

## **No Taxation Without Representation!!!**

**(and only if both can be within the bounds of our legislative control)**

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A colonial New Englander wrote of the inherited birthrights of British citizens in the March 2, 1765, edition of the *Providence Gazette* in vindication of Governor Stephen Hopkins' "The Rights of the Colonies Examined," that "the subject's right of being represented where he can be taxed, lands almost the foremost." What did he mean? Though twenty-first-century textbooks have summarized his argument in the inherited colonial maxim of "No taxation without representation," this simplification of a prevailing eighteenth-century colonial ideological premise sheds little light on the intellectual milieu in which the concept operated.<sup>1</sup> While even in the second decade of twenty-first-century American politics many have taken up this revolutionary slogan to support their ideologies, few understand what it actually meant within its contemporary usage. It will be the purpose of this analysis to examine this ideological concept, the framework from which it evolved, and more importantly, the construct within which it operated.

Revolving around the years immediately surrounding the Stamp Act crisis of the mid-1760s, I will demonstrate how colonial Americans coupled their representation argument with others to defend what they believed to be their inherited privileges as British citizens, and the perceived parliamentary threats to these ideals. Within this construct, the analysis will then proceed in four parts. Part one will analyze the historical backdrop from which evolving colonial ideals of their inherited rights developed. Beginning with a brief discussion of the historical evolution of British views regarding parliamentary taxation, this section will provide the immediate context for the motivation behind the passage of the Stamp Act, in the form of the Seven Years' War and its impact on skyrocketing British military

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<sup>1</sup> "A Vindication of a Late Pamphlet," *Providence Gazette; And Country Journal* (Providence, RI), March 02, 1765; Frank O'Gorman, *The Long Eighteenth Century: British Political & Social History 1688-1832* (London: Arnold Publishing, 1997), 189.

expenditures. Part two will take up the British and colonial rational and ideological defenses of parliament's right to tax the British colonies, while part three will analyze the assertions of colonial rights that emanated from both sides of the Atlantic Ocean. Finally, part four will look at why the British parliament and colonial agents could not come to an agreement on American representation within its body, and will in conclusion, demonstrate that neither side of the argument viewed this ideological struggle in such simplistic terms.<sup>2</sup>

### **No Taxation Without Representation: Historical Construct.**

But if by independence be intended our maintenance of argument against the levying taxes upon us without our own consent, then it is so far true that we do aim at independence. Such independence is the main pillar of our happy frame of government, and hath ever been claimed and enjoyed, from the times of the Saxon down to this day, by our fellow-subjects in Britain... always heretofore acknowledged to be the birth-right of all the king's free subjects without distinction...

*Boston Post-Boy*: July 15, 1765<sup>3</sup>

Within the context of eighteenth-century British political ideology, the notion of an inherited political birthright was not simply a rhetorical flourish, but rather was perceived as a tangible and defensible concept. Taking cues from some of the most eminent political philosophers of the enlightenment, as well as historical British legal precedents, the concept of the inherited birthright permeated eighteenth century political discussions on both sides of the Atlantic. Within Britain's North American colonies "(t)here was no other right, privilege, franchise, or liberty claimed by the colonial whigs that relied more on the concept of personal inheritance... than the doctrine that for taxation to be constitutional it had to be by consent." Furthermore "(t)he doctrine of taxation only by consent was as old as England's ancient constitution," and believing themselves to share equally in the

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<sup>2</sup> \*A note on spelling: (Anachronistic spellings or perceived errors in original documents have not been corrected to suit modern conventions.)

<sup>3</sup> "The following is Said to be a Copy of a Letter, Sent by a Plan Agent in New-England," *Boston Post-Boy* (Boston, MA), July 15, 1765.

English legal heritage, the colonists believed this argument to be self-evident. It would, however, spawn disagreements on what exactly constituted representation, and even to what extent the colonists were entitled to it. These arguments would engender the most ideological disagreement between the two sides of the eventual taxation debate.<sup>4</sup>

