that it was difficult to reconcile his

restrictive attitude towards Irish parliamentary rights with the principles maintained by his party group in American affairs. For his justification he makes unusually extensive use of the notion of the Empire in phrases which sometimes resemble the phraseology of Burke's American Speeches. 'Good government consists in being just and equitable to all subjects of this Empire.' It 'should strive to conciliate the affections mutually between Great Britain and all the parts which compose this Empire'. This lofty principle is, however, in the present case, invoked for dissuading the recipient of the letter from a measure which would create ill-will at 'the seat of the Empire', in England. 'This great Empire rose to its zenith on solid principles and on more liberal ideas', etc. This letter, dated 19 November 1773, has been published with useful comments by J. E. Tyler, *Irish Historical Studies*, VIII (1953), pp. 363–9, from the draft preserved in the Wentworth Woodhouse Papers.

PAGE 226

1 Letters VIII–X, 28 October, 23 November 1765, 14 December 1768. Cf. above, p. 183 f.

PAGE 228

1 The book was expected to be completed in 1773; Adam Ferguson by then prepared the public for it (cf. John Rae, *Life of Adam Smith* (1895), p. 253). In the spring of that year, however, Adam Smith found himself 'obliged to go to London'. A plan 'to go abroad a second time' was discarded there. Instead: 'For four years after this London was my principal residence, where I finished and published my book' (Letter to the Commissioner of the Danish Board of Trade, 1780; C. R. Fay, *Adam Smith and the Scotland of his day* (1956), p. 26). Evidences of his stay in London, 1773–6, are produced by Rae, *op. cit.* p. 263. The first edition went to print 'in the end of the year 1775', as recorded in the preface to the third. (Cannan, Introduction to his edition, p. xv.)

PAGE 230

1 Sir Charles Whitworth was just preparing the tables of his *State of the Trade of Great Britain* which were published in 1776. Adam Smith could certainly have had access to his work. He was right, indeed, as were others, to think little of the absolute figures in the official statistics on which that compilation was based. (Cf. George N. Clark, *Guide to English Commercial Statistics*, 1696–1782, pp. 13, 31.) This rejection did not, however, need to extend to the proportion in which exports to different countries were shown by the tables to stand to one another. A perusal of them from this point of view ought to have led to a modification of Adam Smith's view—not based on

any factual evidence—that the colonial market attracted more British capital than any other. The rise of this widespread assumption and the reasons for it need separate study.

2 Adam Smith's interest in the pamphlet literature of the American problem is evidenced by a volume in his library which he had labelled 'Political Pamphlets'. Here *The Present State*, Burke's *Observations* on this book and his America Speeches, and two pamphlets of Tucker were bound together. He also acquired the new (5th) edition of Pownall's *Administration*. Cf. James Bonar, *A Catalogue of the Library of Adam Smith*, 2nd ed. (1932), pp. 146f., 156. That Smith looked forward to a peaceful interval between the tension of 1774–5 and the final settlement appears from the fact that in his original text he referred to this tension as to the 'late disturbances'. When reading the proofs in the winter 1775–6 he forgot in some instances to replace 'late disturbances' by 'present disturbances' (cf. Cannan, Introduction, p. xiii). One of his first admirers, Hugh Blair in Edinburgh, noted that the America section was out of tune with their literary environment. He wished it 'had been omitted, for it is too much like a publication for the present moment'. He expected 'these pages . . . to be omitted or altered' in later editions 'when public measures come to be settled'. (Letter of April 1776, published by Fay, *op. cit.* p. 39.) In consequence of the unexpected course of events the impression of a pamphlet was not wholly avoided. Professor Fay, indeed, thinks the whole section to be rooted in Adam Smith's original intentions. 'America was never far from Adam Smith's thought. Indeed, in the end it was almost an obsession. . . .' 'Here his artistry is supreme. For behind his plea for its liberal treatment is the role which he assigns to it in world economy' (p. 98). Stimulating though his interpretation is, it seems less adaptable to the structure of the chapter than the assumption, outlined above, of a deviation from its original doctrinal scope. The 'Early draft of the Wealth of Nations', written about 1763, the only manuscript which survived the destruction ordered by the author, gives, indeed, proof of Smith's early interest in the American colonies. The fragment breaks off with a devastating comment on slave labour in the American 'sugar and tobacco colonies', where planters 'enjoying a sort of monopoly against all the rest of the world, indemnify themselves by the exorbitance of their profits for their expensive and thriftless method of cultivation'. The northern colonies, where planters 'can expect no such exorbitant returns', were in fact 'much richer and more populous than Virginia' (W. R. Scott, *Adam Smith as Student and Professor* (1937), p. 353). It is arguable that the study of monopoly as practised inside the colonies formed a stage in the development of Adam Smith's criticism of monopoly as a system of commercial politics and, in particular, of the colonial policy of European countries. This, however,

would be the only point in which the argument of 'On Colonies' could be said to be foreshadowed by Adam Smith's early thought.

PAGE 234

1 The passage (Cannan's ed. II, p. 138) in particular recalls Franklin's forecast in his *Observations* of 1751 that 'in another century . . . the greatest number of Englishmen will be on this side of the water' (cf. p. 116, above). The first words of this sentence, 'This million doubling, suppose but once in 25 years', had been put to use already in an earlier chapter (Cannan ed. I, p. 72). Franklin and Adam Smith had a common friend in Lord Kames (cf, Fay, *op. cit.* p. 120).

PAGE 235

1 Adam Smith considered this pamphlet as an authoritative source in matters of revenue and foreign trade. He refers to it in Book IV, ch. I, and again in the chapter on 'Public Debts' (Cannan's ed. I, pp. 408 f.; II, p. 407). During his stay in London Adam Smith entered into amicable relations with Edmund Burke (cf. Rae, *op. cit.* p. 387). Remarkably his esteem for Burke did not prevent him from taking very seriously an author whom Burke believed to have proved negligible throughout.

PAGE 236

1 As shown by his recently discovered memorandum for Alexander Wedderburn (cf. G. H. Guttridge, *Amer. Hist. Rev.* XXXVIII, pp. 714, 399; Fay, *op. cit.* pp. 108, 110–14), Adam Smith was in 1778 still convinced that 'the plan of a constitutional union with our colonies and of an American representation' would 'contribute most to the prosperity, to the splendour, and to the duration of the Empire'. This time he also took pains to counter the objection that 'controversial elections' might lead to unsurmountable difficulties (and thereby implicitly to controvert Burke's mockery of *The Present State*; cf. p. 188 above).

PAGE 238

1 *Parl. Hist.* IX, pp. 251, 261. Lord North's remark goes far to confirm his later claim 'that he had always intended to settle the American dispute on a basis of conciliation and compromise'. (Harlow, *op. cit.* p. 500 n.)

PAGE 239

1 Instructions for the Carlisle Commission; Harlow and Madden, *British Colonial Developments, 1774–1834, Select Documents*, pp. 168–74. (Earlier reprints quoted there.) Cf. Harlow's analysis and comments, *op. cit.* pp. 496–500.

PAGE 240

1 *An Ode to Peace* . . . (London, 1778), pp. i, iv, st. XI and footnote p. 5, st. XXV, p. 11, st. XXVIII, p. 12, st. XXXII, p. 14.

2 Quoted from the *Public Advertiser*, 2 November 1779, by H. Butterfield, *King George III, Lord North and the People 1779–80* (1949), p. 354. Adam Smith, in his memorandum for Wedderburn (cf. above, note 1 to page 236), maintains the view of his book that 'complete emancipation of America from all dependency upon Great Britain' would be the second-best method of terminating the conflict. He now, however—1778—even more decidedly than before thinks voluntary abandonment incompatible with political prestige. 'It would not in the eyes of Europe appear honourable to Great Britain. . . . What is of still greater importance, it could scarce fail to discredit the Government in the eyes of our own people.' The Government 'would have everything to fear from their rage and indignation at the public disgrace and calamity, for such they would suppose it to be, of thus dismembering the Empire'. It would be improper to discuss in this context the wording of the dying Chatham's address in the House of Lords on 8 April 1778 (*Parl. Hist.* XIX, p. 1023).

PAGE 241

1 *Correspondence of George III*, ed. Sir John Fortescue, IV, nos. 2451, 2674, 2773, 2797 (letters of 14 November 1778, 22 June, 13 September, 16 October 1779).

PAGE 242

1 See the front-page article of the *Hibernian Magazine*, Dublin, August 1780, p. 409.

PAGE 243

1 Cross-currents of commotion in England and Ireland, 1779–80, are traced by Butterfield, *op. cit.*, especially pp. 138–61, 208, 366.

PAGE 244

1 For the realities of the Irish problem, 1780–1800, to which this and the following sections refer, Lecky's great narrative history remains an indispensable guide. Their place in the history of the British Empire has been first ascertained by R. Coupland in the relevant chapters of *The American Revolution and the British Empire*. The fact that 'in the period under review Anglo-Irish relations are scarcely less significant from the "imperial" point of view than Britain's relations with the American States during and immediately after the Revolution' has since been taken as point of issue for a new comprehensive analysis to which they are submitted in chapters X

and XI of V. T. Harlow's *The Founding of the Second British Empire*. Occasional references made in the following to these books cannot possibly bring out the extent to which a special study moving in the same field is indebted to them. This applies particularly to Professor Harlow's expositions of British policies and their background.

2 Cf. above, pp. 102 ff. (Postlethwayt.) (*The Present State of the Nation.*)

PAGE 245

1 *The Commercial Restraints of Ireland considered in a Series of Letters to a Noble Lord* (London edition, 1780), especially pp. 4, 33, 112, 163. For other references to the 'general good' etc. of the British Empire, see pp. iv, vi, 13, 107, 111, 188. *Some authentic Minutes of the Proceedings of a very respectable Assembly on the 20th of Dec. 1778* (Dublin, 1779), pp. 3 f. (Resolutions moved by John Foster.) In the debate 'Free Trade' was called by Henry Flood 'a principle as clear as that sun which, I hope, shines on our reviving Empire' (p. 49). Yelverton declared himself happy 'that the swords of the Volunteers of Ireland are never to be drawn against any but the common enemies of the Empire' (p. 33).

2 For evidence I must refer to my article 'The Early Speeches of Henry Grattan', *Bulletin of the Institute of Historical Research* (1957). The most reliable, though certainly not literal, version is that given in the pamphlet *Debates in the House of Commons of Ireland on a Motion whether the King's most excellent Majesty and the Lords and Commons of Ireland are the only power competent to bind or exact laws in this kingdom. Taken in shorthand, verbatim et literatim . . . by a Gentleman* (Dublin, 1780). In *Speeches of the Right Honourable Henry Grattan in the Irish and the Imperial Parliaments*, edited by the son, 1822—the edition commonly used—the text (I, pp. 39–53) is for the greater part changed out of recognition. In the shorthand rendering of 1780 there is not even a parallel to the two paragraphs on p. 51 of this edition sermonizing on 'a new and milder empire', which 'may arise from the errors of the old'. This harangue fits in very well with the views of the old Grattan, the Grattan of the Imperial Parliament (cf. above, p. 242). It should, however, not be attributed to the Grattan of 1780, as has been regularly done so far. (Cf. Coupland, *op. cit.* p. 127; Harlow, *op. cit.* p. 527; R. B. MacDowell, *Irish Public Opinion, 1750–1800*, p. 62.)

PAGE 246

1 *Debates in the House of Commons . . .*, pp. 5 (Bushe), 4 (Martin), 6 (Ogle). In the edition of 1822 the debate is very inadequately summarized.

