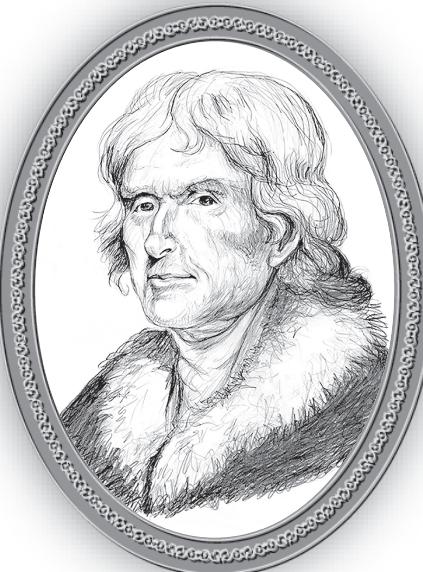


THOMAS JEFFERSON

(1743–1826)



May it [the Declaration of Independence] be to the world what I believe it will be. . . . the Signal of arousing men to burst the chains, under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of self government. . . . All eyes are opened, or opening to the rights of man.

—Thomas Jefferson, 1826



Introduction

Thomas Jefferson hoped that he would be remembered for three accomplishments: his founding of the University of Virginia, his crafting of the Virginia Statute for Religious Freedom, and his authorship of the Declaration of Independence. It is for the last that he has most endeared himself to succeeding generations as a champion of liberty and equality.

Jefferson indeed believed that these achievements were the high points of a life dedicated to the promotion of human freedom. Education, he held, freed the mind from ignorance. Tolerance freed the will from coercion. And the assertion of human liberty and equality freed the body from the chains of tyranny.

But Jefferson's actions sometimes contradicted his words. An opponent of centralized power, as president he completed the Louisiana Purchase and unhesitatingly employed the resources of the federal government to enforce the harsh and unpopular Embargo Act. A proponent of individual rights, he excused the atrocities committed by the French Revolutionaries during the Reign of Terror. A critic of slavery who outlawed the slave trade as president, he was the owner of more than 200 African Americans. The key to understanding Jefferson lies in the difficult task of reconciling these inconsistencies.

Relevant Thematic Essays for Thomas Jefferson

- Slavery
- Freedom of Religion
- Commerce
- Republican Government (Volume 2)
- Equality (Volume 2)
- Liberty (Volume 2)

In His Own Words: THOMAS JEFFERSON

ON THE CONSTITUTION

Overview

In this lesson, students will learn about Thomas Jefferson. They should first read as background homework **Handout A—Thomas Jefferson (1743–1826)** and answer the **Reading Comprehension Questions**. After discussing the answers to these questions in class, the teacher should have the students answer the **Critical Thinking Questions** as a class. Next, the teacher should introduce the students to the primary source activity, **Handout C—In His Own Words: Thomas Jefferson on the Constitution**, in which Jefferson, in a letter to James Madison, gives his opinion of the newly written Constitution. As a preface, there is **Handout B—Vocabulary and Context Questions**, which will help the students understand the document.

Next, the students will complete **Handout D—Thomas Jefferson on the Constitution** which asks them to imagine Jefferson's reaction to certain sections of the final version of the Constitution. There are **Homework Options** that ask the students to reflect on the classroom discussions and group activity. **Extensions** provide opportunity for thought as students are asked to consider Jefferson's ideas about the nature of law as expressed in a letter written to James Madison after the Constitution had gone into effect.

Objectives

Students will:

- appreciate Jefferson's efforts to protect individual rights and human liberty
- evaluate the importance of Jefferson's contributions to the Founding
- understand Jefferson's views on the Constitution and a bill of rights
- explain the apparent contradictions between Jefferson's words and actions

Standards

CCE (9–12): IIA1, IIC1, IIIA1, IIIA2

NCHS (5–12): Era III, Standards 3A, 3B

NCSS: Strands 2, 5, 6, and 10

Materials

Student Handouts

- Handout A—Thomas Jefferson (1743–1826)
- Handout B—Vocabulary and Context Questions
- Handout C—In His Own Words: Thomas Jefferson on the Constitution (Letter to James Madison, December 20, 1787)
- Handout D—Analysis: Thomas Jefferson on the Constitution

Additional Teacher Resource

- Answer Key

Recommended Time

One 45-minute class period.
Additional time as needed for homework.

