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Introduction

Empire and Liberty

Jack P. Greene

The “birthrights and privileges of Britons,” the agricultural writer Arthur Young declared in 1772, “form a system of liberty, so happily tempered between slavery and licentiousness, that the like is not to be met with in any other country of the globe.”¹ Widely shared by Young’s contemporaries, this claim had a long genealogy – and enormous staying power. Rooted in a jurisprudential tradition that emphasized the role of law as a restraint on the power of the Crown, it dated back to such older writings as Sir John Fortescue’s *De Laudibus Legum Angliae*, written during the fifteenth century and always familiar to the English law community but not published until 1616, and to the early seventeenth-century writings of Sir Edward Coke, Sir John Davies, Nathaniel Bacon, and others who elaborated on Fortescue in a series of learned works. Writing in an age when, except for the Netherlands, every other major European state was slipping into absolutism and when England’s first two Stuart kings seemed to be trying to extend the prerogatives of the Crown and perhaps even to do away with Parliaments in England altogether, these early seventeenth-century legal writers all were eager to erect legal and constitutional restraints that would ensure security of life, liberty, and property against such extensions of royal power.²

This early modern jurisprudential tradition rested on a distinction, already fully elaborated by Fortescue, between two fundamentally different kinds of monarchies that Fortescue called *regal* monarchy and *political* monarchy. Whereas, in the former, the prince’s will was absolute, in the latter, it was “restrained by political law” that, in the case of England, expressed “the will of the people” and ensured that they would be able to use the law to maintain their liberty and avoid arbitrary and unjust encroachments on their persons and

¹ Arthur Young, *Political Essays Concerning the Present State of the British Empire* (London, 1772), p. 50.

² J. G. A. Pocock, *The Ancient Constitution and the Feudal Law: English Historical Thought in the Seventeenth Century* (Cambridge: Cambridge University Press, 1957).

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properties. Thus founded in consent and favoring “liberty in every case,” English law, Fortescue predicted, would “always be exceptional among all the other laws of the earth, among which I see it shine like a Venus among the stars.” It is no wonder that, as he noted, “among the English the law” and reverence for it were so “deeply rooted.”³

By the term *law*, English jurisprudential writers meant, of course, both statute law and common law, or custom. The common law, or *lex non scripta*, was the product of time, continuous usage, and the quiet and common consent of the people. Exhibited in the decisions of judges and juries, it performed two vital functions. First, it provided guidelines for the courts in both civil and criminal matters affecting the protection and transfers of properties of all sorts and the penalties for temporal offenses. Second, and even more important, the common law provided the foundations for all of the most cherished liberties of English people. Most significantly, these included the rights of every person not to be taxed or subjected to laws without his consent and not to be deprived of life, liberty, or property without due process of law, including an accused’s right to a jury trial in which judgment would be rendered by the accused’s peers drawn from the neighborhood where the alleged offense had been committed.

If, according to English jurisprudential writers, statute law, which represented the formal “assent of the whole realm” through the medium of Parliament, carried more authority than the common law, statutes were, as Sir William Blackstone affirmed in the 1760s in his *Commentaries on the Laws of England*, very often “either *declaratory* of the common law or *remedial* of some defects therein.” Indeed, said Coke, even the Magna Charta and other important statutes in the constitutional tradition were “but a confirmation or restitution of the common law” that, as the Whig publicist Henry Care wrote in the late seventeenth century in paraphrasing Fortescue and Coke, were “coeval” with the formation of English political society. The liberties referred to in the Magna Charta, Care explained, should never be understood as “meer Emanations of Royal Favour granted, which the People . . . had not a Right unto before.”⁴

Thus were the “absolute rights of every Englishman, (which, taken in a political and extensive sense, are usually called their liberties),” “deeply implanted” in the laws and constitution of England. Defined generally by Blackstone as the capacity of every subject to be the “entire master of his own conduct, except in those points wherein the public good requires some direction or restraint,” and by the popular Whig theorists John Trenchard and

³ Sir John Fortescue, *De Laudibus Legum Angliae* (Cambridge: Cambridge University Press, 1942), pp. 25, 27, 31, 33, 79, 81, 87, 89, 105, 115, 139.