2 Addresses of the Lawyers' Corps and the Limerick Volunteers, April and May 1780, and Grattan's answers; *Miscellaneous Works of Henry Grattan* (1822), pp. 146 f., 162 f.

3 *Miscellaneous Works*, pp. 30f. The ominous implications of imperial terminology are still more elaborated in Grattan's speech of 16 August 1780, as rendered in the edition of 1822, pp. 75–7. This version must, however, also be assumed to have been styled only for the edition. Cf. the article mentioned in note 2 to page 245.

4 *Memoirs of the Life and Times of the Rt. Hon. Henry Grattan*, by his son (1839), II, pp. 315, 321, 449.

PAGE 248

1 *Parliamentary Register or History of the Proceedings and Debates of the House of Commons of Ireland*, I (2nd ed., Dublin, 1784), pp. 124–32.

PAGE 249

1 Cf. above, note 1 to page 225.

2 For the text of this speech—as for that of all speeches of Grattan from this session onward—one has to rely on the *Parliamentary Register* (I, pp. 334 ff.). It is identical with that published in the *Hibernian Magazine*, 1782, pp. 277 ff. The version given in the edition of 1822 (pp. 123 ff.) is again completely rewritten. The grandiose beginning, 'I am now to address a free people' etc., is in particular a product of the old Grattan's tampering with his own words. As regards 'the Imperial Crown of Ireland' the constitutional innovation implied in this term was noticed in the British House of Commons. Cf. Thomas Pitt, 17 April 1782, *Parl. Hist.* XXIII, p. 29.

PAGE 250

1 For these letters cf. the Charlemont Memoirs (*Hist. MSS. Comm. Report* XII, Appendix 10), pp. 57; *Life of Grattan*, pp. 221 f., 240.

2 Grattan, *Speeches*, I, pp. 136, 138; *Life of Grattan*, pp. 307, 340.

PAGE 251

1 *Parl. Hist.* XXIII, pp. 21 f. (Fox, 17 April); Harlow and Madden, *British Colonial Developments*, pp. 175–7 (Shelburne to Portland). The correspondence is discussed in detail by Harlow, *op. cit.* pp. 531–40.

PAGE 253

1 Cf. the debates on the Preliminary Articles of Peace, February 1783, *Parl. Hist.* XXIII, pp. 377 f., 390, 392, 411 (Shelburne, on the Loyalists: 'a part must be wounded that the whole of the Empire may not perish'), 435, 478, 484, 492.

2 *Correspondence between William Pitt and the Duke of Rutland* (1890), pp. 57–73; the main sections reprinted Harlow-Madden, *op. cit.* pp. 179–82.

PAGE 254

1 *Parl. Hist.* XXV, p. 587. Cf. Harlow, *op. cit.* p. 590.

PAGE 256

1 Pitt to Rutland, 7 October 1784, *Correspondence*, pp. 42–4, Harlow-Madden, *op. cit.* p. 178. Cf. also the letters to Orde, in Lord Ashbourne's *Pitt*, pp. 85 ff., quoted by J. Holland Rose, *William Pitt and National Revival*, pp. 247–9, and by Felix Salomon, *William Pitt*, pp. 274 ff.

PAGE 258

1 Cf. Harlow-Madden, *op. cit.* pp. 252–5; Harlow, *The Founding . . . etc.*, pp. 567 f. Original propositions approved by the British Cabinet; *Parl. Reg.* IV, pp. 198–201 (Grattan, *Speeches* (1822), I, pp. 214–16: Grattan's approval and the resolutions of the Irish Parliament.) For Rutland's correspondence with London and his and Orde's negotiations in Dublin see Harlow, *op. cit.* pp. 571–81.

PAGE 259

1 On the situation in February 1785 see Harlow, *op. cit.* pp. 581–4, 600 f.

PAGE 260

1 *Parl. Hist.* XXV, pp. 314–17.
2 *Ibid.* p. 333. Pitt had before (p. 321) refuted the apprehension that Ireland 'was to become the emporium, the mart of the Empire, as it was said (by Sheffield) she would'.

PAGE 261

1 How the agitation managed to transform an original attitude of acquiescence into one of panic is shown by Harlow, *op. cit.* pp. 593–609.
2 *An Answer to the Reply to the Supposed Treasury Pamphlet* (1785), pp. 80, 81, 87. The pamphlet referred to is *A Reply to the Treasury Pamphlet, Entitled 'The Proposed System of Trade with Ireland Explained'*. The 'Treasury Pamphlet' originated from Pitt's secretary George Rose.

PAGE 262

1 *Parl. Hist.* XXV, p. 587.

PAGE 264

1 *Parl. Reg.* V, p. 333. This was not the first time that Orde kept close to the tenor of the arguments of his master in London. 'It will be readily admitted here that in whatever relates to general prosperity Great Britain and

Ireland should be considered as one country'—this he had said on 7 February in recommendation of the original Cabinet draft (*Parl. Reg.* v, p. 119). *Speeches* (1822), I, pp. 240f., 248. The offensive articles mentioned above are nos. 4, 9, 20 (*ibid.* pp. 250, 251, 254f.). Article 9 excluded Ireland from commerce with 'countries beyond the Cape of Good Hope'—the preserves of the East India Company. ('An unnecessary irritant', Harlow, *op. cit.* p. 610.)

PAGE 265

1 *Life of Theobald Wolfe Tone*, by his son (1826), I, pp. 333–5 (from the pamphlet *Spanish War*, which was suppressed, after having been sold for a day (pp. iv, 33)).

PAGE 266

1 Sir Lawrence Parsons in Irish House of Commons, 3 March 1789 (*Parl. Reg.* IX, p. 255). How thoroughly Fox had succeeded in convincing the Irish Whigs of Pitt's sinister intentions is shown by Charlemont's retrospective remark: 'such propositions as the accursed twenty-one (!) would never have come from a ministry where Lord Rockingham presided'. (*Memoirs*; cf. above, note 1 to page 250.)
2 Harlow, *op. cit.* p. 643.

PAGE 267

1 *Parl. Reg.* I, p. 257. Cf. Lecky, *History of Ireland*, II, p. 313.

PAGE 268

1 *Speeches*, III, pp. 149–55 (Ireland a 'principal part', 'the garden of the Empire'), 180 (Debate of 21 April on the recall of Earl Fitzwilliam).
2 For the history of the problem cf. Lecky, *op. cit.* V, pp. 120–55; for Lord Clare's views on his speech, 10 February 1800 (*op. cit.* pp. 373–81).
3 *Parl. Hist.* XXXIV, pp. 242–68.

PAGE 270

1 *A Report of the Debate in the House of Commons of Ireland on . . . 22nd and 23rd of January 1799 on the Subject of an Union.—Speech of the Right Honourable John Foster . . . delivered in Committee on . . . 11th April 1799.* Both pamphlets Dublin, 1799. The debates and public speeches concerning the Union are extensively copied out by Lecky, *op. cit.*, those of Foster on pp. 226, 265–76.
2 Lecky, *op. cit.* p. 288.

PAGE 271

1 *Speeches*, III, pp. 360–2, 373, 420 (Speech of 9 March), p. 417.
2 Speech of 15 January, III, pp. 364 f.

PAGE 272

1 Hansard, IV, pp. 101 f. (Petition, 25 March 1805), 659, 661, 672 (Grenville, 10 May, 'lasting benefits to the British Empire' attributed to the Union, etc.), 834 (Fox, 13 May, 'My duty . . . calls upon me to plead the cause of three or four millions of the people of Ireland without reference to the proportion they bear to the population of that part of the Empire, but which must be allowed to contain the greater proportion of the Catholic subjects of his Majesty, a proportion amounting to nearer a fourth than a fifth of the whole population of the Empire'). Duigenan (pp. 881, 892) opposed the argument.

PAGE 273

1 *Speeches of Grattan*, IV, pp. 71–3; cf. also p. 77.

PAGE 274

1 The *Annual Register* for 1805 (p. 95) called the speech 'one of the most brilliant and eloquent ever pronounced within the walls of Parliament'.
2 *Speeches*, IV, pp. 277 f., 282 f., 285 (23 April 1812), 301 (25 February 1813), 389 f. (26 April 1816), etc.

PAGE 275

1 See my 'The Early Speeches of Henry Grattan', *Bulletin of the Institute of Historical Research* (1957).
2 Cf. Coupland, *The American Revolution and the British Empire*, p. 264.

PAGE 276

1 *Histoire philosophique et politique des Etablissements et du Commerce des Européens dans les deux Indes* (Geneva, 1780), IV, p. 452.
2 Cornwall B. Rogers, *The Spirit of Revolution in 1789* (Princeton, 1949), pp. 58, 268 ('L'Alleluia du Tiers-Etat'), 208 ('Remerciements aux gardes françaises').

PAGE 277

1 *Dithyrambe sur l'assemblée nationale* (1789), p. 3. If Louis XVI really availed himself of the new usage in the declaration issuing from the *séance royale* of 23 June 1789, art. 3 (as assumed by Brunot, *Histoire de la langue française*, IX, 2, p. 676), he misunderstood its meaning; for in this declaration the

king took the opportunity, when treating of war loans, of indicating his intention 'de ne jamais mettre le salut de *son* empire dans la dépendance de personne' (*Réimpression de L'Ancien Moniteur*, I, p. 93).

2 *Louis XVI proclamé Empereur des Français au Champ-de-Mars* (Paris, 1790), pp. 3, 7. Mentioned, together with the 'Veillons' hymn, by F. Brunot, *loc. cit.*

PAGE 278

1 *L'Ami du Peuple*, no. 274, 8 November 1790, p. 8. Wickham Regg, *Select Documents of the French Revolution*, p. 299.

2 A. H. Arnould (Sous-Directeur du Bureau de la Balance du Commerce), *De la Balance du Commerce et des Relations commerciales extérieures de la France* (Paris, 1791), I, p. 3 ('les effets d'une repartition trop inégale des possessions territoriales de l'Empire'), p. 7 ('les rapports généraux du commerce extérieur de l'empire françois, particulièrement à la fin du règne de Louis XIV et au moment de la revolution'), p. 9 ('Lorsqu'en partant du berceau de l'empire on arrive au dix-huitième siècle . . .').

3 *Annales patriotiques et littéraires*, 3 May 1792, p. 550. Produced before at the Fête civique on the Champs-Elysées, 25 March. Cf. Constant Pierre, *Les Hymnes et Chansons de la Revolution* (1904), no. 608, pp. 544 f. Text in *Le Chansonnier Patriote, L'An I de la Republique*, p. 8.

4 Pierre, *loc. cit.*

PAGE 279

1 '*Motifs du projet de sénatus-consulte organique*', quoted by Brunot, *op. cit.* p. 792. For the procedure see A. Fournier, *Napoleon I*, English translation, p. 330.

PAGE 280

1 *Archives parlementaires*, VIII, p. 271.

2 *Op. cit.* p. 288.

PAGE 281

1 *Op. cit.* pp. 272 f. (Siméon), 292 (Faure), 301 (Delaistre).

2 *Procès-Verbal de la Cérémonie du Sacre et du Couronnement* (Paris, Imprimerie Impériale, An XIII—1805). 'République française' was allowed to figure in the style of the emperor, and on the coins, until 1807 and 1808 respectively, when it was replaced by 'Empire français' (Brunot, *op. cit.* p. 793). *Empire* had, however, been substituted for *République* already in the first days after the coronation when the Emperor notified his satisfaction of having 'the prefects of the 108 departments of the Empire' introduced to him ('*Procès-verbal de la réception des présidents des collèges électoraux*', etc., *Correspondance de Napoléon I*, X, 8204, 6 December, 1804.)