With these concepts in mind, it would, nevertheless, be a disservice to opponents of the British parliament's taxation powers over the colonies, to relegate their historical inheritance argument as simply a reaction to their lack of representation within the British parliament. Though some held to this ideological framework, for many there were other aspects of the political inheritance upon which their disagreements were also founded. Colonial opponents of parliament's taxation powers were not so simple as to believe that they should somehow be exempted from taxation. Though some "firmly assert(ed) their right of exclusion from parliamentary taxation, founded on the principles of the *British* government, and the terms of their colonization," (italics in the original) it was not simply the lack of representation in the making of the tax, but also the type of tax that was made, that bothered many of the Stamp Act's colonial opponents.<sup>5</sup> The idea of an internal or "excise tax" was a relatively new concept within the British taxation system. Though "(t)raditionally, British taxes had been collected on land and on foreign goods at the port of arrival," in the mid-seventeenth century parliament began instituting internal consumption taxes on items such as beer, salt and beef. These taxes were extremely unpopular, as many believed they engendered tyranny due to the latitude given the tax collector; into the mid-eighteenth century, even in Britain itself, this form of taxation was highly controversial. Within this ideological framework then, "even before colonists and Parliament confronted each other over issues of taxation, the instincts of opposition to centrally imposed internal taxes," had already imbued itself within the colonial political psyche. It

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<sup>4</sup> John Phillip Reid, *Constitutional History of the American Revolution* (Madison, Wisconsin: University of Wisconsin Press, 1986), 110.

<sup>5</sup> "The following is Said to be a Copy of a Letter, Sent by a Plan Agent in New-England," *Boston Post-Boy* (Boston, MA), July 15, 1765.

would then take a dramatic shift in events to prompt a hesitant parliament to propose such a measure.<sup>6</sup>

Given the unpopularity of internal taxation on both sides of the Atlantic, parliament's passage of the 1765 Stamp Act seemed to have been somewhat illogical. But when taken within the larger construct of Britain's costly involvement in the Seven Years War, its £140 million national debt, and the fact that "the estimated expense of defending America and Canada amounted to at least £300,000," many within parliament felt that it was reasonable to expect the colonies to incur more of these costs. Unfortunately for the idea's proponents, historical precedent once again proved to be a significant obstacle. Left to their own devices for decades under the unofficial imperial policy of "salutary neglect," the colonies had become accustomed to the system. Colonial assemblies had come to regulate internal affairs, while parliament maintained control of external issues. Believing that "the imposition of internal taxes ought to be confined to their own Assembl(ies)," the undermining of this system by the parliamentary imposition of the Stamp Act threatened to significantly alter the status quo. Unwilling to relinquish what they believed to be their inherited rights as Englishmen, many in the colonies, with the aid of their parliamentary allies, engaged themselves in an ideological debate with their parliamentary and colonial opponents regarding the fundamental rights of parliament, the colonies, and the English citizen himself.<sup>7</sup>

### **Ideological Justification for Parliamentary Internal Taxation of the Colonies.**

Why does not this imaginary representation extend to America as well as over the whole island of Great Britain? If it can travel three hundred miles, why not three thousand? If it can jump over rivers and mountains, why cannot it sail over the ocean? If the towns of Manchester and Birmingham sending no representatives to parliament are

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<sup>6</sup> Thomas P. Slaughter, *The Whiskey Rebellion: Frontier Epilogue to the American Revolution* (New York: Oxford University Press, 1986), 12-17.

<sup>7</sup> O'Gorman, *The Long Eighteenth Century 189 -190*; Slaughter, *The Whiskey Rebellion*, 17.

notwithstanding there represented, why are not cities of Albany and Boston equally represented in that assembly? Are they not alike British subjects? are they not Englishmen? or are they only Englishmen when they solicit (sic) for protection but not Englishmen when taxes are required to enable this country to protect them?

*Newport Mercury*: May 27, 1765<sup>8</sup>

The overwhelmingly negative reaction among the colonies took many of the Stamp Act's supporters within the British parliament by surprise. When addressing the American objections, many focused "first on the 'strange language' of American arguments against the tax," specifically the usage of the term internal tax. Starting from this point of confusion in which "(m)ost British politicians could not even understand what the colonists were talking about," they began to address the American concerns as they viewed them. Led by First Lord of the Treasury and Chancellor of the Exchequer George Grenville, the parliamentary majority who supported the tax critiqued and refuted what they believed to be the primary American protestations against it. Though "the parliament would not permit any petitions to be heard from the colonies claiming as a right an exemption from parliamentary taxation," they were aware of the American protests. Agents of the colonial governments in England at the time the bill was appearing before parliament, such as Connecticut's London agent Jared Ingersoll, and Benjamin Franklin, who was in London as an "agent of his province," expressed the colonial disdain for the act. In expressing their displeasure these colonial agents also helped the act's parliamentary supporters gain information regarding the predominate American objections. Positing that there was in fact precedent for the enactment of an 'internal' tax within the colonies, that the colonists themselves should begin to bear some of the financial burden for their protection, and finally that they did have representation within parliament, the act's supporters