⁴ *Ibid.*, 41; Sir William Blackstone, *Commentaries on the Laws of England*, 4 vols. (Philadelphia, 1771), vol. 1, pp. 67–68, 86; Sir Edward Coke, *Institutes*, Part One, 2 vols. (London, 1832), vol. 2, pp. 4, 10, 108, 171; Coke, *Institutes*, Part Two (London, 1797), ch. 30, p. 60; Henry Care, *English Liberties*, 5th ed. (Boston, 1721), pp. 3, 6–7, 23–24, 27.

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Thomas Gordon as “the Power which every Man has over his own Actions, and his Right to enjoy the Fruit of his Labour, Art, and Industry, as far as by it he hurts not the Society, or any Member of it, by taking from any Member or by hindering him from enjoying what he himself enjoys,” liberty in English thought consisted of four principal legal rights. As Blackstone systematically specified them, they were (1) the right to personal security in terms of life, limbs, well-being, and reputation; (2) the right to personal liberty, including “the power of loco-motion, of changing situation, or removing one’s person to whatsoever place one’s own inclination may direct”; (3) freedom from “imprisonment without cause”; and (4) the right to “the free use, enjoyment, and disposal of all” property “without any control or diminution, save only by the laws of the land.”⁵ Not just common-law lawyers and political writers but also the leading liberal natural rights philosopher John Locke drew a similar connection between law and liberty during the closing decades of the seventeenth century.⁶

The happy capacity of English people to preserve this liberty rested on two institutions for determining and making law: juries and Parliament. By guaranteeing that “no Causes” would be “tried, nor any Man adjudged to lose Life, Members, or Estate, but upon the Verdict of his Peers, (or Equals) his Neighbours, and of his own Condition,” the first gave every person “a Share in the executive Part of the Law.” By giving each independent person through “his chosen Representatives” a share “in the Legislative (or Law-making) Power,” the second ensured that no law should be passed without the consent of the nation’s property holders. Over the centuries, Parliament had taken a conspicuous role in maintaining the “vigour of our free constitution: from the assaults of would-be tyrants, through not just Magna Charta but the Petition of Right under Charles I, the Habeas Corpus Act under Charles II, the Bill of Rights during the Glorious Revolution, and the Act of Settlement,” Blackstone proudly noted, and had repeatedly acted to restore “the ballance of our rights and liberties” to their “proper level.” Occasionally in these efforts, Englishmen had had to resort to arms, and they were careful to preserve their right to bear arms in order to be able to do so when necessary. But most of the time Parliaments and juries, those “two grand Pillars of English Liberty” through which “the Birth-right of Englishmen” had always shone “most conspicuously,” had functioned effectively to ensure that in England the law would continue, as Coke said, to be “the surest sanctuary that a man can take” and “the best Birth-right of the Subject.”⁷

For Englishmen, liberty was thus, according to the English jurisprudential and libertarian traditions, not just a condition enforced by law, but the very

⁵ Blackstone, *Commentaries*, vol. 1, pp. 126–40; John Trenchard and Thomas Gordon, *Cato’s Letters*, in David L. Jacobson, ed., *The English Libertarian Heritage* (Indianapolis: Bobbs Merrill, 1965), #62, pp. 127–28.

⁶ John Locke, *Two Treatises on Government*, ed. Peter Laslett (Cambridge: Cambridge University Press, 1960), p. 348.

⁷ Care, *English Liberties*, pp. 3–4, 27; Blackstone, *Commentaries*, vol. 1, pp. 126–28, 144; Coke, *Institutes*, Part Two, ch. 29, p. 55.

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essence of their national identity. In most early modern countries, noted Trenchard and Gordon quoting the republican Algernon Sydney, rulers “use[d] their Subjects like Asses and Mastiff Dogs, to work and to fight, to be oppressed and killed for them,” considering “their People as Cattle, and” using “them worse, as they fear[ed] them more. Thus,” had “most of Mankind” become “wretched Slaves” who maintained “their haughty Masters like Gods,” while “their haughty Masters often use[d] them like Dogs.” Elsewhere – English writers invariably singled out Turkey, France, and sometimes Spain – “the meer Will of the Prince is Law; his Word takes off any Man’s Head, imposes Taxes, seizes any Man’s Estate, when, how, and as often as he lists; and if one be accused, or but so much as suspected of any Crime, he may either presently execute him, or banish, or imprison him at pleasure.” Only in England were “the Lives and Fortunes” of the people not subject to the “Wills (or rather Lusts)” of “Arbitrary” tyrants. Only in England did the monarchs, in Fortescue’s words, have “two Superiours, God and the Law.” Only in England was “the Commonality . . . so guarded in their Persons and Properties by the Sense of Law, as” to be rendered “Free-men, not Slaves.” Only in England did law require the consent of those who lived under it. Only in England was “the Law . . . both the Measure and the Bond of every Subject’s Duty and Allegiance, each Man having a fixed fundamental Right born with him, as to Freedom of his Person, and Property in his Estate, which he cannot be deprived of, but either by his Consent, or some Crimes for which the Law has impos’d such Penalty or Forfeiture.” Few early modern English people had any doubt, as Care put it, that “the Construction of our English Government” was “the best in the World.”⁸