PAGE 282

1 'En acceptant Gênes et en l'admettant à tous les immenses avantages qui résultent pour elle de sa réunion à mon Empire . . . je n'ai eu qu'un seul but, avoir 15000 matelots de plus.' To Lebrun, 11 August 1805, *Correspondance*, XI, 9065. 'Pour le Pope je suis Charlemagne, parce que, comme Charlemagne, je réunis la couronne de France à celle des Lombards, et que mon empire confine avec l'Orient' (to Cardinal Fesch, 7 January 1806, *Corr.* XI, 9657). Both letters are included in J. M. Thompson's selective translation, *Napoleon's Letters* (Everyman's edition, 1955), nos. 94, 105.

2 This conception has been called '*le grand empire*' in Professor Georges Lefebvre's analysis of the system (*Napoléon, Peuples et Civilisations*, XIV; surveyed by P. Geyl, *Napoleon—for and against* (Eng. transl. 1949), pp. 434 ff.) Napoleon privately confessed to this interpretation as early as January 1806: 'Je vous ai, je crois, déjà dit que mon intention est de mettre le royaume de Naples dans ma famille. Ce sera, ainsi que l'Italie, la Suisse, la Hollande et les trois royaumes d'Allemagne mes états fédératifs, ou véritablement l'Empire français (to Joseph Bonaparte, *Corr.* XI, 9713). Cf. A. Fournier, *Napoleon* (Engl. transl.), I, p. 338.

PAGE 283

1 *Corr.* XXI, 17478. To the Ecclesiastical Committee, 16 March 1811. J. M. Thompson's translation, no. 218, p. 249.

2 *Corr.* XIX, 15984. 'Notes sur les inscriptions proposées pour l'Arc de Triomphe'; 3 October 1809; Thompson, *op. cit.* no. 192.

3 *Lettres inédites de Napoléon I, an VIII, 1815, publiées par Léon Lecestre*, I, 555 (21 December 1809). Thompson, *op. cit.* no. 200. To justify the incorporation Napoleon also had recourse to the doctrine of the 'natural frontiers'. 'En effet, l'embouchure du Rhin et de la Meuse doit m'appartenir. Le principe en France que le thalweg du Rhin est notre limite, est un principe fondamental.' The alternation of personal 'mine' and national 'ours' is illuminating. To the Dutch themselves, however, only the 'mine' was to count. The annexation once carried out, he peremptorily ordered his lieutenant-general to dispose of all possible grievances by declaring: 'L'Empereur fait ce qui est le plus conforme au bien de son empire, et ce qu'il a concu, il le veut fortement.' (25 September 1810; Lecestre, *op. cit.* II, 684; Thompson, *op. cit.* no. 212.)

PAGE 284

1 *Corr.* XXVI, 20645; Thompson, *op. cit.* no. 268.

2 'Écris à ton père que l'idée de nous faire faire la paix en nous humiliant et ne nous enlevant Anvers est impraticable, que la nation a de l'énergie,

surtout les paysans, qu'ils finiront par être battus, l'empire plus puissant que jamais. Que tu le conjures de ne pas sacrifier l'empire à l'avidité de l'Angleterre et de considérer non les passions de Stadion et autres, mais les intérêts de sa monarchie, le bien de sa famille, la tranquillité de sa vie. Qu'il fasse la paix sur les bases de Francfort; elle est conforme à l'intérêt de sa monarchie.' (*Lettres inédites de Napoléon I à Marie-Louise*, ed. L. Madelin (1935), no, 291.) The warning concerning the attitude of the nation reiterates that given to Francis I directly one month earlier (21 February, *Corr.* XXVII, 21344; Thompson, *op. cit.* no. 281), and recalls a passage in the instructions which Napoleon had given to Caulaincourt before negotiations began. 'In six months' time there would not be a man in France who failed to resent the indignity of such terms, or to reproach a Government which had been so cowardly as to accept them.' (4 January, *Corr.* XXVII, 21062. Thompson's translation, *op. cit.* no. 271, p. 292.)

PAGE 286

1 Castlereagh to Lord Liverpool, Basle, 22 January 1814. C. K. Webster, *British Diplomacy*, 1813–1815, no. LXXVI, p. 137.

PAGE 287

1 For a substantial exposition of the view to be taken of the settlement of the 'German question' in 1814–15 cf. Franz Schnabel, *Deutsche Geschichte im 19. Jahrhundert*, I. Mr. Harold Nicolson's presentation of the facts in his lucid study *The Congress of Vienna* (1946), pp. 196–200, virtually leads to the same result. His criticism of Metternich's lack of foresight with regard to the future greatness of Prussia, and his regretful conclusion that an opportunity for creating a 'liberal' confederation was missed are the more surprising.

2 Cf. *British Diplomacy*, nos. IX, XI (Castlereagh to Cathcart, 13 and 14 July 1813, in LXX, pp. 128 ff.) (Cabinet memorandum; extract in Harlow-Madden, *op. cit.* pp. 36 f.), Appendix I (Pitt's draft of 1804). Comments by Webster, *op. cit.*, Introduction, pp. xl f.; *Foreign Policy of Castlereagh*, 1812–1815, pp. 195 f. Nicolson, *op. cit.* pp. 53 f., 68 f., 100 (in the last instance marred by an historical and terminological *lapsus calami*: 'Imperialism in those days had only just begun to be economic').

PAGE 288

1 Webster, *Foreign Policy*, pp. 207 ff., Nicolson, *op. cit.* p. 155.

2 Castlereagh was keeping them in mind, however, when reserving decisions concerning the Ionian Islands: 'as my object has been to keep this possession in our hands to the last, as a security for the due observance of all engagements in which we are interested, I am desirous of throwing before you

some ideas upon this point. . . .' (to Lord Liverpool, 24 December 1814; Harlow-Madden, *op. cit.* p. 137).

3 See the enthusiastic view of the future displayed in Raffles' Minute on administrative reforms, 11 February 1814; extracts in Harlow-Madden, *op. cit.* pp. 152–4.

4 Lord William Grenville in the debate on the First Peace of Paris, 28 June 1814, expressed his satisfaction that 'conquests we had made were not retained for our own advantage but were to be considered as pledges in our hands for the restoration of general tranquillity in Europe'. (Hansard, XXVIII, p. 365). On the few annexations not warranted by reasons of defence (Tobago, Demerara) see Webster, *Foreign Policy, loc. cit.*

PAGE 289

1 Lord Liverpool, same debate, p. 391. Such monopoly 'would diminish instead of increasing our power and prevent our interference in the system of continental politics'.

2 Letter of 19 April 1814; Harlow-Madden, *op. cit.* p. 67. Commons Debate, 29 June, Hansard, XXVIII, p. 463. Doubts on overmuch 'liberal' terms mainly concerned the restitution of the Newfoundland Fisheries (pp. 437, 443).

PAGE 290

1 Nicolson, *op. cit.* pp. 211–14.

PAGE 291

1 2nd ed. (1815), p. 68.

PAGE 292

1 *Ibid.* pp. 311 f. (Canada), 390 (Cape), 419 (New South Wales).

2 *Ibid.* ch. X, pp. 320–3 (West-Indies); ch. XIV, especially pp. 422, 427.

PAGE 293

1 *Ibid.* pp. 49–51.

PAGE 294

1 *A New View of Society and other Writings*, ed. G. D. H. Cole (Everyman's ed.), pp. 120 f., 129.

PAGE 295

1 Earlier instances of a return to the 'insular' application of the name are noteworthy for originating from Scotland. Immediately after the American catastrophe two Scottish authors purposefully resorted to this usage: John Sinclair in *Thoughts on the Naval Strength of the British Empire*, 1782, and *The History of the Public Revenue of the British Empire* (1785); John Knox in *A View of the British Empire, more especially Scotland* (1785), where 'Pro-

posals for the Improvement of that Country' are unaccountably prefaced by a compilation of historical and statistical facts, relating to 'dismemberment and rapid fall of the Empire'. In 1803 the committee entrusted by the Treasury with a 'Survey and Report of the coasts and central Highlands of Scotland' undertook to investigate 'measures which, by giving employment at home to the industry of a hardy race of people, may preclude them from the necessity of seeking subsistence in distant countries, and which will, at the same time, promote the general improvement and prosperity of the Empire' (Harlow-Madden, *op. cit.* p. 398).

2 Henry Brougham, Speech on Manufacturing Distress, 13 March 1817; *Speeches of Lord Brougham* (1837), p. 551: 'To demonstrate the general proposition I might bid you cast your eyes upon the petitions that load the table from all parts of the Empire. . . .' One J. Cooke published in 1818 *Select Extracts and Beauties taken from* 112 *Sermons delivered . . . on the Demise and Funeral of Her R.H. the Princess Charlotte . . . by Divines of the Church Establishment and of the various religious Denominations of the British Empire.* One of the specimens originates from Ireland, none from the colonies. Lord Wellesley reported from Dublin, 22 November 1824: 'The general prosperity of the Empire begins to reach Ireland' (Elie Halévy, *History of The English People*, 1815–30, English transl., p. 219).

3 Cf. C. E. Carrington's estimates, *The British Overseas*, p. 264. *The British Imperial Calendar, General Register for the United Kingdom of Great Britain and Ireland and its Colonies* had in its first edition, 1810, to allot only 3 of its 364 pages for colonial functionaries.

4 'Imperial Federation', *Macmillan's Magazine*, April 1885, reprinted in *Greater Greece and Greater Britain* (1886), pp. 107, 110.

PAGE 297

1 9 July 1800. *Speeches and Documents on India Policy*, ed. A. Berriedale Keith (World Classics), I, pp. 180, 190. For the official terminology see the Act of 1784, Art. III, *ibid.* p. 97. Warren Hastings had sometimes appealed to the 'government of the British Empire'. Burke had branded Hastings' presentation of his extortions in Benares as exposing 'the principles upon which Mr. Hastings governs the part of Asia subjected to the British empire'. This style remained, however, an isolated occurrence in the Impeachment (*ibid.* p. 147).

2 The popularity of this paraphrase appears impressively from William Cobbett's gloomy comment, *Political Register*, 16 April 1808, quoted by George Bennett, *The Concept of Empire, Burke to Attlee* (1953), p. 65. In the debate on the renewal of the Company's Charter, 22 March 1813, Lord Castlereagh stressed the necessity of making 'the peculiar interests of India' compatible with 'the interests of the Empire at large' (Hansard, XXV, p. 230).