LESSON PLAN



I. Background Homework

Ask students to read **Handout A—Thomas Jefferson (1743–1826)** and answer the Reading Comprehension Questions.



II. Warm-Up [10 minutes]

- Review answers to homework questions.
- Conduct a whole-class discussion to answer the Critical Thinking Questions.
- Ask a student to summarize the historical significance of Thomas Jefferson.

Thomas Jefferson wrote the Declaration of Independence and the Virginia Statute for Religious Freedom, served as governor of Virginia, as the first U.S. secretary of state, and as the third president of the United States. He also founded the University of Virginia. Jefferson was known as a champion of American and individual liberty. He took a leading role in opposing British policy toward the colonies in the 1760s and 1770s. After independence, he pushed for the addition of a bill of rights to the Constitution. As a member of the Republican opposition in 1798, he wrote the Kentucky Resolutions, which declared that states had the right to disregard federal laws they found unconstitutional. As president, he purchased in 1803 the Louisiana Territory, which he believed would provide enough space so that Americans could live in liberty for “a thousand generations.”



III. Context [5 minutes]

- Briefly review with students the concept of natural rights and representative government. Write the following excerpt from the Declaration of Independence on the board or overhead:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,— That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it.

- Help the students (as a large group) paraphrase the above excerpt. Answers will vary, but the paraphrasing should be similar to the following:

God gave all people the same rights. These rights cannot be taken away. The duty of government is to protect these rights. When the government fails to protect their rights, the people may change or get rid of the government.

Explain to the students that they will read and analyze Jefferson's thoughts on how well the finished Constitution protected the rights of the people.



IV. In His Own Words [20 minutes]

- Distribute **Handout B—Vocabulary and Context Questions**.
- Distribute **Handout C—In His Own Words: Thomas Jefferson on the Constitution**. Be sure that the students understand the vocabulary and the “who, what, where, and when” of the document. Have the students read the document together as a class.
- Give the students **Handout D—Analysis: Thomas Jefferson on the Constitution**. Have the students fill in the chart, describing Jefferson's reaction to specific sections of the Constitution. Advanced students may dispense with **Handout D** and instead locate the clauses in the Constitution that are relevant to Jefferson's comments in his letter to Madison.

LESSON PLAN



V. Wrap-Up Discussion [10 minutes]

Have the students share their answers to **Handout D**. Ask them to consider whether Jefferson's disapproval of certain clauses of the Constitution is justified.

Answers will vary.



VI. Follow-Up Homework Options

- A. Have the students compose a bill of rights based on Jefferson's wishes as expressed in the letter to Madison.
- B. Have the students assume the role of Jefferson. Tell them Madison has responded to his letter. Congress is willing to incorporate all but one of his suggestions into the Constitution, and they want him to choose which one to disregard. Have the students explain in a short essay which suggestion they believe Jefferson would be willing to give up and why.



VII. Extensions

On September 6, 1789, six months after the new government of the Constitution had been instituted, Jefferson, who was still in France, wrote again to James Madison, reflecting on the idea of constitutions and laws as follows:

The question Whether one generation of men has a right to bind another, seems never to have been started either on this side or our side of the water. Yet it is a question of such consequences as not only to merit decision, but place also, among the fundamental principles of every government. . . . I set out on this ground, which I suppose to be self evident, ‘that the earth belongs in usufruct to the living’: that the dead have neither powers nor rights over it. The portion occupied by any individual ceases to be his when himself ceases to be, and reverts to the society. . . .