Despite this national mystique, not all English people enjoyed liberty to its fullest extent. English society, like early modern society all over Europe, was divided between independent people, who were few and possessed sufficient property to ensure that they would not be subject to the will of others, and dependent people, who constituted the overwhelming majority and, by contemporary understandings, had, in Blackstone’s words, no wills of their own. At least theoretically, everyone, regardless of gender or dependency, had access to those liberties associated with the rule of law, albeit all dependent people and even many lesser property holders were, as Robert Zaller has recently put it, “held fast within a hierarchy of authority, status, and property” that was dominated by and no doubt partial to the independent classes that presided over it.⁹ Moreover, except in a few borough constituencies, custom and statute law excluded everyone who was not an adult male property holder from voting. In this exclusionary polity, only those few who met the property requirements for the franchise thus fully enjoyed that most celebrated right of Englishmen,

⁸ Trenchard and Gordon, *Cato’s Letters*, #25, pp. 68, 70; Care, *English Liberties*, pp. 1–3.

⁹ Robert Zaller, “Representative Government: How Sure a Thing,” in Maija Jansson, ed., *Realities of Representation: State Building in Early Modern Europe and America* (New York: Palgrave, 2007), p. 216.

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not to be taxed or governed without their consent. Only they had an active voice in making and enforcing laws and levying taxes. The rest of the population consented to laws only passively, through their obedience to them and the implicit acceptance such obedience implied.¹⁰

As English people increasingly after 1600 established settlements overseas in Ireland and the Americas, sometimes with authorization from the Crown under the initial aegis of chartered companies or landed proprietors, sometimes on their own, and always with their active participation, they took these ideas about their libertarian inheritance with them and used them to shape the new polities they created. In their earliest forms, these polities, at least in America, assumed a variety of forms, some remarkably experimental, but they all shared two fundamental objectives. The first was to recreate and adapt to their new homes the English common-law culture they had left behind; the second was to found, in the English manner, their polities on a consensual base through the creation of a representative institution through which they could ensure that they would have a say in making the laws under which they lived and in levying the taxes necessary to support their polities.

Nothing less seemed appropriate for English people who, using their own resources, industry, and initiative, had created social spaces for themselves in Ireland or America and thereby created for themselves status, capital, and power. Especially on the North American continent, where indigenous people were less densely settled and land abundant, but also, if to a lesser extent, in Ireland, where the indigenous people were both far more similar in their cultures to English and Scottish invaders and offered more effective resistance, and in the West Indies and Atlantic islands, where, except for Jamaica, the amount of land was finite and quickly taken up, independent individual settlers engaged in a deep and widespread process of individual and corporate self-empowerment. In contrast to England, where only a small fraction of the population ever managed to achieve the civic competence, the full right to a voice in political decisions that was the preserve of independent property holders, in the colonies a very large proportion of the adult male white settlers acquired land or other resources, built estates, and achieved individual independence.

This development produced strong demands on the part of the large empowered settler populations for the extension to the colonies of the same rights to security of property and civic participation that appertained to the empowered, high-status, and independent property holders in England. These demands included the right “to enjoy the advantages of the colonists’ former betters in the society they had left behind,” including their many “exemptions and privileges,” and the right to exclude dependent peoples from those same rights and exemptions.¹¹ In the settler view, colonial governance, no less than

¹⁰ Jack P. Greene, *All Men Are Created Equal: Some Reflections on the Character of the American Revolution* (Oxford: Oxford University Press, 1976), explores the logic of franchise exclusion in both early modern England and colonial America.

¹¹ Zaller, “Representative Government,” p. 216.