INDEX

Aachen. *See* Aix-la-Chapelle
Ab Urbe Condita, 8
'Académie Française, 277
Acadia. *See* Nova Scotia
'Act for the encouragement of Trade' (1663), 75
'Act in Restraint of Appeals', 53, 315
Act of Union (1707), 78
Act of Union (1800), 271
Adalbert, archbishop Bremen, 26, 30
Adams, John (Novangus), advocate
  diary of, 205, 211
  views approach those of Jefferson, 212
  and term 'Roman Empire', 301
Administration of the Colonies, The, by Thomas Pownall
  remodelling British government in North America, 122–3
  omission of references to 'empire', 124
  reference to 'empire' in 2nd edition, 147
  suggests enquiry under commission, 175
Admiralty, Courts of, 127, 129
Admont, Engelbert of, 33
Aeneid (Virgil), 58
Aetolian Federation, treaty with Rome, 2
Agriculture
  tilling forbidden in Sardinia and Corsica, 92
  control of cotton plantations, 290
  bounties on flax, 127
  distress in (1851), 325
Aix-la-Chapelle (Aachen), coronation of Louis I at, 23
Aix-la-Chapelle, Treaty of (1749), 105
Alanus, English scholar, 36
Albany, New York
  conference of governors, 105, 176
  Congress meets at (1754), 113
Albert I, emperor-designate, 35
Alberich, Roman senator, 24, 27
Albornoz, Gil Alvarez de, cardinal, 41
Albrecht of Austria, 50
Alcuin, English theologian
  use of *imperium*, 21, 305
  the 'hallowed empire', 22
Aldhelm of Malmesbury, bishop of Sherborne
  use of *imperium*, 21
  stylistic experiments, 305
d'Alembert, Jean le Rond, philosopher, 91
Alexander I, czar of Russia, 281, 287
Alphonso VI of Leon and I of Castile, 'emperor of all Spain', 27
Alphonso VII, king of Castile, 30
America, North, colonies in
  plantation monopolies, 74–5
  population of, 88, 96
  call for emigrants, 97
  reformed administration, 101
  project for unification, 103
  weakness of frontiers, 105
  taxation, 106, 108, 110, 128, 145, 148, 155, 224, 235
  self-government, 131
  finance, 135
  defence, 136
  taxation by consent, 142, 144, 146
  property, inviolability of, 142
  misconduct in General Assemblies, 146
  parliamentary representation, 150, 151, 184, 189, 221, 226, 227, 331, 338, 340, 347, 350
  ability to pay taxes, 180
  administration of, 183, 190
  respect for parliamentary sovereignty, 195
  independence of, 195, 197–9, 203

America, North, colonies in—*contd.*
evasion of trade laws, 197, 338
parliamentary authority questioned, 213
outbreak of hostilities, 215
Declaration of Independence, 219, 238
dissolution of imperial connection, 227
decision to take up arms, 233
war expenditure on behalf of, 236
naval aid by France, 239
Franklin's concern for English character of, 325
malpractices of shippers, 326
included within 'imperium of the realm', 334
as a market, 335
American Declaratory Act (1766)
becomes law, 157
dangers in, 163
taxes as voluntary gifts, 168
Burke and, 186
defence of, 191
validity, 220
abrogation of, 238, 271
American Whig, The, 171–2
Ammianus Marcellinus, Roman historian, 15
Amsterdam, Holland, becomes French imperial city, 283
Ancona, Italy, occupied by Napoleon, 282
Ancus Marcius, 4th king of Rome, 9, 10
Anderson, Adam, Glasgow merchant, 121
Anglica Historia (Virgil), 54
Anglo-Spanish war (1739)
West Indies trade interest in, 82
failure of, 86
Annales (Tacitus), 14
Anne, queen of England
entertains American Indians, 94
missionary endeavours, 94
Anno, archbishop of Cologne, 26
Antonius, Marcus, 4
Antwerp, Belgium, importance to Napoleon, 284
Ariovistus, German chief, 5
Arles, kingdom of, 310
Arnold of Brescia, pupil of Abélard, 30
Arthur, king, British chieftain
the seal of, 53, 314, 315
descent from Constantine, 53
Arthurian legends
Henry VIII makes use of, 53, 314
Vergil's disbelief in, 54, 315
Asiatic provinces, 178
Ashley, John, of Barbados, 88
Athelstan, king of England, imperial aspirations of, 305
Augustine, Saint, 1st archbishop of Canterbury, and views on *Imperium Romanum*, 303
Augustus (Caius Octavius), emperor of Rome
his *imperium* permanent, 6
and social education, 7
praenomen *imperator*, 7
'custos imperi Romani', 10
accepts homage, 12
Austerlitz, Moravia, defeat of Austria at, 281
Austria, defeat at Ulm and Austerlitz, 281
Austrian Succession, War of the (1741–8), 85

Bacon, Francis, Lord Chancellor, on kingship, 57, 58, 59
Balance of Power, Castlereagh and, 287, 288
Balliol, John, king of Scotland, contest with Robert Bruce, 308, 309, 310
Balzac, Jean-Louis Guez de, writer
on *empire*, 57–8
eulogy of Richelieu, 317
Bamberg, bishop of, 26
Bank of England, 188
Barbados, West Indies
settlements in, 75
high duties, 76
Barclay, Robert, Quaker merchant, 113

Barrington, William Wildman, 2nd viscount
letter from Governor Bernard, 151, 182
warned by Bernard, 183
Basle, Council of (1431–43), 29
Beaconsfield, Benjamin Disraeli, earl of. *See* Disraeli
Beaufort family, the, illegitimacy of, 310
Becon, Thomas (Theodore Basil), reformer, 318
Bede (The Venerable), 7th cent. monk and historian, use of *imperium*, 21
Bengal, India, 180
Berengar II of Ivrea, 25
Berkeley, George, divine and writer
missionary project, 95, 97
government support denied, 98
Bernard, Francis, governor of Massachusetts
succeeds Pownall, 119
sovereign power of king in parliament, 130, 131
views compared with those of Otis, 132–149
censured by Assembly, 133
publication of his *Principles*, 144, 145
distrust of British statesmen, 144
taxation, 145, 155
confidence in old colonies, 146
attitude towards Massachusetts Representatives, 151
right of parliament to make laws, 152
warning to Lord Barrington, 183
favours colonial representation, 190
baronetcy conferred on, 204
Select Letters, 204
Principles of Law & Polity, 204
disclosures of, 226
parliamentary representation, 226
warns parliament against stressing taxation, 226
and French sugar exports, 335
and the Molasses Act, 335, 337
Bernard, Francis—*contd.*
attitude to Massachusetts assembly, 340
Bihar, province of India, 180
Bill of Rights, 142
Biondo, Flavio, Italian historian, 48
Black, Robert, English naval commander, 67
Blackfriars bridge, London, 120
Board of Customs Commissioners, 166, 182
Board of Trade and Plantations, 86, 123
Bodin, Jean, French political writer, 52
Boece, Hector, Scottish historian, 54
Boniface VIII, Benedetto Gaëtano, pope, castigates Philip IV of France, 35
Boston, Massachusetts
tea riots, 111, 167, 194, 199, 210
celebrates fall of Quebec, 118
repressive measures against, 183
massacre, 193
punitive legislation, 200
dissolution of port administration, 203
Bracciolini, Poggio, papal secretary
morals of power, 48
traditions of Papal Court, 54
Braddock, Edward, general, 107
Bradford, William, editor, 164
Bremen, Germany, Adalbert, archbishop of, 26
Brescia, Arnold of, pupil of Abélard, 30
British Empire
a formal entity, 78
synonymous with United Kingdom, 80
an 'empire of the sea', 84, 323
'trade, shipping and the navy', 86
and the American colonists, 86
Franklin's view, 105
maritime connotation, 107
Franklin's idea of an Imperial Parliament, 111
future grandeur will be in America, 116
implies overseas dominions, 120, 147
Bernard's concept of, 137

British Empire—*contd.*
dependence on American goodwill, 163
comparison with Roman Empire, 193, 196
Lord Mansfield's interpretation, 199
necessity to set bounds to, 201
an anachronism in American law, 215
need for clear ideas on constitution, 226
French Revolution, a new approach to, 276
referring to greatness of island itself, 291
meaning more than 'kingdom', 295
as all countries under British sovereignty, 322
Bruges, Belgium, 33
Bruce, Robert, claimant to Scottish throne, the 'great case of 1291–2', 308, 309, 310
Bruni, Leonardo, of Arezzo, Italian scholar and papal secretary
adoption of term *humanitas*, 43, 45
imperium as political authority, 47
death, 48
his *Commentarius*, 50
Latin version of Aristotle, 51–2, 57
influence on Vergil, 54
republican interpretation of Roman history, 311
Brutus, Decimus, one of the assassins of Caesar, 4
Brutus, Marcus Junius, 11
Burgoyne, General John
belief in British Empire, 216
parliamentary representation, 221
Burgundy
recognises superiority of Otto I, 24
identified with 'the Empire', 33
Burke, Edmund
private secretary to Lord Rockingham, 155
a 'plan of freedom', 156
Burke, Edmund—*contd.*
summarises work of Rockingham Ministry, 162
colonial representation, 184
taxation, 185, 191, 216, 220, 223
'empire' warning against Grenville, 187, 188
vindicates Rockingham's policy, 190
discourse on American taxation, 204
financial self-government, 216
arraigned by John Cartwright, 217
interpretation of imperial authority, 220
seeks conciliatory formula, 222
as independent political thinker, 223, 226
opposes Pitt in the Commons, 260
breaks with Fox, 267
definition of 'empire', 296, 297
advocates repeal of Stamp Act, 341
Pitt's complimentary references to, 341, 342
Burnet, Gilbert, bishop of Salisbury, and the battle of La Hogue, 69, 70, 71, 321

Cadiz, Spain, blockade of, 68
Caesar, Caius Julius
ultimatum to Ariovistus, 5
conquest of Gaul, 5
and burial of Pompeius, 11
Calixtus II, pope, 30
Cambridge Ancient History, 302
Cambridge, University of, Catholic emancipation in, 274
Canada, annexation of, 119, 120, 168
Cape of Good Hope
acquisition by Great Britain, 288
resources of, 292
Caracalla, Marcus Aurelius Antoninus, Roman emperor, 15, 16
Carmina (Horace), 8
Carnatic, the, India, rivalry between French and English in, 100

Carnot, Lazare Nicolas Marguerite, French republican statesman, 279
Carolina, N., and S., America
settlements in, 75
fear of encroachment, 87
Carrington, C. E., 86
Carthage, N. Africa, forbids tilling in Sardinia and Corsica, 92
Cartwright, Major John, army officer and political writer
colonial independence, 200 201, 202, 203
encroachment on liberty, 201
Britain, a future province of America, 202
visionary aims of, 207–8
dissolution of imperial connection, 227
Cassiodorus, Magnus Aurelius, Roman statesman and philosopher, 17
Castiglione, Zano, bishop of Bayeux, and epistle to Humphrey duke of Gloucester, 44, 45
Castile and Leon, kings of
Alphonso VI, 27
imperial dignity, 27, 305
Alphonso VII, 30
Castlereagh, Robert Stewart, Viscount
and corruption, 269
resettlement of Europe, 285
meeting with Metternich, 286
at allied headquarters, 287
Balance of Power, 287–8
colonial acquisition, 289
Castle William, N. America, troops in, 112
Cato, Marcus Portius, campaigns against Rhodians, 2
Caulaincourt, Armand-Augustin-Louis de, French diplomat, 284
Chambers' *Cyclopaedia* (1728), 91
Chapman, George, poet, 318
Chapuys, Eustace, imperial ambassador
and king Arthur's seal, 314
report to the emperor, 315
Charlemagne, emperor
measures to regulate the church, 21
proclaimed emperor, 22
and *Romanum Imperium*, 305
Charlemont, James Caulfield, earl of, Commander-in-Chief Irish volunteers, 243
Charles II, king of England
challenges Dutch maritime power, 68
co-operation with Louis XIV, 68
strengthens the navy, 69
Charles II (the Bald), emperor, 24
Charles IV, emperor
and Avignon popes, 40
understanding with Innocent VI, 40
coronation in Rome, 41
as marshal to Urban V, 311
Charles V, emperor
dependence of Clement VIII, 53
extension of the Empire, 55
Charters
documentary value of, 305
12th cent. forgeries, 306, 307
Chatham, Kent, Dutch naval raid on, 68
Chatham, William Pitt, earl of
negotiations with Franklin, 112
elimination of imperial authority, 153
Americans as partners in Europe, 156
becomes earl of Chatham, 163
incapacitated by illness, 166
on coming to terms with Congress, 216
Châtillon, France, peace negotiations at, 284
Chénier, Marie-Joseph French poet, 277
Child labour, legislative reform needed, 294
Cicero, Marcus Tullius, Roman orator
defends imperial causes, 3, 4
attack on Marcus Antonius, 4
personal ambition, 7
Civil Servants, salaries of, 137