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<sup>8</sup> "The Objections to the Taxation of Our American Colonies," *The Newport Mercury* (Newport, RI), May 27, 1765.

attempted to deflect colonial criticisms, and those of their parliamentary allies.<sup>9</sup>

Overall Grenville believed that the colonies had "in many instances encroached and claimed powers and privileges inconsistent with their situation," and that if they were "not subject to this burden of tax," that they were not "entitled to privileges of Englishmen." It is within this conceptual framework that he approached the American assertions, and though he entirely disagreed with their position, due to political necessity, was forced to justify his policy. Though Grenville, even as prime minister, could not "understand the difference between external and internal taxes," believing that "(t)hey are the same in effect, and only differ in name," in humoring the argument of the act's opponents, he made a point of providing precedent. Stating that "the tax will in general be laid upon such instruments as in Great Britain, with some differences and exceptions," Grenville was apparently operating from the assumption that the British version of the tax provided ample legal precedent for its application in the North American colonies. The tax, "in force in England... since the year 1694," had provided "one of the most acceptable ways of raising money." With £290,000 raised in Great Britain in 1760, and the amount increased in 1765 "by raising of some of the duties," Grenville viewed this as one of the most reasonable and attractive options given its history, success in generating revenue, and contemporary acceptance. Grenville even went so far as to offer examples of existing 'internal taxes' levied by parliament then being collected within the colonies. Using as his primary example the colonial post office, which imposed "an internal tax upon North America," Grenville attempted to refute an argument which he himself found confusing. Combining the precedent of the 70-year-old stamp tax in Great Britain, with that of previously enacted 'internal taxes' in the colonies, the prime minister apparently felt that there was ample

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<sup>9</sup> Slaughter, *The Whiskey Rebellion*, 17; "The following is Said to be a Copy of a Letter, Sent by a Plan Agent in New-England," *Boston Post-Boy* (Boston, MA), July 15, 1765; Lawrence Henry Gipson, *The Coming of the Revolution: 1763 \* 1775* (New York: Harper & Row Publishers, 1954), 83 - 84.

justification for the Stamp Act's imposition on North America, and that the present situation dictated few other prudent courses of action.<sup>10</sup>

Though Grenville and his ilk may have had trouble grasping colonial resentment of an internal tax imposed by parliament, they nonetheless attempted to placate concerns about its precedent and usefulness. When it came to the question of the necessity of the colonies to begin providing a larger share of the funds needed for their defense, Grenville's attitude, as well as that of his supporters, turned significantly less amiable. One London writer whose work was reprinted in the *Newport Mercury* summed up the supporters' *logos* when he asked, "can any time be more proper to require some assistance from our colonies, to preserve to themselves their present safety, than when this county is almost undone by procuring it?" This was the general assumption from which Grenville operated. Asserting that parliament's right to tax in part emanated from "that great maxim, that protection is due from the Governor, and support and obedience on the part of the governed," supporters of the Stamp Act felt that Great Britain had done its part in providing for colonial defense, and that it was now the American's turn to pitch in. As the Member of Parliament (MP) Charles Townshend curtly asserted, "if she (America) expects our fleets, she must assist our revenue." As they expanded their argument, supporters of the act attempted to solidify their case, and persuade their ideological adversaries.<sup>11</sup>

While Grenville and Townshend did attempt to play to their opponents' *pathos* by invoking concepts of patriotism and duty, they also utilized the disparate financial construct of the colonies as justification for the new round of parliamentary imposed internal taxation. As noted above the Seven Years' War had severely

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<sup>10</sup> George Grenville, February 6, 1765, in R.C. Simmons and P.D.G. Thomas, eds., *Proceedings and Debates of the British Parliaments Respecting North America, 1754-1783* (New York, 1983), II, 11; George Grenville, January 14, 1766, in *Proceedings and Debates*, 87; George Grenville, February 6, 1765, in *Proceedings and Debates*, 11; Gipson, *The Coming of the Revolution*, 70; George Grenville, February 6, 1765, in *Proceedings and Debates*, 10.

