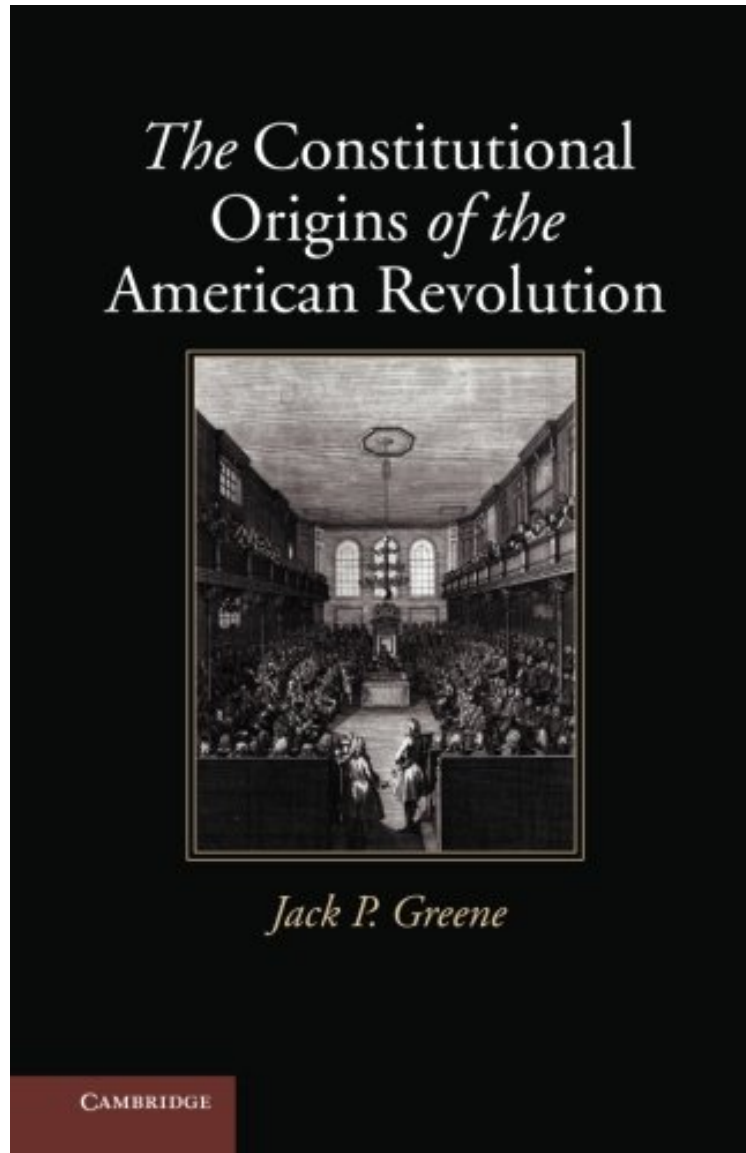


[FREE] The Constitutional Origins of the American Revolution (New Histories of American Law)

The Constitutional Origins of the American Revolution (New Histories of American Law)

Jack P. Greene

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#1029059 in Books Greene Jack P 2010-10-25 2010-12-23Original language:EnglishPDF # 1 8.50 x .51 x 5.511, .65 #File Name: 0521132304224 pagesThe Constitutional Origins of the American Revolution | File size: 38.Mb

Jack P. Greene : The Constitutional Origins of the American Revolution (New Histories of American Law) before purchasing it in order to gage whether or not it would be worth my time, and all praised The Constitutional Origins of the American Revolution (New Histories of American Law):

6 of 6 people found the following review helpful. Book proves its case
By jmartin
The Constitutional Origins of the American Revolution grounds itself in the legal case of Colonies v. George III and Parliament, and convinces this reviewer of the truth of the decision in favor of the plaintiff. As Greene points out on p. 5, the original British-American colonists took their mother country's common law with them. On p. 35, already in 1649, the colonists of Barbados were decrying 'taxation without representation.' Already in 1765, an anonymous author in England penned "A Vindication of the Rights of the Americans in 1765." Of course, the American Revolution against the British was not totally a court case, but from early on, the Americans based their complaints against the mother country were phrased in litigious terms, culminating in the Plaintiff's Brief which was the Declaration of Independence. On p. 88, Greene shows how the American radicals played one parent (the King) off against the other parent, the Parliament. Greene agrees with many historians that after the Stamp Act of 1766, and the American uproar against it, a revolution was only a question of when, not if. In this book, the eminent historian Jack P. Greene illustrates that much of the substance and rhetoric of the build up to the American Revolution had the content and style of an Anglo-Saxon-American litigation.