Clement VII, Giulamo de Medici, pope, dependence on Charles V, 53
Cnut of Denmark, king of England, 27
Cologne, Anno, archbishop of, 26
Colonization, effect of War of Jenkins Ear on, 86. *See also* emigration
Colquhoun, Patrick, police official, 292–3
Commentarius (Bruni), 50
'Committee of West Indian Planters and Merchants', opposition to Pitt's proposals, 261
'Commons Supplication of 1532', 314
Connecticut, N. America, election of governor, 133
Conrad II, emperor
  accepts style of *Imperium Romanum*, 26
  coronation in Rome, 27
Constantine, proclaimed emperor on British soil, 53
Continental Congress
  menacing resolutions, 112
  analogous to Albany Conference, 113
  Loyal Address to His Majesty, 114
  in Philadelphia, 205
  Suffolk county resolutions, 211
  Burke on coming to terms with, 216
  rejects Lord North's offer, 217
  and regulation of trade, 218
  decision to take up arms, 233
Convict settlements, New South Wales, 291
Conway, General Henry Seymour, Secretary of State
  collector of tracts, 152
  parliament's right to legislate for colonies, 153
  use of term 'Imperial Parliament', 154, 157
  encourages Bernard, 154
Cornwallis, Charles Cornwallis, Marquess, Lord Lieutenant of Ireland, 270
Corsica, tilling forbidden by Carthage, 92
Corvey, Widukind of, chronicler, 26
Cosmographia (Piccolomini), 50
Cotton plantations, control of, 290
Cotton trade
  progress in, 291
  machinery, 294
Cromer, Evelyn Baring, 1st earl of, 15
Cromwell, Oliver, Lord Protector
  commonwealth of three nations, 64–5
  his 'Western Design', 65, 66, 75
  consideration of imperial title, 319
  and the West Indies, 320
  eulogies on, 324
Cromwell, Thomas, minister to Henry VIII, and 'empire' passages in 14th cent. chronicles, 315
Crowley, Thomas, Quaker (*Amor Patriae*), 159
Curée, Jean-François, advantages in title 'emperor', 279
Customs and Excise
  fraudulent officials, 121
  duty on glass, printer's ink, paper and tea, 166
  Board of Customs Commissioners in Boston, 166
  Townshend duties (1767), 167, 192, 196, 222
Customs Commissioners, Board of, 166, 182

Dante Alighieri, Italian poet, 33, 38
Dartmouth, William Heneage Legge, 2nd earl of, secretary of state, 218
Dassel, Rainald of, chancellor
  influence on emperor, 31
  overbearing language, 34
Davenant, Charles, writer, on types of emigrants, 328
'Declaration of Independence', 219
'Declaration of Irish Rights', Grattan's demand for, 243, 249
Dee, Dr. John, divine and astrologer, 12
De Europa (Piccolomini), 50

Defensor Pacis (Marsiglio), 39
Defoe, Daniel, author, 79
Delaware, N. America, annexation of, 75
De Legibus (Cicero), 4
Delos, Isle of, financial immunity, 5
Dennis, John, poet
  battle of La Hogue, 71
  obituary of William III, 323
De Officiis (Cicero), 4
De Re Publica (Cicero), 4, 5
De Ruyter, Michael Andriaanzoon, Dutch admiral, 68
'Deutsche Bund', 286
Diaper, William, poet, 80
Dickinson, John, colonial farmer
  American taxation, 167–9
  meaning of 'empire', 176
Diderot, Denis, French philosopher, 91
Diocletian, Caius Valerius, Roman emperor, 16
Disraeli, Benjamin, British statesman, on agricultural distress (1851), 325
Distilleries, New England, 127
Dowdeswell, William, chancellor of the exchequer, 348, 349
Drake, Sir Francis, English naval commander, 62
Dublin, riots in, 252
Dulany, Daniel, 153
Dumouriez, Charles François, French general, 278
Dundas, Henry, English secretary of state, 271
Dungannon, N. Ireland, army convention (1782), 248
Dunkirk, France
  forts dismantled, 80
  surrender of, 324
Durand, Guillaume, bishop of Mende, 36
Dyer, the Revd. John, poet, 98

East India Company
  policy of, 112
  Asiatic provinces administered by, 178
East India Company—*cont.*
  renewal of Charter, 179–80, 370
  government directives to, 188, 196
  territorial acquisitions, 235
  authority of, 296
  monopoly of, 297
East Indies, Dutch, slave trade in, 288
Edgar, king of England, imperial aspirations of, 305
Edward I, king of England, as superior lord of Scotland, 309
Elegantiae (Valla), 48
Elizabeth I, queen of England, Will of, 63
Emigration
  effect of War of Jenkins's Ear, 86
  Joshua Gee calls for, 97
  control of, by France, 103
Emperor
  papal coronation, 19, 25, 26, 27
  spiritual greatness, 306
  right of granting royal status, 309
  Cromwell's consideration of title, 319
Empire
  Petrarch's concept of, 42
  a despotism, 213
  association with authority, 224
  as 'power of Great Britain', 268
  use of term in France, 276, 282
  as another name for La France, 277
  use of term in first years of Revolution, 277
  republican connotation, 278
  Burke's definition, 296, 297
  emperorship a spiritual greatness, 306
  Tudor notions of, 318
Empire, The. *See* Holy Roman Empire
Engelbert of Admont, German abbot, 33
England
  as an empire, 53–4
  imperium in relation to, 54
  Tudor claim to imperial status, 61
  union with Scotland, 61, 78
  maritime efficiency, 67
  as a great European Power, 70

England—*contd.*
proclaims Virginia a colony, 75
imperial crown of, 323
See also Great Britain
Entick, John, historian and divine, 101
Esprit des Lois (Montesquieu), 214
Etymologies (Isidore of Seville), 56
Excommunication, of emperor Henry IV, 27, 28

Fairfax, Blackerby, naval physician, 322, 323
Fitch, John, governor of Connecticut
French sugar exports, 335
warning against French fisheries, 337
Fitzwilliam, John, Irish lord chancellor, 266, 268
Fitzwilliam, William, 4th earl of, lord lieutenant of Ireland, 267, 268
Flax, bounties on, 127
Fleece, The (Dyer), 98, 100
Flood, Henry, Irish politician, 252
Florence, Italy
makes peace with the pope, 311
emperor Sigismund in (1432–3), 311
Florida, N. America, 168
Florus, Lucius Annaeus, Latin historian
'Imperium Romanum', 14–15
denounces expansion, 15
Fontainebleau, Treaty of (1814), 285
Forbonnais, Véron de, commercial expert, 91
Foster, John, Irish financial leader
negotiations in London, 252
argues against Pitt, 270
Fox, Charles James, British statesman
Secretary of State, 248
on Whig unity, 250
local legislatures, 250–1
disillusioned, 252
exploits objections to Irish treaty, 259
disparages Pitt's Irish proposals, 260
encourages mercantile jealousies, 263
Burke breaks with, 267
Fox, Charles James—*contd.*
allies himself with Grattan, 274
France
opposed by England and Holland, 69
use of privateers, 69
prepares for invasion of England, 69
co-operates with Britain against Spain, 81
checked by British naval power, 85
'Family Compact' with Spain, 85
control of emigration, 103
colonial administration, 103
aid to American colonies, 239
conquers Holland, 267
use of term 'empire' 276
'empire' another name for La France, 277
use of 'empire' in first years of Revolution, 277
defeat of Austria, 281
annexes Genoa and Lombardy, 282
'empire' an elastic concept, 282
annexes Holland, 282, 283, 367
annexes Italy, 282
annexes Hansa towns, 282
and confederated territory in Germany, 282
creates imperial cities, 283
effect of British sea power on, 283
return to Bourbon frontiers, 284
Senate deposes Napoleon, 285
reverts to status of Kingdom, 285
reduction of frontiers, 288
and British Empire in America, 334
export of sugar to N. America, 335
'République' replaced by 'Empire', 366
See also Napoleon
Francis II of Holy Roman Empire, and I of Austria, emperor
styles himself 'Kaiser,' 281
relinquishes German territory, 282
Napoleon's effort to influence, 283
'Frankfurt Proposals', 284

Franklin, Benjamin, statesman and philosopher
the idea of a greater England, 88, 90, 93
plan for concerted action, 105
on taxation, 106
leaves for London, 107
'Plan of Union', 108–9
returns to London, 111
ideas on British Empire, 111
and Imperial Parliament, 111, 113
negotiations with Chatham and Howe, 112
summoned to Bar of the House, 157
in favour of colonial representation, 190
concern for English character of the colonies, 325
views on race, 326
and negro labour, 329
political duplicity of, 330
parliamentary representation, 331
external taxation, 331
The Stamp Act, 331
Franks, kingdom of the, 22, 23, 24
Frederick I (Barbarossa), emperor
attitude of Henry II, 30
use of *imperium*, 30, 31
Frederick II, emperor, challenge to papacy, 32
Frederick II, king of Prussia, 101
Freeman, Edward Augustus, historian
common use of 'empire', 295
dislike of Disraeli, 296
Freising, Germany, Otto, bishop of, 29, 31

Gaius, Roman jurist
connection of *imperator* with the principate, 12
and the position of Vespasian, 14
Galloway, Joseph, American loyalist
letter from Franklin, 115
attitude to 'empire', 205
Garth, Dr. Samuel, epigrammatist, 79
Gaul, conquest of, 5
Gee, Joshua
call for emigrants, 97
on types of emigrants, 327–8
Genoa, Italy, annexed by France, 282
George III, king of England
use of 'British Empire', 120
and repeal of Stamp Act, 152
confirms parliamentary jurisdiction, 215
admits colonists aim at independence, 219
and integrity of Empire, 241
warning to Lord North, 241
Georgia, N. America
S. Carolina's fear of, 87
the Royal Charter, 97, 110
Gerard, Gabriel, linguist, on the terms *empire* and *royaume*, 59
German principalities
Napoleon presides over Rheinbund, 282
Francis II of Austria relinquishes territory in, 286
Germany
federal structure of the Reich, 31
Napoleon's presidency of Rheinbund, 282
imperial crown of, 286
discussion of 'Deutsche-Bund' at Vienna Conference, 286
Gesta Friderici (Otto of Freising), 31
Gibraltar
capture of, 77, 80
Spain attempts to regain, 82
Glass
Customs duty on, 166
export of Irish, 242
Gloucester, Humphrey, duke of, epistle from bishop of Bayeux, 44–5
Glover, Richard, poet, 83
Gracchus, Tiberius Sempronius, Roman tribune, 2
Grattan, Henry, Irish politician
rise to leadership, 242