<sup>11</sup> "The Objections to the Taxation of Our American Colonies," *The Newport Mercury* (Newport, RI), May 27, 1765; George Grenville, February 6, 1765 in *Proceedings and Debates*, 11; Charles Townsend, February 6, 1765, in *Proceedings and Debates*, 13.

impacted the state of British finances, and as administrators searched for solutions to resolve their previously unheard of national debt, their eyes quickly turned to the lack of revenue being raised within the colonies. Given that many of the expenditures were directly or indirectly related to the defense and preservation of colonial interests, they felt that this was not unreasonable. Observing that "(t)he Navy used to cost about 7 or 8 hundred thousand (pounds)," and that it now "costs about 1,400,000 (pounds)," Grenville believed that "this great increase of the Navy is incurred in a great measure for the service of North America." Compounded by the fact that the "debts of North America... amounted to 848,000 (pounds),"<sup>12</sup> Grenville logically turned to the revenue that colonial taxation was bringing in to the treasury. Observing that a North American colonial population of "16 or 1,700,000 inhabitants," paid "only about 64,000 (pounds) a year for its establishment,"<sup>13</sup> Grenville and his followers were immediately struck by the disparity between expenditures and revenue. Coupled with the recommendation of Henry McCullough, former supervisor of royal revenues and land grants in North Carolina, to the Treasury that "a series of stamp duties.... would produce in America alone... some 60,000 (pounds) sterling per annum," the imposition of this tax seemed fiscally unquestionable. With Britain's mounting debt, and the comparatively small amount of taxes then being levied on the colonies, the prime minister believed that these figures provided just one more solid argument for the institution of the controversial Stamp Act. Though detractors continued to assert their belief that the colonies had no representation within the parliament, and that regardless of the financial situation that it had no right to make any decision regarding colonial taxation, the act's supporters disagreed.<sup>14</sup>

Opponents of the Stamp Act (and others in parliament who attempted to impose internal taxes on the colonies) believed that the attempts were inherently flawed. They believed that they had no representation within the body making the decisions, and that their

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<sup>12</sup> This figure excludes Pennsylvania for which Grenville's agent was unable to get accurate statistical data. (See *Proceedings and Debates*, 10)

<sup>13</sup> This figure excludes North Carolina and Maryland for which Grenville's agent was unable to get accurate statistical data. (See *Proceedings and Debates*, 10)

<sup>14</sup> George Grenville, February 6, 1765, in *Proceedings and Debates*, 10; Gipson, *The Coming of the Revolution*, 71.

own elected assemblies were more than adequate for imposing internal taxation. It was this ideological difference that provided the primary catalyst for the disagreement over the tax. Supporters believed that the colonists did in fact find tangible representation within parliament in the form of "virtual representation," and philosophically differed on the point of representation itself. The concept being relative in a democratic society, the disagreement seemed to center on the question of degree.<sup>15</sup>

When confronted with the argument that the colonists had no representation within parliament, and "(t)hat House had no right to lay an internal tax upon America, that country not being represented," Grenville and his fellows turned to the British political concept of virtual representation. The prime minister asserted that "(t)he Parliament of Great Britain virtually represents the whole Kingdom, not actually great trading towns," and that "(n)ot a twentieth part of the people are actually represented." Going a step further he pointed to "(t)he merchants of London and the East India Company," neither of which were directly represented. One London editorialist of a like mind argued that the works of "Lock, Sidney, Selden, and many other great names," could be used to "prove that every Englishmen, whether he has a right to vote for a representative, or not, is still represented in the British parliament."<sup>16</sup>

Supporters of the virtual representation argument pointed to the fact that "Copyholders, Leaseholders, and all men possessed of personal property only chose no representative," but that by virtue of the British system, their voices were still heard. In the House of Lords, Lord Mansfield went so far as to assert that "never, by our constitution, was representation adopted as necessary," which he justified by using the examples of "the Counties Palatine of Chester and Durham, which had long been taxed before represented." In a body not known for such things, one observer stated that the argument conducted regarding representation was "the strongest in

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<sup>15</sup> William Pitt, January 14, 1765, in *Proceedings and Debates*, 86.

<sup>16</sup> George Grenville, February 6, 1765, in *Proceedings and Debates*, 10; "The Objections to the Taxation of Our American Colonies," *The Newport Mercury* (Newport, RI), May 27, 1765

reason and the most eloquent in words that ever was heard in that House." That even in the House of Lords the representation argument was being hotly debated illustrates the divisiveness that it imbued. Given the fact that only four percent of the population was actually represented, the Stamp Act's proponents felt strongly that virtual representation was an obvious construct within the British political system. Some took the idea further to assert that constitutionally there was no rationale for the colonial belief that they must be represented for taxes to be levied against them by parliament. But as passionately as the act's supporters believed that the concept of virtual representation was imbued within the British political system, their ideological opponents were equally passionate that it was not. For those who would be directly affected by what they perceived might become a dangerous precedent, as well as their parliamentary allies, the issue took on an elevated sense of importance.<sup>17</sup>

### **Colonial and Parliamentary Justification Against Internal Parliamentary Taxation.**

Here he would infer, that this right of representation in parliament, and the obligation to pay taxes, which between King and subject, at home, are mutual and reciprocal, and consequently inseparable, are here divided. It seems the obligation reaches us, but we have lost the right: The sum of all which is, that this right of representation is born with us, but we must not use it; we have it, but cannot enjoy it...