What is true of every member of the society individually, is true of them collectively. . . . No society can make a perpetual constitution, or even a perpetual law. The earth belongs always to the living generation. They may manage it then, and what proceeds from it, as they please, during their usufruct. . . . The constitution and the laws of their predecessors [are] extinguished then in their natural course with those who gave them being. . . . Every constitution then, and every law, naturally expires at the end of 19 years [Jefferson’s calculation of a generation]. If it be enforced longer, it is an act of force, and not of right.

Source: Jefferson to Madison, September 6, 1789, in Merrill D. Peterson, ed. *Thomas Jefferson: Writings* (New York: Library of America, 1984), 444–451.

Suggestions:

- A. Students could make a list of what might happen if Jefferson's proposal to have laws expire every nineteen years were adopted in the present-day United States.
- B. Students could make a list of what would happen if their school adopted Jefferson's policy and re-wrote school rules every two years.

LESSON PLAN

Resources

Print

- Ellis, Joseph J. *American Sphinx: The Character of Thomas Jefferson*. New York: Alfred A. Knopf, 1997.
Levy, Leonard. *Jefferson and Civil Liberties: The Darker Side*. Chicago: Ivan R. Dee, 1989.
Matthews, Richard K. *The Radical Politics of Thomas Jefferson*. Lawrence: The University Press of Kansas, 1984.
Mayer, David. *The Constitutional Thought of Thomas Jefferson*. Charlottesville: University of Virginia Press, 1995.
Yarbrough, Jean. *American Virtues: Thomas Jefferson on the Character of a Free People*. Lawrence: The University Press of Kansas, 1998.

Internet

- “Jefferson’s Story of the Declaration.” U.S. History.org. <<http://www.ushistory.org/declaration/account/index.htm>>.
- “Jefferson’s Letter to the Danbury Baptists: The Draft and Recently Discovered Text.” The Library of Congress. <<http://www.loc.gov/loc/lcib/9806/danpre.html>>.
- Monticello, the Home of Thomas Jefferson. <http://www.monticello.org>.
- The Papers of Thomas Jefferson. The Avalon Project at Yale University Law School. <<http://www.yale.edu/lawweb/avalon/presiden/jeffpap.htm>>.
- The Thomas Jefferson Papers at the Library of Congress. <<http://memory.loc.gov/ammem/mtjhtml/mtjhome.html>>.

Selected Works by Thomas Jefferson

- *A Summary View of the Rights of British America* (1774)
- *The Declaration of Independence* (1776)
- *Draft Constitution for Virginia* (1776)
- *Virginia Statute for Religious Freedom* (1777)
- *Notes on the State of Virginia* (1781)
- *The Kentucky Resolutions* (1798)
- *First Inaugural Address* (1801)

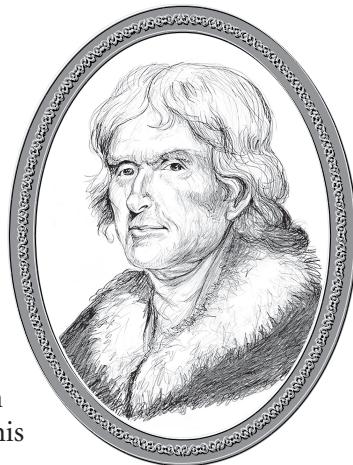
THOMAS JEFFERSON (1743–1826)

I hold it that a little rebellion now and then is a good thing,
and as necessary in the political world as storms in the physical. . . .
An observation of this truth should render honest republican governors
so mild in their punishment of rebellions, as not to discourage them too
much. It is a medicine necessary for the sound health of government.

—Thomas Jefferson to James Madison, January 30, 1787



No one else wanted the job. Some thought it a mere formality. Besides, there were more pressing matters. The members of the committee set up by the Continental Congress were happy to have Thomas Jefferson take on the task. As darkness descended upon the city of Philadelphia, the lanky Virginian lit a small candle, placed it on his writing desk, and picked up his quill pen. Bending over a piece of parchment, he carefully penned the first words of the Declaration of Independence: “When in the course of human events, . . .” With those words, a nation was born, and Jefferson’s name was engraved upon the hearts of his countrymen for all time.