Grattan, Henry, Irish politician—*cont.*
under patronage of earl of Charlemont, 243
Declaration of Irish Rights, 243, 246, 249
moves Irish Mutiny Bill, 246
visualises British Empire in ruins, 247
and 'Irish Imperial Crown', 249
unconditional independence, 251
forces concessions from Pitt, 257
rejects Orde's argument of Union, 264
Regency Crisis (1788–9), 266
threat of danger from France, 267
retires from parliament, 268
returns to parliament, 270
takes his seat in Westminster, 272
allies himself with Fox, 274
his death, 275
implication of imperial terminology, 362
Great Britain
breaks away from continental allies, 79
increase of sea-borne trade, 80
a trading nation, 80
co-operates with France against Spain, 81
a marine dominion, 147
a future province of America, 202
threat of French invasion, 243
a limited monarchy, not an empire, 213
threat to overseas communications, 239
possibility of invasion, 239
comes to terms with colonists, 248
compliance with Irish demands, 250
as 'Superintendent Power', 251
commercial treaty with Ireland, 256–7, 263
ascendancy in India, 287
extension of dominion after Waterloo, 287
return of colonies to Holland, 288
acquisition and abandonment, 289
suppression of slave trade, 290
growing wealth and power, 295
Great Britain—*contd.*
power over States of India, 297
identification of England with, 322
London as metropolis in Stuart times, 322
'Great Chamber of the Manufacturers of Great Britain', 261
Gregory VII, Hildebrand, pope
right to depose emperors, 27
excommunication of emperor Henry IV, 27–8
references to the 'Imperium', 29
Grenville, George, British statesman
resists pressure by Franklin, 108
revision of 'colonial revenue', 124, 166
reliance on colonial common sense, 126
colonial representation, 155, 183–4
modification of Navigation laws, 184
warning to William Knox, 346–7
return to office feared by Rockingham, 348
Grenville, Lord William, speaker of House of Commons, conquests as pledges for peace, 369
Grotius, Hugo, Dutch statesman and jurist, 52
Gulliver's Travels (Swift), 95

Hadrian IV, Nicholas Breakspear, pope, 31
Halifax, Nova Scotia, Admiralty Courts at, 127
Halifax, George Montagu Dunk, 2nd earl of, secretary of state, 144
Hamburg, Germany, becomes French imperial city, 283
Hanover, House of, 81
Hansa towns, annexed by Napoleon, 282
Harrington, James, politician and writer
use of 'empire', 59
his *Oceana*, 65–6, 87
Heligoland, Island of, acquisition by Great Britain, 288

Hely-Hutchinson, John, provost of Trinity College, Dublin, 245
Hemp, bounties on, 127
Henry III, emperor, 26
Henry IV, emperor, humiliation and excommunication, 27–8
Henry VI, emperor
  the imperial mission, 32
  extortionate policies of, 34
Henry VII, emperor, imperial power in Italy, 35
Henry II, king of England, attitude to Frederick Barbarossa, 30
Henry VIII, king of England
  on status of kings, 52
  claim to imperial dignity, 53, 55, 61
  and divorce, 53
  breach with Rome, 55
  'imperial crown', 310
Hermann, bishop of Metz, Gregory VII justifies his actions to, 27, 29
Hesse, Landgrave of, 50
Hillsborough, Wills Hill, 2nd Viscount, member of Irish Privy Council, circular letters to governors, 192, 193
Hints for Conversation (Franklin), 113
Histoire philosophique (Raynal), 276
Historiae (Tacitus), 14
Historiae ab inclinatione Romani Imperii (Biondo), 48
Historia Gentis Scotorum (Boece), 54
History of my own time (Burnett), 70
History of the Royal Society, 68
History of Two Cities (Otto of Freising), 29
Hobbes, Thomas, philosopher, 52
Holland
  raid on Chatham, 68
  allied with England against France, 69
  annexed by Napoleon, 267, 282, 283, 367
  a maritime power, 288
  regains Java, 288
  territories returned by Great Britain, 288
Holy Roman Empire
  identified as 'the Empire', 19, 20
  descent of modern states from, 20
  Christian World leadership, 26
  hallowed character of, 29
  papal interpretation, 33
  Burgundy identified with, 33
  Sicily part of, 35
  Poland becomes part of, 281
  ceases to exist, 282
Homage
  accepted by Augustus, 12
  Charlemagne and Alcuin, 22
  papal claim to, 29
  claimed by Innocent II, 29
Horace (Quintus Horatius Flaccus), Latin poet
  poems of, 8
  fall of Egypt, 8
  moral adequacy of his contemporaries, 9
  Odes, 10
House of Representatives (Massachusetts), relationship of mother-country and provinces, 132
Howe, lord William, British general, negotiates with Franklin, 112
Hudson's Bay, N. America
  forts dismantled, 80
  produce value of, 99
Hutchinson, Thomas, Anglo-American statesman, 117

Illegitimacy
  removal of disabilities of, 35
  of the Beaufort family, 310
Imperator
  as military title, 6, 12
  not hereditary, 7
  and the principate, 12
  definition of, 36
Imperium
  as political watchword, 2, 301
  as guardianship, 4
  designation of, 5

Imperium—*contd.*
and public law, 6
proconsular, 6
as 'the Empire', 8
association of Rome and the Empire, 16
becomes Imperium Romanum, 11
Tacitus' view of, 14
meaning of Latin word, 19, 20
in relation to Rome, 19
and the Christian church, 19, 21
in Spain, 27
in Germany, 27
and the Catholic church, 28
as institution of the church, 32
in Middle Ages, 33
in France, 36
as 'the State', 37
and tyranny, 44
in relation to England, 54
lack of equivalent in English, 87
Pownall's view of, 124
Livy's use of, 300
St. Augustine's use of, 303
Alcuin's use of, 305
Independence, Proclamation of American, 238
India, British power in, 287, 297
Indians, American
entertained by Queen Anne, 94
alienated by settlers, 100
intoxicants supplied to, 103
maltreatment of, 104
relations with, 326
Ink, printer's, Customs duty on, 166
Innocent II, Gregorio Papi, pope, claim to homage, 29
Innocent III, Lotario Conti, pope
Imperium an institution of the church, 32
the 'no recognition' phrase, 314
Innocent IV, Sinibaldo de Fieschi, pope
right to interfere in affairs of Empire, 35
commentary on the decretals, 37
Innocent VI, Cosmo de Migliorati, pope, secret understanding with Emperor Charles IV, 40
'Institut de France', 283
Intoxicants, supplied to American Indians, 103
Ionian Islands, 368
Ireland
subjugation of, 67
Commonwealth naval action against, 67
duty on glass, 166
Land Tax proposed, 179
manufacture of woollens, 179, 188
Tucker on 'Union', 199
protestant sympathy with Colonists, 241
restrictions on legislative competence, 241
Declaratory Act (1719), 242
export of woollens and glass, 242
exclusion from benefits of Navigation laws, 242
the woollen trade, 242
legislative independence, 242, 270
economic effects of war with America, 243
threat of invasion, 243
formation of volunteer army, 243
forces Free Trade from Great Britain, 243
separate nation and kingdom, 244
dependence on British sea power, 244
freedom of intercourse with colonies, 245
conscious of being part of Great Britain, 245
profession of allegiance, 246
the national army, 248
Address to the Crown, 249
defence of, 251, 253, 255
demands Act of Renunciation, 252
economic depression, 252

Ireland—*contd.*
benefits from Navigation Act, 254
possible reform of Parliament, 256
Commercial Treaty and Irish financial obligations, 256–7
contributes to naval defence, 257
amends draft Commercial Treaty, 259
criticism of 'The Twenty Resolutions', 263
writes off Pitt's project, 264
the 'Castle ascendancy', 266
Catholic emancipation, 266–7, 269, 272, 274
revision of penal code, 267
Absentee Tax, 356
Catholic population, 365
Irish Absentee Tax, 356
Irish Mutiny Bill
moving of biennial, 246
restored to original form, 249
Iron, from Colonial ores, 90
Iron Act (1750), 9
Isidore of Seville, 'Etymologies', 56
Italy
papacy and secular power, 32
identified with Holy Roman Empire, 33
and the Avignon popes, 39
annexed by Napoleon, 282
importance of control of, 306

Jamaica, West Indies, settlements in, 75
James I, king of England
imperial claims, 63
at Oxford, 63
James II, king of England, overthrow of, 69
Java, Indonesia, returned to Holland, 288
Jefferson, Thomas, American statesman
sponsors Congress action, 205
Declaration of Rights, 206, 208
kings, the servants of the people, 207
part in drawing up manifestos, 217
conflicting attachments, 218
Jefferson, Thomas—*contd.*
frames Declaration of Independence, 219
Jenkins's Ear, War of (1739)
West Indies trade interest in, 82
failure of, 86
Jenkinson, Charles, Treasury official
the sugar duties, 127
taxation, 238
Jerome, St., 17
John XII, Octavian, pope, 25
Judges, salaries of, 137
Justinian I, emperor of the East
books of, 30
legal systems of, 34

Kaiser, adoption of title by Francis I, 281
Kames, Henry Home, lord, Scottish judge, 116
King Solomon (Prior), 96
Knox, John, Scottish divine, 57
Knox, William, agent for Georgia
supports Grenville's financial policy, 148
advocacy of Stamp Act, 178
financial system, 178–81
colonial representation, 338
parliament's right to levy taxes, 339
overrides Grenville's warning, 346, 347
repeal of Navigation Acts, 347

Lactantius, Lucius Caecilius Firmianus, Latin father, 16–17
La Hogue, battle of (1692)
importance of, 69–70
Burnet on, 321
Land Tax, proposals for Ireland, 179
Langobards, kingdom of the, 22, 23
Legitimatio per rescriptum principis, 35
Leland, John, antiquary, rebuke to Vergil, 315
Leo III, Flavius (Conon) the Isaurian, pope
creates new 'Imperium Romanum', 17

Leo III—*contd.*
acknowledges power of Charlemagne, 22
Leon and Castile, kings of
imperial dignity of, 27, 305
Alphonso VI, 27
Alphonso VII, 30
L'Esprit des Lois (Montesquieu), 91
Letter from a Farmer in Pennsylvania to the Inhabitants of the British Colonies (Dickinson), 167, 174
Letters (Petrarch), 41
Lexington, Massachusetts, outbreak of hostilities, 215
Liberty (Thomson), 82, 85, 97
Linen
restrictions on imports, 126
export of Irish, 243
progress in manufactures, 291
Littlejohn, Edward, agent for Barbados, settles in London, 75–6
Livy (Livius), Titus, Roman historian
translations from Greek, 2
names founder of Empire, 9
use of 'Imperium Romanum', 10, 300
Lloyd, Charles, poet, 163
Lombardy, N. Italy, annexed by France, 282
Lois fondamentales de l'Europe (Montesquieu), 93
London, the Stuart Metropolis, 322
London, or the Progress of Commerce (Thomson), 83
London Chronicle, 158
Lothair I, emperor
proclaimed *consors et successor imperii*, 23
papal coronation, 24
Lothair III, emperor, marshal to Innocent II, 29
Louis I, emperor, coronation of, 23
Louis II, emperor, in Rome, 24
Louis VII, king of France, 34
Louis XIV, king of France
relations with Charles II, 68, 69
and the Spanish Succession, 72–3
Louis XVIII, king of France, called to throne by Senate, 285
Lübeck, Germany, 33
Lucan (Lucanus), Marcus Annaeus, Roman poet
lament for the Empire, 12
and the Civil War, 301