*Providence Gazette*: March 2, 1765<sup>18</sup>

Though colonial opponents of the Stamp Act as well as their parliamentary allies understood the arguments for it, they were utterly unconvinced of its justifications or legality. Operating for decades under the policy of salutary neglect, each of the colonies had developed "a legislature within itself to take care of its interests and provide for its peace and internal government." Representatives from

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<sup>17</sup> "The Objections to the Taxation of Our American Colonies," *The Newport Mercury* (Newport, RI), May 27, 1765; William Murray (Lord Mansfield), February 3, 1766, in *Proceedings and Debates*, 125.

<sup>18</sup> "A Vindication of a Late Pamphlet," *Providence Gazette* (Providence, RI), March 2, 1765.

the colonies themselves sat in these bodies and made policy decisions with firsthand knowledge of the issues facing their regions. Though they deferred to parliament for "many things of a more general nature, quite out of reach of these particular legislatures," for the most they had been left to their own devices regarding local issues.<sup>19</sup> When this status quo was disrupted as parliament began turning to the colonies to raise funds to combat an enormous national deficit, many of those upon which the new taxes were to be levied, immediately began questioning parliament's authority to enact such measures.

The arguments made against the new round of taxation sprang from a variety of ideological and historical sources within the collective colonial psyche and memory. Many made their arguments within the confines of British legal precedent and interpretation. Some believed that the new taxes would set a dangerous precedent that would eventually lead the "colonists 'to go naked in this cold country' or else clothe themselves in animal skins." Others feared that the Stamp Act would be the gateway to a slippery slope through which parliament would continuously raise taxes in the colonies to ease the burden at home. Underlying all of these fears, however, was the colonial belief that the idea of virtual representation was far from adequate in their situation, and without a voice in parliament, they may eventually be doomed to "the miserable condition of slaves." Given the fact that slavery was still a very real and active institution in mid-eighteenth-century colonial society, this fear was not simply a rhetorical flourish of Governor Stephen Hopkins' pen, but a contemporary idiom, and the apex of degradation in the minds of colonial opponents of the tax.<sup>20</sup>

The idea that the precedent set by this new form of taxation would lead to abuses of authority by parliament and its representatives was a pervasive complaint amongst its opposition. As

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<sup>19</sup> Stephen Hopkins, "The Rights of the Colonies Examined," 1764, <http://teachingamericanhistory.org/library/index.asp?document=2428>, accessed November 24, 2010, 8.

<sup>20</sup> Slaughter, *The Whiskey Rebellion*, 22; Hopkins, "The Rights of the Colonies Examined," 2.

mentioned in part one, the colonies had inherited an innate distrust of internal taxation from their British predecessors. Coupled with the fact that they felt they had no say in the enactment of these new taxes, the fear of arbitrary power and loss of liberty was a real one among the colonists. Given the perceived trajectory of parliaments enactments, the belief that in the future unscrupulous tax men would have arbitrary authority over the colonials property and persons was a truly disconcerting notion. Writing from London, one editorialist asserted his perception of the new tax:

the free constitutions, which the colonists have thus long enjoyed and flourished under, be as it were subverted....by rendering not only the domestic laws of their police and economy of no *certain* effect, but subjecting all their *internal forms* of civil communication, and probably their persons and local properties by and by, to be taxed at liberty by our parliaments, of which they are neither members present nor represented, and to which they are in this respect as strangers.(italics in the original)<sup>21</sup>

The belief that parliament's current course might very well lead to the loss of liberty within the colonies was therefore not confined simply to conspiracy prone colonial political observers. People on both sides of the Atlantic perceived the new tax as an affront to liberty as well as British legal sensibilities.