3 of 4 people found the following review helpful. Dry but so fascinating
By Daniel Burton
Time for a segment of "A moment in obscure history." This time, we're looking at the constitutional dispute that resulted in the American Revolution. Since sometime in 2009, the Tea Party movement has led a revival of interest in the US Constitution. Senator Mike Lee summed up why the increased interest of late during the release of his new book, "The Freedom Agenda: Why a Balanced Budget Amendment is Necessary to Restore Constitutional Government": many of our problems today stem from when the "federal government started ignoring those Constitutional boundaries about what Congress is supposed to be doing." Suddenly, propelled by Glenn Beck, books like *The 5000 Year Leap*, a right-wing conservative's guide to the making of the federal constitution, "leaped" to the best seller list (it's now listed at 2,615 overall and the top 100 under "Politics"). While it provides only a simple, somewhat white-washed, and superficial vision of the US Constitution, no amount of increased attention in our federal constitution is too little. "Where does the Constitution," goes the rallying cry, "give the President and Congress the authority for the laws they are passing?" Neither the revival, however, nor questioning the constitutionality of the federal laws, is unique in history. In fact, it was a dispute over the constitutionality of a central government's actions that led to another major event in our country's history: the American Revolution. "The fruit of half a century of research and reflection, Greene's masterly book restores legal pluralism and constitutional controversy to their proper place among the causes, course, and consequences of the American Revolution." - David Armitage, Harvard University

In his short, and dense, review of the century and a half leading up to the American Revolution, "The Constitutional Origins of the American Revolution," Jack P. Greene postulates and examines that evidence that the American revolution did not erupt purely as a simple dispute over "taxation without representation," but rather that such rallying cries emerged after decades of disagreement on who justly had the right to legislate for the American colonies. "Whether the king-in-Parliament, the ultimate source of statute law in Great Britain, could legislate for British colonies overseas was the ostensible question in dispute, but many other related and even deeper legal issues involving the nature of the constitution of the empire and the location of sovereignty within the empire emerged from and were thoroughly canvassed during the debate." (From *Constitutional Origins*, p. 1) It was only after the conflicting opinions of metropolitan Britain and that of the colonists failed to be reconciled that open warfare broke out in 1775, and it was why the decision to broach the topic of and ultimately pursue independence from Great Britain was so cautiously and tentatively pursued. The colonists considered themselves British subjects, citizens, not vassals and secession was not a choice they relished. They saw themselves as part and partial of the British Empire. Indeed, as one Virginia lawyer at the time phrased it, they might be "subordinate to the Authority of Parliament," but only "in Degree" and "not absolutely so." (p.78). As free men and "As free-born Britons, the colonists assumed, they could not be subjected to any but what Bland referred to as "a constitutional Subordination" to the parent state." (From *Constitutional Origins* p. 78) The nature of this "constitutional Subordination" was such that the colonists readily accepted the authority of Parliament in certain areas, but balked at the idea of taxation, seeing it as beyond Parliament's authority. "Indeed, considerable evidence suggests that the colonists' strong initial impulse was to exclude Parliament from all jurisdiction over the domestic affairs of the colonies." (p.79) Like our modern idea of the federal government, the states concern themselves with their domestic activities while the federal government's most basic responsibility is national security. Interestingly, from a historical perspective, we start to see the first signs of federalism in the disputes between the colonies and the home country. Further, "[s]o long as Parliament confined its regulations to "restrictions on navigation, commerce, or other external regulations," they reasoned, the "legislatures of the colonies" would be "left entire" and "the internal government, powers of taxing for its support, and exemption from being taxed without consent, and [all] other immunities which legally belong[ed] to the subjects of each colony agreeable to their own particular constitutions" would thereby, according to the "general principles of the British constitution," remain "secure and untouched." "Sound familiar? If you hear the foreshadowing of the federalism that would be later inscribed into the US Constitution, there's a reason. It was rooted in the relationship between Great Britain and its far-flung colonies. If, during the last couple years, you've found yourself at all more interested in the federal constitution and the limitations it places on the federal government, I urge you to look at the role constitutions, and constitutional disputes, played in leading to our own