Macedonia, fall of, 2
Machinery, production of, 90
Maecenas, Caius Cilnius, Roman statesman, 8, 300
Mainz, Adalbert, archbishop of, 30
Malmesbury, Aldhelm of, bishop of Sherborne
use of *imperium*, 21
stylistic experiments, 305
Malta, acquired by Great Britain, 288
'Manchester Petition', 341
Mansfield, William Murray, earl of, Chief Justice
advice to legislature, 157
interpretation of 'British Empire', 199
Marat, Jean-Paul, French revolutionary, on empire without a monarch, 278
Marlborough, John Churchill, 1st duke of, 79
Marsiglio of Padua, Italian publicist, theory of independent secular power, 38–9
Marvell, Andrew, poet, 68
Mary (Stuart), queen of Scots, 62
Maseres, Francis, attorney-general of Quebec, 350
'Massachusettensis'
opposes rebel viewpoint, 210
attacked by John Adams, 211, 212, 213
Massachusetts, N. America
self-maintained, 148
council elections, 165

Massachusetts—*contd.*
House of Representatives, 169, 182
administration dependent on Governor, 203
trial by jury, 203
initiates Continental Congress, 205
penalties inflicted on, 205, 220
Massachusetts Gazette, 210
Mauritius, Island of, Indian Ocean, acquired by Great Britain, 288
Mayhew, Dr. Jonathan, Boston pastor, 118, 163
Memmius, Roman tribune, 300
Memoirs and Considerations concerning the Trade and Revenues of British Colonies in America (Ashley), 88
Memorable Deeds and Sayings (Valerius), 10
Merchant, The (Thomson), 82
'Merchant's Letter' (Tucker), 197
Metternich, prince Clemens von, statesman, 284, 286
Metz, France
annexed by Charles the Bald, 24
Hermann, bishop of, 27, 29
Milton, John, poet, 64
Minorca, Island of, acquired by Great Britain, 77, 80
Moerbeke, William of, chronicler
distinction between *principatus* and *imperium*, 38
translation of the 'Politics', 46
Molasses Act (1733)
nullified by smuggling, 127
enforcement, 335, 337
Monarchy
imperial dignity of kings, 27
status of kings, 52
definition of, 55–6
British is limited, 213
king as emperor in his kingdom, 314
Monitor, London weekly
denounces Newcastle ministry, 101
praise for Pitt, 333
Montesquieu, Charles de Secondat, baron de, philosopher
commercial monopoly, 91, 93
self-government, 92
on colonies, 327
More, Sir Thomas, statesman and writer, 53
Mucianus, Licinius, address to Vespasian, 13

Naevius, Roman tribune, 1
Napoleon Bonaparte
imperial nomenclature, 279
as successor to Charlemagne, 281, 282
coronation, 281, 282
presides over Rheinbund, 282
'Emperor of the French', 282
encroaches on Papal States, 282
reform of church in France, 283
birth of king of Rome, 283
repudiates Roman heritage, 283
quarrel with king Louis of Holland, 283
importance of Antwerp, 284
efforts to influence Frances II of Austria, 284
deposed by Senate, 285
letters of, 367
See also France
National Debt, 235
Naval powers
during Commonwealth, 67
used against Barbary corsairs, 68
under Charles II, 69
French use of privateers, 69, 80
Britain invulnerable at sea, 71
holds France in check, 85
effectiveness of British, 283
accumulation of British, 287
William III and British, 321
Navigation Acts
first Act (1651), 68
suggested revision, 180
Grenville refuses modification, 184

Navigation Acts—*contd.*
Ireland excluded from provisions of, 242
re-interpretation of, 254-5
departure from principles, 258
American evasion of, 338
repeal of, 347
Netherlands. *See* Holland
Newcastle, Thomas Pelham Holles, 1st duke of, British statesman, 101
New England, coercion of, 195
Newfoundland
recapture of, 80
production value, 99
New Hampshire, relations with mother-country, 164
New South Wales, Australia, convict settlements in, 291
New York
annexation of, 75
Assembly refuses to pay for garrison, 165
refusal to quarter troops, 166
Assembly, 217, 355
New York Gazette, 171
New York Mercury, 148
Nicolas V, Tommaso Parentucelli of Sarzana, pope, 54
Nisard, Carison de, French general, 280
Norfolk, Thomas Howard, 3rd duke of, and king Arthur's seal, 314
North, Frederick, Lord, British statesman
punitive acts, 194, 203
taxation by self-assessment, 195
aggressive mercantile measures, 216
Congress rejects offer by, 217
American independence, 238
warned by the king, 241
resignation, 248
Nova Scotia (Acadia)
capture, 80
desire for more British forces in, 95
obtains royal Charter, 110
Nova Scotia—*contd.*
Dickinson's opinion, 168
dissociation from older colonies, 355

Observations concerning the Increase of Mankind (Franklin), 88, 115, 116
Observations on a late Publication entitled The Present State of the Nation (Burke), 186, 192, 220
Observations on the effect of the Manufacturing System (Owen), 294
Occam, William of, scholastic divine, 33, 39
Oceana (Harrington), 66, 67, 68
O'Connell, Daniel, Irish nationalist, 275
Odes (Horace), 10
Ode to Peace, Occasioned by The Present Crisis of British Empire (anon), 240
Of Empire (Bacon), 57, 58
Oglethorpe, General James Edward
founder of Georgia, 97
aided by government grants, 98
Oldmixon, John, historian, 78
On Solitary Life (Petrarch), 41
Orde, Thomas, secretary to duke of Rutland
negotiations with Grattan, 257
appeal for support of British proposals, 263
'Argument of Union', 264
Oresme, Nicolas, French scholar, 52
Orissa, India, 180
Otis, James, American lawyer and writer
future grandeur and ancient rights, 119
divergent aims, 130
power of king and parliament, 131
internal and external tax, 132
British Constitution, 142
praise for peace treaty, 143
Rights of the British Colonies, 144-5
Otto, bishop of Freising
excommunication of emperor, 29
'Reich' and 'Imperium', 31

Otto I (the Great), emperor
as leader of western Christendom, 24
recognized by Burgundy, 24
coronation, 25
Otto III, emperor
failure to renew Roman Empire, 26
impact of his short reign, 306
Otto IV, emperor, victory over Lombards, 32
Ovid (Publius Ovidius Naso), Roman poet, 9
Owen, Robert, pioneer socialist, cost of material and political gains, 294
Oxford, Robert Harley, earl of, sent to The Tower, 81
Oxford, University of
James I at, 63
and Catholic emancipation, 274

Padua, Marsiglio of, Italian publicist, theory of independent secular power, 38–9
Papacy
right to depose emperors, 27
coronation of emperors, 28
claim to overlordship of all kingdoms, 28
claim to homage, 29
challenged by Frederick II, 32
and secular power in Italy, 32
interpretation of Holy Roman Empire, 33
and the status of kings, 35
the 'Avignon', 39, 40
temporal dominions, 41
return from Avignon, 42
Papal States, encroachment by Napoleon, 282
Paper, Customs duty on, 166
Paris, entry of allied troops, 284
Paris, Peace of (1763), 119, 148
Paschalis II, Ranierus, pope, humiliation of the Empire, 27
Passara, Cape, battle of (1718), 81
Pennsylvania, N. America, Assembly sends Franklin to London, 107
Perfect Act of Navigation (Dee), 62
Petrarch, Francesco, Italian poet
a restored Roman Empire, 39, 40
concept of Empire, 42
Philadelphia, N. America
allegiance to England, 164
Continental Congress meets at, 205
Philip IV, king of France, castigated by Boniface VIII, 35
Piccolomini, Aeneas Sylvius, cardinal, later Pius II
secretary to emperor-designate, 49
elected to papacy, 50
Pisa, Italy, the cenotaph, 10
Pitt, William (the younger) British statesman
delimitation of imperial authority, 153
Prime Minister, 252
interest in Foster's economic plans, 252–3
references to 'empire', 253
re-states father's policy, 253
letters to duke of Rutland, 253, 254–6
difference between American and Irish problem, 254
Irish contributions to defence, 255
restriction of borough franchise, 256
public opinion on Irish Treaty, 258
need to educate British legislators, 259
submits plan to Commons, 259–63
opposed in Commons by Burke, 260
Fox and the Irish proposals, 260
accepts modifications to draft of Irish treaty, 263
loses interest in Irish national aspirations, 266
need for legislative union with Ireland, 269
decision to force Union upon Ireland, 269
renounces Catholic emancipation, 274
discussions with czar Alexander, 287

Pitt, William—*contd.*
colonial monopoly, 289
action against France, 290
complimentary references to Burke, 341, 342
and the American Stamp Act, 353
Pius II, Aeneas Sylvius Piccolomini, pope, promotion of Polydore Vergil, 54
Pius VII, Gregorio Barnaba Chiaramonte, pope, coronation of Napoleon, 281
Plantations
monopoly of, 74–5
control of, 290
Poland, part of Holy Roman Empire, 281
Policy of War (Becon), 318
Politics (Aristotle), 38, 46
Polybius, Greek historian, 2
Portalis, Jean-Etienne, juridicial councillor, imperial nomenclature, 279, 280
Portland, William Cavendish-Bentinck, 3rd duke of
becomes lord-lieutenant of Ireland, 249
on Irish demands, 250
Porto-Bello (Panama), capture of (1739), 84
Portsmouth, Rhode Island, 164
Portugal, Commonwealth naval action against, 67
Postlethwayt, Malachi, commercial writer
reform of colonial administration, 101, 103, 104
similar measures propounded by William Knox, 179
Pownall, Thomas, governor of Massachusetts
concept of 'empire', 86, 89
property and its influence, 87
regulation of trade, 90
disagreement with urban aristocracy, 119
retirement, 122
Pownall, Thomas—*contd.*
views of 'imperium', 124
lieutenant-governor of New Jersey, 128
use of phrase 'Empire of Great Britain', 147
M.P. for Tregony, Cornwall, 166
revises his *Administration of the Colonies*, 175
seeks Franklin's advice, 346
'Poyning's law'
effects of, 242, 249
Yelverton demands amendment, 246
Present Discontents (Burke), 186
Present state of the British Empire in Europe, America, Africa, and Asia (anon)
publication, 193
glorification of British Empire, 196
Present state of the Nation (Knox)
publication, 177–9
commercial and constitutional reforms, 180–1, 183
Pressburg, Peace of (1491), 281
Princeps
loyalty of, 7
righteous and fatherly, 11
power of, 12
and *imperator*, 12
nomination by army, 12
claims praenomen *imperator*, 12
Tacitus' view of, 14
Principles of Law and Polity, applied to the British Colonies in America (Bernard)
for circulation to ministers, 130
read by Lord Halifax, 144
influence on public opinion, 145, 204
Principles of Policy, being the Grounds and Reasons of Civil Empire (Pownall)
'civil empire' in the abstract, 86–7
relationship between colonies and mother-country, 123–4
Prior, Matthew, poet and diplomat
eulogy of William III, 72, 73, 74
Britain a trading nation, 80

Prior, Matthew—*contd.*
glorification of English sea-power, 81
westward trend of 'Arts and Empire', 96
Property, inviolability of, 142
Prospects of Peace (Tickell), 94, 95
Prussia, again a European power, 286
Pufendorf, Samuel, baron von, historian, 52