With the fear of an intrusive tax man came the broader fear that without tangible colonial representation in parliament, that body might extend its latitude of taxation to further enrich its own coffers. The argument that Great Britain might "grow rich by their (the colonies) being made poor," held a good deal of sway with opponents of the taxation legislation both within parliament and the colonies themselves. Governor Hopkins took up this very issue in his 1764 "The Rights of the Colonies Examined," observing that, "if the people in America are to be taxed by the representatives of the people in Britain, their malady is an increasing evil that must always grow greater by time." Further he posited that "(w)hatever burdens are laid

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<sup>21</sup> "From the *London Chronicle*, December 12. to the Printer," *Boston Post Boy* (Boston, MA), March 10, 1766.

upon the Americans will be so much taken off the Britons; and the doing this will soon be extremely popular," to the extent that "those who put up to be members of the House of Commons must obtain the votes of the people by promising to take more and more taxes off them by putting it on the Americans." Though Governor Hopkins took this argument to its logical extreme, there were Members of Parliament who also warned against the future possibilities of abuse of parliamentary power.<sup>22</sup>

During the very session in which prime minister Grenville presented his argument for the passage of the Stamp Act, his political adversaries within the house couched their opposition in very similar terms to those of Governor Hopkins. Taking a page out of Hopkins' own book, Sir William Meredith postulated that "(w)e (parliament) shall tax them in order to ease ourselves," and that "(w)e ought therefore to be extremely delicate in imposing a burden upon others which we not only not share ourselves but which is to take it far from us." Along the same vein MP Rose Fuller doubted "the propriety of laying this tax," and in response to Grenville's precedent argument stated that the "Post Office is a very small instance of a tax forced by this country," while "(t)his tax (the Stamp Act) is intended to be laid upon very different principles." Encapsulating the opposition's argument on both sides of the ocean in this regard, MP Isaac Barre, a veteran of the Seven Years War, proposed, "caution to be exercised lest the power be abused, the right subverted, and 2 million of unrepresented people mistreated and in their own opinion slaves." That MP Barre and Governor Hopkins invoked the same idiom of slavery was in no way a coincidence. Both men realized that the perceived loss of liberty called to mind this very real institution within the contemporary mindset of colonial Americans. As Hopkins once more observed, without representation "they who are taxed at the pleasure by others cannot possibly have any property, can have nothing to be called their

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<sup>22</sup> Hopkins, "The Rights of the Colonies Examined," 12, 15.

own," and "(t)hey who have no property can have no freedom, but are indeed reduced to the most abject slavery."<sup>23</sup>

Arguments by opponents of the Stamp Act that the taxation powers which parliament was assuming might create a dangerous precedent held a good deal of sway. But as has been alluded to throughout this analysis, the underlying premise beneath this and all other indictments of Grenville's plan was the belief that the colonists were not adequately represented within the legislature. While some argued against the concept of virtual representation as it applied to the colonies, others questioned what they perceived to be the inherent legal contradictions which they believed these taxation powers embodied. Citing British constitutional precedent these men asserted that "the colonies had a right to tax themselves, and the parliament (did) not."<sup>24</sup>

To colonial opponents of virtual representation, their geographical remoteness led some to believe that the concept was an absolute "absurdity." Given that there were those within parliament who would have been unable to find the North American colonies on a map, opponents of the tax with a firmer geographical knowledge took the colonies' remoteness as a point of departure for their criticisms. In this regard Governor Hopkins asserted that "the colonies were 'at so great a distance from England' that Parliament could never truly know American conditions and could not become sufficiently representative to levy internal taxes." MP William Pitt, an ardent critic of Grenville's plan and one of the colonies' most vocal supporters in parliament, took his criticisms one step further, asking "by whom is an *American* represented here (in parliament)?" (Italics in the original) Further, he questioned, "(i)s he represented by any Knight of the shire, in any country in this kingdom?... Or will you tell him that he is represented by any representative of a borough - a borough, which perhaps no man ever saw." Believing that this was "*the rotten part of the constitution,*" (italics in the original) Pitt went on to state that "(t)he

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<sup>23</sup> William Meredith, February 6, 1765, in *Proceedings and Debates*, 13; Isaac Barre, February 6, 1765, in *Proceedings and Debates*, 12; Hopkins, "The Rights of the Colonies Examined," 14.

<sup>24</sup> John Pratt, February 3, 1766, in *Proceedings and Debates*, 127.

idea of a virtual representation of American in this House, is the most contemptible idea that ever entered into the head of a man," and that "it does not deserve a serious refutation." Although Pitt may have overstated his point a bit when he went on to claim "that to say America was virtually represented was a nonsensical absurdity," his premise was based firmly in his and his likeminded fellows' understanding of British legal precedent.<sup>25</sup>

Pitt held a dramatically different interpretation of parliament's relationship to the colonies than those of Grenville's mindset. While Grenville believed that parliament was firmly within its rights to tax the colonies regardless of the nature of the tax, Pitt asserted that "The Commons of *America*, represented in their several assemblies, have ever been in possession of this, their constitutional right, of giving and granting their own money." (Italics in the original) Though Grenville would most likely have agreed with Pitt's assertion that "the kingdom, as the supreme governing and legislative power, has always bound the colonies by her laws, by her regulations, and restrictions in trade, in navigation, in manufactures, in everything..." where the two men fundamentally differed was in Pitt's assertion that this supreme power did not extend to internal taxation. Pitt and his fellows firmly believed "that taking their (the Americans) money out of their pockets without their consent," was an affront to the law, and that attempting to rectify this contradiction with an argument for virtual representation was illogical.<sup>26</sup>

### Why No Representation?

It is certainly on the Carpet for the British plantations to have the privilege of representatives in the House of Commons in England; but we are told that they are not to be chose by the whole body of the people of our colonies, but by and from the members of the assemblies of the several provinces.