American constitution. It's a great read, if a bit scholarly, and evidence that whether a law is constitutional is not a new question, but actually may be at the very root of the American experiment and its origins in the American revolution. The American revolution was not, nor is it today, an obscure moment in history, but rooted in obscure legal disputes between the colonies and mother country, long predating the Stamp Acts and the Boston Massacre. It began as a constitutional dispute between the central government in London and the British colonies in America. Understanding why the colonist went to war, how they got there, and the legal battles that preceded the battlefields can be useful in understanding why the Founders drafted what they did--into the Declaration of Independence and into the federal constitution--and what those words mean to us now, even in the midst of our own constitutional disputes. Pick up *The Constitutional Origins of the American Revolution* by Jack P. Greene from Cambridge University Press, 2011. (h/t Patrick Charles, who introduced the book to me) 4 of 4 people found the following review helpful. Brilliant but dense. Give yourself some time to think. By Martin C. Garvey Jack Greene is a brilliant Early American historian. His writing, however, is dense - really designed for use by other historians. His research and footnoting is impressive a little daunting. All that said, Greene has a lot to say if you give yourself some time to read this in smaller bites - giving yourself time to think - you will be rewarded with a much broader deeper understanding of the constitutional (small 'c') foundations of America's revolt against the British Crown.

Using the British Empire as a case study, this succinct study argues that the establishment of overseas settlements in America created a problem of constitutional organization that created deep and persistent tensions within the empire during the colonial era and that the failure to resolve it was the principal element in the decision of thirteen continental colonies to secede from the empire in 1776. Challenging those historians who have assumed that the British had the law on their side during the debates that led to the American Revolution, this volume argues that the empire had long exhibited a high degree of constitutional multiplicity, with each colony having its own discrete constitution and the empire as whole having an uncodified working customary constitution that determined the way authority was distributed within the empire. Contending that these constitutions cannot be conflated with the metropolitan British constitution, it argues that British refusal to accept the legitimacy of colonial understandings of the sanctity of the many colonial constitutions and the imperial constitution was the critical element leading to the American Revolution.

"Who better than Jack Greene to bring us back to the unfinished business of explaining how conflicting understandings of British law paved the path to revolution? *The Constitutional Origins of the American Revolution* makes clear exactly how uncertainties about the authority of the Crown and Parliament pushed the colonists from conciliation to intransigence." - Joyce Appleby, University of California, Los Angeles "The fruit of half a century of research and reflection, Greene's masterly book restores legal pluralism and constitutional controversy to their proper place among the causes, course, and consequences of the American Revolution." - David Armitage, Harvard University "Jack P. Greene, one of the most gifted and prolific historians of our time, has given us a concise and incisive account of the constitutional origins of the American Revolution. It is a magnificent work of historical analysis - it should shape our understanding of the causes of the Revolution for decades to come." - Richard R. Beeman, University of Pennsylvania "In this book Jack P. Greene shows why he is the dean of the constitutional historians of the eighteenth-century British Empire: he presents us with the most incisive and deeply researched account of the constitutional origins of the American Revolution ever written." - Gordon S. Wood, Brown University "...this concise, lucidly written work is sure to become required reading for all upper-division and graduate classes on the American Revolution. Highly recommended." -Choice "...an impressive work." -Gregory A. McBrayer, *Political Science Quarterly* "...an impressive contribution to the study of legal history. Clear and succinct, its brevity will scare away neither the casual reader nor the beginning student, while its meticulously researched references will attract the seasoned scholar." -Stephen B. Tippins, *The American Conservative* "...Greene has fashioned an invaluable and succinct guide to the constitutional interpretation of the Revolution, one that succeeds in offering a clear alternative to dominant historical interpretations of the period and in placing both law and imperial relations at the heart of the discussion - where they belong." -Aziz Rana, *The Journal of American History* "...an important statement of the constitutional position that Greene still insists in underappreciated by historians of the Revolution." -Michael P. Zuckert, *The Journal of Southern History* About the Author Jack P. Greene taught at Michigan State University, Western Reserve University, and the University of Michigan before he moved in 1966 to The Johns Hopkins University, where he was a member of the Department of History for thirty-nine years, except for two years spent at the University of California, Irvine in 1990-2. A specialist in the history of Colonial British and Revolutionary American history, he has published and edited many books, chapters in books, articles, and reviews. Perhaps his best-known works are *The Quest for Power: The Lower Houses of Assembly in the Southern Royal Colonies, 1689-1776* (1963), *Peripheries and Center: Constitutional Development in the Extended Politics of the British Empire and the United States, 1607-1789* (1986), *Pursuits of Happiness: The Social Development of the Early Modern British Colonies and the Formation of American Culture* (1988), and *The Intellectual Construction of America*:

Exceptionalism and Identity from 1492 to 1800 (1993).