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metropolitan governance, should guarantee that men of their standing would not be governed without consultation or in ways that were patently against their interests. Along with the vast distance of the colonies from Europe, these circumstances encouraged those who were nominally in charge of the colonies toward the establishment and toleration of political structures that involved the active consent of local independent settlers. Consultation meant that local populations would more willingly both acknowledge the authority of private agencies of colonization and contribute to local costs. The earliest stages of English colonization thus resulted in the emergence, in new colonial peripheries, of many new and relatively autonomous centers of authority effectively under local control. How this process worked is the subject of the first three chapters of this volume: Chapter 1, by Elizabeth Mancke, on the North American colonies; Chapter 2, by Jack P. Greene, on the island colonies in the Atlantic and the West Indies; and Chapter 3, by James Kelly, on Ireland during the Protestant Ascendancy.

In addition to occupying large segments of Ulster, Munster, and Leinster in Ireland, English migrants had, by 1660, created through settlement seven separate plantations in mainland North America and six in the Atlantic and Caribbean islands, and had occupied Jamaica following its conquest from the Spanish in 1655. Over the next half-century, they re-peopled seven new colonies on the mainland and one in the Atlantic, while continuing to occupy more and more of Ireland and to add to the population streams that extended the settlements in the older American colonies into ever widening areas, two of those colonies amalgamating with other colonies during the closing decades of the seventeenth century. Although the next half-century was primarily a period of consolidation and growth in already established colonies, just two continental colonies and one island colony being settled between roughly 1710 and 1760, British conquests in the Seven Years' War led to the incorporation of the old French colony of Quebec into the British Empire and the formation of seven new colonies, three on the continent and four in the West Indies. With the partial exception of Quebec, which had a substantial French population that retained its French-derived private law, each of these post-1763 colonies became yet another American setting into which British immigrants could, in conscious imitation of settlers in early colonies, transplant English legal and political forms and ideas. Not counting Newfoundland, which remained a fishing settlement without regular participatory government, the British empire, on the eve of the American War for Independence, had twenty-nine colonies in America, eleven in the islands, and eighteen on the continent, only one of which, Quebec, was not a regular British-style polity with representative institutions. This proliferation of polities represented an astonishing spread of English common-law culture and modes of representative government across the Irish Sea and the Atlantic and provided abundant evidence of their adaptability to radically different physical, social, and economic contexts.

With regard to representative government, both the Irish House of Commons and the American assemblies consciously endeavored to model themselves as

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closely as possible on the English House of Commons. In this effort, they had many sources to draw on, including the several parliamentary commentaries and procedural books published in the seventeenth century. Working out the logic of the analogy between the assemblies and the House of Commons, colonial legislative leaders not only copied the forms and procedures of the metropolitan body but also insisted that they were constitutionally vested with the same powers and privileges in the colonies as the House of Commons in Britain.¹²

Notwithstanding this powerful mimetic impulse, however, legislative development in the colonies diverged considerably from that in the parent state. Having exercised wide authority over revenues from their earliest days, colonial legislatures gradually refined and extended that authority over every phase of raising and distributing public revenue. They acquired a large measure of legislative independence by winning control over their procedures and obtaining guarantees of basic English parliamentary privileges, and they extended their power well beyond that of the House of Commons by gaining extensive authority in handling executive affairs, including the rights to participate in formulating executive policy and to appoint most officials concerned with the collection of provincial revenues and many other executive officers.

In still other ways, legislative development in the colonies differed from that of the House of Commons. Elections were more frequent; residential requirements for legislative seats were the norm; most colonies paid their representatives for their services as legislators and endeavored, in many colonies successfully, to exclude placemen from holding legislative seats; and representatives were far more closely monitored by their constituents in electoral environments in which a vastly higher proportion of the adult male inhabitants met franchise requirements.¹³

Of course, the Irish experience was in many ways strikingly different from the American. On a general level, the parallels were strong. The *oversettlement* of Ireland and the resettlement of the colonies occurred at the same time. Both involved similar *colonial* processes and were products of the same extensive settler migration. Both required the dispossession of native peoples from their lands. Both created polities that existed in a dependent relationship with England or, after 1707, Britain. Both sets of polities enjoyed a considerable measure

¹² See Jack P. Greene, "Political Mimesis: A Consideration of the Historical and Cultural Roots of Legislative Behavior in the Eighteenth Century," *American Historical Review* 75 (1969): 337-67.