*Pennsylvania Gazette*: February 28, 1765<sup>27</sup>

<sup>25</sup> Slaughter, *The Whiskey Rebellion*, 20; William Pitt, January 14, 1766, in *Proceedings and Debates*, 86 & 91.

<sup>26</sup> William Pitt, January 14, 1766, in *Proceedings and Debates*, 86.

<sup>27</sup> Gipson, *The Coming of the Revolution*, 73.

When analyzing the incredibly complex ideological argument that surrounded American representation in the British parliament, one must ask the question, why was the most pragmatic, and seemingly obvious, solution not adopted? Why did parliament not simply allow representatives from the colonies to take their places as MP's in the House of Commons? The answer to this question in part lies in the ideological milieu that has been discussed throughout this analysis, but also in part, in some more seemingly innocuous concerns held by both sides of the argument. Though opponents of the Stamp Act held that the colonial assemblies were the only legally sanctioned levers of internal taxes upon the colonies, ingrained in their argument against parliamentary taxation was their lack of representation within that assembly. On the other side of the debate, though many championed the concept of virtual representation and its ability to legitimize their taxation of the colonies, it would seem obvious, and in the interest of political expediency, that the admittance of a few American MP's would have little impact on the overall policy determinations of parliament. In this one compromise, proponents of parliament's colonial taxation powers would have silenced the largest criticism of their perceived mandate, and at the same time enabled themselves to broaden their scope. With the gift of historical hindsight, this compromise seems self-evident, but as often is the case with such divisive ideological conflicts, the realization of this solution was not that simple.

There were those who opposed the Stamp Act who believed that it might be possible to reach some sort of compromise regarding the acceptance of American MP's to parliament. Theirs was a less entrenched position, and they understood that given the nature of the representation argument, such a suggestion would at least require some consideration. Benjamin Franklin went so far as to assert that "if you choose to tax us...give us members in your legislature, and let us be one people." In his own analysis of the prospect Governor Hopkins questioned "(w)hether the colonies will ever be admitted to have representatives in Parliament," and whether or not it would be consistent "with their distant and dependent state." Though he did not dismiss the prospect out of hand he did question if once admitted, if this construct "would be to their advantage." Consciously aware that

"the influence of American representatives in Parliament could not possibly be dominant," given "that they could not hope to have a majority of the seats in the House of Commons," those who opposed the tax who considered the possibility of American representation in parliament, appear to have been dissuaded from the prospect. Many attempted instead to pursue their goal of retaining the perceived exclusive taxation powers of their local assemblies, believing that this would be the only true representation that they could hope to attain within the imperial framework.<sup>28</sup>

Though some opponents of the Stamp Act, such as Franklin and Hopkins appear to have perceived the expediency of the admittance of American MPs to parliament, most came to believe that this would not go far enough in providing for them the representation which they desired. A sizable contingent appear to have intrinsically desired a continuance of the status quo in an attempt to maintain their local assemblies, believing that the representation argument transcended the simplification that some had ascribed to it. Asserting that "the geographical remoteness of Parliament would always, under any conceivable electoral arrangement deny them adequate representation for the purpose of assessing internal taxes," theirs was not a pragmatic view. Some colonial assemblies even instructed their agents in London to oppose the concept of the admittance of American representatives to parliament believing "that the colonials 'neither are or can be represented, under the present Circumstances in that body.'" They were not attempting to compromise with proponents of parliament's newly enacted tax, they were using the representation argument in an attempt to maintain the local hegemony of the colonial assemblies. Though easily misunderstood within the broader context of the ideological debate, their position was intractable, and would further complicate the overall discussion.<sup>29</sup>

For their part parliamentary proponents of the Stamp Act were not so obtuse as to deny the proposition of American MPs, given the possible political advantages. But due to the widespread disdain for

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<sup>28</sup> Slaughter, *The Whiskey Rebellion*, 20; Hopkins, "The Rights of the Colonies Examined," 9; Gipson, *The Coming of the Revolution*, 74.