Quebec Act, 112, 205
Quebec, fall of, 104, 118

Raffles, Sir Thomas Stamford, administrator, 288
Rainald of Dassel, imperial chancellor
influence on the emperor, 31
overbearing language, 34
Raleigh, Sir Walter, statesman and navigator, 62
Randolph, John, friend of Jefferson, 217
Raynal, Guillaume Thomas Francois, French historian, 276
Regency Crisis (1788–9), 266
Regulations lately Made (Whateley), 145
Religion
imperium, an institution of the Church, 19
Anglo-Saxon church use of *imperium*, 21
Bede's use of *imperium*, 21
Charlemagne's measures to regulate the church, 21
German church supports Otto I, 25
danger of recognizing imperial glories, 29
non-conformist views on dominance abroad, 67
Catholic emancipation, 266–7, 274
reform of church in France, 283
colonies and British dissenters, 332
Resolves (Patrick Henry), 149
Revenue Act (1764)
sugar duty, 76, 128, 129
Revenue Act (1764)—*contd.*
explanatory pamphlet, 125
reform of, 127
cause of conflict, 139
objections to, 143
income from, 144
and export of French sugar, 335
demand for revision, 342
Rheinbund, The, Napoleon presides over, 282
Rhens, resolutions of (1338), 33
Rhode Island, N. America
elects own governor, 133
malpractices of shippers, 326
Richard I, king of England, extortionate policies of Henry VI, 34
Richard II, king of England, illegitimacy of the Beauforts, 310
Richelieu, Armand du Plessis, cardinal, eulogies by Balzac, 317
Rienzo, Cola di, Roman citizen, 39
Rights of British Colonies asserted and proved (Otis)
relation between British government and colonies, 130, 170
ready for publication, 144
becomes book of the day, 145
Robert, king of Naples, 35, 36
Rockingham, Charles Watson Wentworth, marquess of, British statesman
leads new government in Lords, 248
fear of Grenville's return to office, 348
Rockingham ministry
Burke's account of, 163
Charles Lloyd's account of, 163
policy vindicated by Burke, 190
leads protest against Irish Absentee Tax, 356
Rome
treaty with Aetolian federation, 2
coronation of Charlemagne, 22
coronation of Lothair I, 24
coronation of Otto I, 25
coronation of Conrad II, 27

Rome—*contd.*
coronation of Charles IV, 41
becomes French imperial city, 283
Rufus, Verginius, Roman general, declines *imperium*, 13
Rupert, prince, 67
Russell, Edward, later earl of Orford, British admiral, 70
Rutland, Charles, 4th duke of, lord-lieutenant of Ireland, Pitt's letter to, 253, 254–6
Ryswick, treaty of (1697), 72

S.P.G., 94
St. Lucia, Windward Islands, acquisition by Great Britain, 288
Sallust, Caius Sallerstius Crispus, Roman historian, writings of, 300, 301
Salutate, Coluccio dei, papal secretary
disciple of Petrarch, 42–3
views on Roman Empire, 311
Sardinia, tilling forbidden by Carthage, 92
Sargent, John, London merchant, 164
Sassoferrato, Bartola de, jurist, 36, 37
Scipio Africanus, Publius Cornelius, Roman general
charges against, 1
shames his compatriots, 1, 79
preservation of Roman power, 10
obscurity of trials, 298
Scotland
subjugation of, 67
Edward I as superior lord, 309
possible partition of, 309
commercial rivalry with England, 322, 323
Seneca (the elder), Marcus Annaeus, Roman rhetorician, 10
Shaftesbury, Anthony Ashley Cooper, 1st earl of, 68
Shakespeare, William, dramatist
the imperial crown of England, 57
reference to 'the empire of the sea', 58
Sheffield, John Baker Holroyd, earl of, pamphlet on Irish commercial treaty, 258
Shelburne, William Petty, earl of, English statesman
future constitution of British Empire, 219
secretary of state, 248
sensible of Irish economic troubles, 249
advises compliance with Irish demands, 250
correspondence with duke of Portland, 251
head of government, 252
Irish commercial regulations, 253
Sherborne, Aldhelm of Malmesbury, bishop of
use of *imperium*, 21
stylistic experiments, 305
Shirley, William, governor of Massachusetts
seeks Franklin's advice, 105
taxation and parliamentary representation, 106, 107
Short Account (Burke), 163
Sicily, part of Holy Roman Empire, 35
Sigismund, emperor
grants imperial privileges, 310
in Florence (1432–3), 312
Silk, progress in manufactures, 291
Slave trade, abolition of, 288, 290
Smith, Adam, economist
misleading statement, 76, 77
strictures on the 'policy of Europe', 93
parliamentary representation, 190
dissolution of imperial connection, 227, 232
abrogation of tax demands, 228
taxation and parliamentary representation, 235–6
union of Great Britain and Ireland, 268
interest in pamphlet literature, 358
constitutional union with colonies, 359
Smith, Goldwin, historian, 203

Smuggling, 121, 127
'Society for Encouragement of Arts, Manufactures and Commerce', 122
'Society for the Propagation of the Gospel', 94
Somerset, Edward Seymour, 1st duke of, 62
'Sons of Liberty', 149, 164
South Sea Company, 80, 188
Spain
  Alphonso VI, emperor of, 27
  imperium in, 27
  blockade of Cadiz, 68
  attempt to regain Gibraltar, 82
  'Family Compact 'with France, 85
  threat to Britain's overseas communications, 239
  a maritime power, 288
Spanish Succession, war of the (1701–13), 77
Speed, John, historical writer, 63
Spinoza, Benedict, philosopher, 52
Sprat, Thomas, dean of Westminster, 68
Stamp Act (1767), the American
  ready for submission to parliament, 125
  legality of, 128, 153
  repeal of, 149, 153, 157, 162, 192, 341
  insurrections against, 150
  George III and, 152
  Tucker and, 197, 198, 199
  Franklin and, 331
  attitude of southern colonies, 340
  Pitt concurs with American protest, 353
Stamp Act Congress, 182
Staple Act (1663), 107, 330
Stein, Freiherr von, 286
Stiles, Ezra, pastor at Rhode Island, on closer relations with British dissenters, 332
'Suffolk County Resolutions', 211
Sugar
  duty, 76, 128, 129
  control of plantations, 290
  export of French, 335
Sugar Act. *See* Revenue Act (1764)
Summary of View of the Rights of British America (Jefferson), 206
Summer Islands, 75
Swift, Jonathan, divine and writer, 95

Tacitus, Caius Cornelius, Roman historian, *Imperium* and *Imperator*, 12, 13, 14
Talleyrand-Périgord, Charles-Maurice de, French diplomat, 285
Tarquinius Superbus, king of Rome, 9
Taxation
  by consent, 142, 144, 146
  internal, 145, 148, 155
  internal abandoned, 155
  external, 167, 331
  taxes as voluntary gifts, 168–9
  Burke on, 185, 191, 204, 216, 220, 223
  self-assessment, 195
  the most serious issue, 224
  Bernard's advice, 226
  Smith on abrogation, 228
  by requisition, 232
  in Ireland, 235
  and parliamentary representation, 235–6
  parliament's right to levy, 339, 347
Tea
  riots in Boston, Mass., 111, 167, 194, 199, 210
  Customs duty on, 166, 193
  repeal of duty on, 200, 220
Temple, Sir William, diplomat, 59
Tertullian, Quintus Septimius Florens, Latin father, 16
Thacher, Oxenbridge, 148
Theoderic the Great, king of the Ostrogoths, 17
Theodosius I, Roman emperor, 16
Third Coalition, war of (1805), 281
Third Dutch War (1672–3), 68

Thomson, James, poet
poems on constitutional government, 82
westward trend of 'Arts and Empire', 84
British sea-power, 85
appreciation of colonial America, 97
Tickell, Thomas, poet, 79, 80, 94, 95
Tone, Theobald Wolfe, revolutionary, 265
Tour through the whole Island of Great Britain (Defoe), 79
Townshend, Charles, chancellor of the exchequer, 166
Trade and commerce
plantation monopolies, 74–5
Britain a trading nation, 80
regulation of colonial, 106, 148, 167, 168, 218, 228, 263, 354
linen imports, 126
bounties on hemp and flax, 127
duty on whale fins, 127
duty on glass, 166
Irish woollen trade, 179, 188, 242, 244
evasion of trade laws, 197, 338
effects of colonial independence, 198
commercial monopolies, 228, 229, 297
growth of exports to colonies, 230
export of Irish glass, 242
benefits from Navigation Acts, 242, 254
Irish Free Trade, 243
export of Irish linen, 243
progress in British manufactures, 291
East India Company monopoly, 297
Whateley on trade laws, 338
Trade Plantations, Board of, 86, 123
Trafalgar, battle of (1805), 283
Trajan (Traianus), Marcus Ulpius, Roman emperor, 14, 15
Treatise on the Wealth, Power and Resources of the British Empire in every quarter of the World (Colquhoun), 291, 292
Tristia (Ovid), 9
Tucker, Josiah, dean of Gloucester
antagonistic to Franklin, 117
advocate of American independence, 160, 197, 198, 199
union with Ireland, 199
dissolution of imperial connection, 227
attitude to colonies, 343
Tullus Hostilius, king of Rome, 10
Turks, empire of the, 55, 316
'Twenty Resolutions, The', 263

Ulm, Germany, defeat of Austria at, 281
Ulpian (Ulpianus), Domitius, Roman jurist, 14
Urban II, Otho Eudes, pope, humiliates the Empire, 27
Urban V, Guillaume de Grimoard, pope, Charles IV marshal to, 311
Utrecht, Peace of (1713)
Matthew Prior on, 80
justification of, 81

Valerius Maximus, Latin writer, 10
Valla, Lorenzo, Italian writer, 48
Vauban, Sébastien le Prestre de, marshal of France
reflections on contemporary colonies, 91
on historical types of colonies, 326–7
Vergil, Polydore, archdeacon of Wells
his *Anglica Historia*, 54
promotion by Pius II, 55
'empire' passages in 14th-cent. chronicles, 315
disbelief in Arthurian legends, 315
rebuked by Leland, 315
Verrinae (Cicero), 3
Vespasian, Titus Flavius, emperor of Rome
claim of princeps to praenomen *imperator*, 12
risk involved by acceptance of *imperium*, 13

Vetch, Samuel, New England colonist, 78
Vienna, Congress of (1814–15)
German states and European stability, 285
discussion of the 'Deutsche Bund', 286
resettlement of Europe, 288
Virgil, Publius Virgilius Maro, Roman poet, 9
Virginia, N. America
a British colony, 75
House of Burgesses, 148
Virginia Convention, at Williamsburg (1774), 206
'Virtual Representation', doctrine of, 146
Visconti, Giangaleazzo, duke of Milan, 42, 47

Walpole, Sir Robert, statesman, 82
Waterloo, battle of (1815), 285
Wealth of Nations, Enquiry into the nature and Causes of (Smith)
participation in common burden of, 76, 220
colonial system mainspring of national wealth, 227, 228
problem of American taxation, 229, 230
Wellington, Arthur Wellesley, duke of, 287
Wessobrunn, monastery of, 31
West Indies
British forces in, 290
opportunity for settlement, 292
Oliver Cromwell and, 320
Whale fins, Customs duty on, 127
Whateley, Thomas, secretary to Grenville
vindication of Grenville's policy, 145
on trade laws, 338
Widukind of Corvey, 26
William of Moerbeke
distinction between *principatus* and *imperium*, 38
translation of the Politics, 46
William of Occam, scholastic divine, 33, 39
William III, king of England
alliance with Holland, 69
plot to assassinate, 69, 70
Parliament proclaims loyalty, 70
in Holland, 72
prestige abroad, 72
attitude of Tories to, 71, 73
and the navy, 321
John Dennis' obituary of, 323
Williamsburg, Virginia, Virginia Convention (1774), 206
Woollens
Irish, 242, 244
progress in manufacturies, 291
Worms, Concordat of (1122), 29

Yelverton, Barry, Irish reformer
and Poyning's law, 246
motion in support of George III, 247
Yorktown, Virginia, defeat of British forces at, 239, 246
Young, Edward, poet, 82