¹³ On these points, see Robert J. Dinkin, *Voting in Provincial America: A Study of Elections in the Thirteen Colonies, 1689-1776* (Westport, CT: Greenwood Press, 1977); Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: Norton, 1988); J. R. Pole, *Political Representation in England and the Origins of the American Republic* (New York: St. Martin's Press, 1966), and *The Gift of Government: Political Responsibility from the English Restoration to American Independence* (Athens: University of Georgia Press, 1983); Jack P. Greene, *The Quest for Power: The Lower Houses of Assembly in the Southern Royal Colonies, 1689-1776* (Chapel Hill: University of North Carolina Press, 1963); and Mary Patterson Clarke, *Parliamentary Privilege in the American Colonies* (New Haven, CT: Yale University Press, 1943).

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of consensual self-government and developed localized versions of the English legal inheritance. Both functioned within the same Anglophone cultural system and constituted peripheral or provincial variants of that system. Both operated within economic restrictions imposed by London. And, after 1760, both demonstrated a common front, as they articulated a view of the imperial constitution that left them with full autonomy over their internal affairs.

But there were also profound differences. No American colony enjoyed Ireland's special status as a separate, if dependent, kingdom, and none formally called its legislative institutions a Parliament. Although most of the American colonies had significant native populations, at least initially, population density in America was low relative to Ireland, much of the land was uncultivated and lacked domestic herding and was, therefore, according to contemporary European theory, a "waste" land available for colonization. Furthermore, the native population was both pagan and deemed culturally backward by European standards. By contrast, the new plantations in Ireland were established on territories conquered from a people who were numerous, Christian, and, by European standards, civilized. Although a few of the earliest American colonies had, like Ireland, also been conquered from rival European powers – Jamaica having been wrested from Spain in 1655, New York from the Dutch in 1664, and Nova Scotia and half of St. Christopher from the French in 1713 – the American colonies were mostly the products of a dual process of extensive settlement and, as a concomitant, the expulsion or marginalization of most of the land's existing inhabitants, so that the settlers and their descendants quickly came to constitute a majority of the free population. Even with the conquered colonies in which the old European populations chose to remain under British governance, like New York and Nova Scotia, incoming immigrants from the British Isles eventually became a majority and established their cultural, as well as political, predominance over the earlier inhabitants. Unlike the situation in the colonies, in Ireland, English and Scottish immigrants and their progeny became a majority only in a few localities and thus had to live in the midst of a numerically superior and often hostile native population.

And there were still other differences. Although most of the American colonies placed civil restrictions on Catholics and Jews, the number of such people constituted such a small percentage of the population in every colony except Maryland, where Catholics may have accounted for about a quarter of the free inhabitants, that the colonies have to be considered as *inclusionary* polities, inclusionary, that is, of the independent male population and their dependents, who constituted the majority of the settlers, whereas Ireland after the Glorious Revolution, with its intricate system of penal laws that disabled its Catholic majority from civic participation and many avenues of economic opportunity, was an explicitly *exclusionary* polity.

Unlike Ireland, none of the colonies supported a permanent military establishment of any size, except Jamaica, where the threat of domestic upheaval among the majority slave population and of foreign invasion from neighboring islands controlled by the French and Spanish lay behind settler willingness to

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pay for such an establishment beginning in the 1720s. Nor did the metropolis have any regular forces in any of the other colonies before the Seven Years' War. This situation stands in profound contrast to the situation in Ireland, where the Protestant minority felt the need of such forces in the face of the possibility of revolt by the Catholic majority and paid for an annual military establishment of 12,000 men from the 1690s.

The relationship between church and state and the structure of landholding also diverged. Even where colonies established a particular church, the laity controlled it, even in the surveillance societies of seventeenth-century Massachusetts and Connecticut, and nowhere did there appear the sort of confessional state that characterized Ireland during the Protestant Ascendancy, with its extensive religious hierarchy, large concentration of wealth in church hands, and close association with the civil arm. Nor did landlordism of the variety that was so pronounced in eighteenth-century Ireland develop to any significant degree in the American colonies, where, at least on the continent, the wide availability of cheap land meant that tenancy was often a temporary condition and that tenants were not without leverage in negotiating contracts with landlords. St. John's Island (Prince Edward Island) was a notable exception to this observation.