<sup>29</sup> Slaughter, 20; Gipson, *The Coming of the Revolution*, 74.

the concept apparent among their ideological opponents, the idea never gained much traction. That it was considered is apparent given the coverage it received in the colonial press. The *Pennsylvania Gazette* in early June of 1765 reported being made aware of some of the proposed details of the arrangement stating that they had received word from a London correspondent that "(w)e hear, should the scheme for introducing American representatives in parliament be laid aside, such colony agents, during their residence here in a public character, will nevertheless be vested with certain privileges," including "exemption from arrests for debts, in common with members of the house." Though this report alludes to the distinct possibility that parliament might lay the plan "aside," the fact that this many details had been suggested at the very least points to some official dialogue regarding the matter. However, this is apparently the extent to which the proposal was analyzed. Though the concept was regarded "as a logical if dubious solution," and was "seriously considered before" the passage of the Stamp Act, given the negative reaction it received from American representatives in London, "the ministry... was discouraged from making any formal proposal " in its regard.<sup>30</sup>

As mentioned earlier, though some opponents of the Stamp Act felt that the possibility of the admittance of American MPs might alleviate their apprehension regarding parliament's new tax, many, and most importantly the majority of colonial representatives in London at the time, regarded the concept with contempt. This disdain was evident to the point that Grenville himself "could not find any evidence that the colonies had the least inclination toward such a representation and was made quite aware that there were 'many Reasons why they should not desire it.'" Though Grenville was willing to investigate the possibility of the admittance of American MPs to parliament for reasons of political expediency, the reaction he received from the colonial agents in London quickly nullified any hopes that he may have had for resolving such a complex ideological conflict with a relatively insignificant gesture. When attempting to understand why no agreement was reached on colonial representation in parliament, it is interesting to note then, that it was

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<sup>30</sup> Gipson, *The Coming of the Revolution*, 73.

not for lack of effort on the part of the British, but instead from a lack of interest on the part of the Americans. They desired representation and were aware that in some cases internal taxation was a necessary evil, but what they wanted was authority over both, and that is what they would continue to strive for.<sup>31</sup>

**No Taxation Without Representation!!! (and only if both can be within the bounds of our legislative control).**

According to a new plan of American operations, now under consideration, it is said a parliamentary representation, and the appointment of persons to act as Consuls in the several colonies, are proposed to take place...

*Boston Evening Post*: July 6, 1772<sup>32</sup>

As is often the case, oversimplification of a complex historical concept has left many twenty-first-century Americans with an incomplete understanding of the meaning of one of the American Revolution's most cherished maxims. I myself was guilty of asking the question of why in such a heated ideological atmosphere did someone not come forward to propose what now seems to be the most obvious solution to a complex argument? Though the rationales, ideologies, and motivations of both sides have been discussed at length throughout this analysis, the simple answer is that it really was not that simple.

A debt-laden parliament was attempting to assert an authority that it had neglected for decades. After spending millions of pounds in defense and preservation of colonial interests, British policy makers sought new revenue streams to fill depleted coffers. Looking at home to solve taxation problems in the colonies, men like Grenville assumed that what worked in England would work in the colonies. Also attempting to reassert a dormant parliamentary political authority over the American colonies, British policy-makers felt that their position was not only justified, but necessary. Though willing to compromise regarding the question of American representation within

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<sup>31</sup> Gipson, *The Coming of the Revolution*, 74.

<sup>32</sup> "London, April 25," *Boston Evening Post* (Boston MA), July 6, 1772.

parliament, they were unwilling to compromise regarding the necessity of the levying of the taxes themselves.

Unfortunately for parliamentary proponents of new colonial taxation schemes, an American populace grown used to their independence was reluctant to part with rights that they believed parliament was attempting to take from them. Legally and politically, precedent and tradition exert an exceeding amount of force over a societal psyche, and the case of colonial Americans was no different. Left, for the most part, to their own devices for the better part of a century regarding issues of internal taxation, the American legal and political constructs had evolved into unique dynamics that many within parliament either failed or neglected to understand. Though the rhetorical rallying cry of "No Taxation Without Representation!" provided what a modern day political scientist might term a strong bumper sticker slogan, the actual debate was considerably more complicated. Both sides recognized the political expediency of a solution involving tangible American representation within the British parliament, but neither, especially colonial Americans, felt that it would solve the underlying issue. Americans wanted to tax themselves, via the institution of directly representational bodies elected within the colonies, and it would be this desire that would eventually lead them to break with their former colonial masters.