In many ways the most important difference was geographical. The American colonies were 3,000 miles away from London, and distance meant that they were subject to much less supervision and had far more political autonomy, that they were far less thoroughly drawn into the metropolitan patronage network, that they contributed much less to metropolitan pension lists, and that they had far fewer absentees among their landholding populations. To take one example, while every piece of Irish legislation was vetted and re-vetted by the Crown-appointed Irish Privy Council and the British Privy Council, the vast majority of colonial laws were wholly ignored by the British Privy Council, usually being read by the Board of Trade and often sent to legal authorities for opinions but rarely, at least before 1748, being referred to the Privy Council for either allowance or disallowance. The attempt to apply Poyning's Law to Virginia and Jamaica in the 1670s failed abysmally, and colonial legislatures strongly and successfully resisted metropolitan efforts to require the inclusion of suspending clauses in unusual laws after 1750. Political discourse in Ireland and the American colonies frequently addressed the same issues, such as the initiation of money bills and the tenure of judges, and thus bore some degree of similarity. But the contexts in which those issues were discussed were radically different.

These many differences strongly suggest that, by the middle of the eighteenth century, Ireland, notwithstanding its superior development; its greater social, economic, and cultural complexity; and certainly its far more extensive urbanization, was, by modern understandings of the term *colonial*, considerably more colonial than Britain's more distant colonies.¹⁴ Modern understandings, however, differ profoundly from those of contemporaries.

¹⁴ A point confirmed in James Kelly, *Poyning's Law and the Making of Law in Ireland, 1660-1800* (Dublin: Four Courts Press, 2007).

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If, at the beginning of English expansion in the early seventeenth century, the Irish plantations were not wholly dissimilar to those being undertaken at the same time across the Atlantic, by the mid-eighteenth century, contemporaries such as the Scottish economic writer John Campbell, whose extended two-volume *Political Survey of Britain* was published in 1774,¹⁵ thought of Ireland, not as a British colony, but as a subordinate polity within the British Isles.

Not only members of the settler establishments in Ireland and the American colonies, but also many metropolitan Britons celebrated the development of representative government and the transfer and creolization of the common law overseas as appropriate expressions of the longstanding commitment of the English nation to liberty and precisely the characteristics that distinguished the British empire from others. In America, declared the agricultural writer Arthur Young in 1772, “Spain, Portugal and France have planted despotisms; only Britain liberty.”¹⁶ “From the earliest and first instance of the establishment of a BRITISH SENATE,” declared the political writer Thomas Pownall in the mid-1760s, “the principle of establishing the Imperium of government, on the basis of a representative legislature” had been the defining feature of British governance.¹⁷ “By extending this beautiful part of our constitution” to the colonies, George Dempster told the House of Commons in October 1775, “our wise ancestors have bound together the different and distant parts of this mighty empire” and “diffused in a most unexampled manner the blessings of liberty and good government through our remotest provinces.”¹⁸ “Without freedom,” Edmund Burke remarked in 1766, the empire “would not be the British Empire.”¹⁹ Some European analysts agreed. By thus permitting the colonies to adopt “the form of its own government,” observed Montesquieu, Britain had effectively ensured that the colonies would prosper, that “great peoples” would “emerge” from the forests and islands to which their ancestors had migrated, and that the colonists would be able to think of themselves and be thought of by others as “intrinsically British.”²⁰

¹⁵ John Campbell, *A Political Survey of Britain: being a Series of Reflections on the Situation, Lands, Inhabitants, Revenues, Colonies, and Commerce of this Island*, 2 vols. (London, 1774), vol. 1, pp. 263–448.

¹⁶ Arthur Young, *Political Essays Concerning the Present State of the British Empire* (London, 1772), p. 20.

¹⁷ Thomas Pownall, *The Administration of the Colonies*, 4th ed. (London: J. Walter, 1768), p. 175.

¹⁸ George Dempster, speech, Oct. 27, 1775, in Richard Simmons and P. D. G. Thomas, eds., *Proceedings and Debates of the British Parliament Respecting North America, 1754–1783*, 6 vols. (Millwood, NY: Krauss International, 1982–87), vol. 6, p. 640.

¹⁹ Edmund Burke, Speech on the Declaratory Act, Feb. 3, 1766, in Paul Langford, ed., *The Writings of Edmund Burke, Vol. 2: Party, Parliament, and the American Crisis, 1766–1774* (Oxford: Oxford University Press, 1981), p. 47.

²⁰ Quoted in Richard Koebner, *Empire* (Cambridge: Cambridge University Press, 1961), pp. 92, 297.