Background

Born on April 13, 1743, Thomas Jefferson was raised on a plantation in the Virginia wilderness. He began the study of books at an early age. Jefferson was admitted to the Virginia Bar in April 1767 and was later recognized as one of America’s best legal minds. At age twenty-five, he was elected to the House of Burgesses, colonial Virginia’s legislature.

Jefferson soon became known as a champion of American and individual liberty. He worked on the Virginia Committee of Correspondence to oppose British policies toward the colonies. He served in the Virginia House of Delegates from 1776 to 1779. In 1779, he was elected to the office of governor of Virginia. In his *Notes on the State of Virginia* of 1781, Jefferson expressed his ideas about religious freedom, universal education for white boys and girls, and the importance of property to a free people. He was also successful in pushing through the legislature a bill that established freedom of religion in the state.

The Declaration of Independence

Jefferson secured his place in history by writing the Declaration of Independence. A member of the Second Continental Congress in 1775, he was appointed to the committee in charge of drafting the Declaration. The other committee members chose Jefferson to write the document. After debate and amendment, *The Unanimous Declaration of the Thirteen United States of America* passed Congress on July 4, 1776.

In the Declaration, Jefferson listed King George III’s violations of the rights of Americans. He accused the king of trying to establish “an absolute Tyranny over these States.” Jefferson insisted that all men “are created equal” and that they possessed the rights to “life, liberty and the pursuit of happiness,” which no one could take away. Jefferson’s ideas about rights were not new. He was influenced by the writings of English thinkers Algernon Sidney and John Locke.

The Declaration's promises of equality and liberty did not apply to African Americans in the late 1700s. Indeed, many of the leaders of the Revolution owned slaves. Jefferson himself had mixed feelings about slavery. He warned that the institution might one day tear the Union apart. He condemned the slave trade and proposed a plan for ending it. But Jefferson owned more than 200 slaves who lived on and near his great plantation of Monticello, and he freed none of them while he lived. He did provide in his will for the emancipation of seven of his slaves, including Sally Hemings (the slave with whom Jefferson is alleged to have had a sexual relationship), her five children, and her nephew.

Jefferson and the Bill of Rights

Jefferson did not participate in the Constitutional Convention in Philadelphia. He was serving as a trade delegate and minister to France from 1784 to 1789. But he was concerned that the people's rights be protected. He therefore wrote to James Madison about a bill of rights while the convention was in session. Jefferson stated that a bill of rights was "necessary by way of supplement" to the rights already protected within the Constitution.

Jefferson supported many ideas that found their way into the final version of the Bill of Rights. He believed that "no freeman should be debarred the use of arms." He supported the free exercise of religion and opposed the government's support of any particular religion. Jefferson also supported the rights of people accused of crimes.

Leader of the Republican Opposition

In 1789, George Washington appointed Jefferson the first secretary of state. Jefferson and Secretary of the Treasury Alexander Hamilton soon became bitter adversaries. Hamilton favored a strong central government and supported Britain in foreign affairs. His success in creating a Bank of the United States was especially alarming to Jefferson. In an effort to block Hamilton's programs, Jefferson formed what became the nation's first political party, the Democratic-Republicans (often called simply, "Republicans"). The Federalist Party emerged in support of Hamilton's policies.

Jefferson resigned his post after three years in office. He ran for election for president against John Adams in 1796 but lost by three electoral votes. Under the original electoral system, Jefferson became vice-president. While in this office, he opposed many of the Federalists' policies. For example, Jefferson denounced the Alien and Sedition Acts, which were aimed at silencing Republican criticism of the government. Jefferson argued that these laws violated the principle of free speech. In 1798, he wrote the Kentucky Resolutions, which declared that states had the right to disregard federal laws they found unconstitutional.

America's Third President

Jefferson ran for election for president against John Adams again in 1800. The campaign was nasty. The Federalists accused the Virginian of being a "man of party," not a man of principle. But Jefferson was victorious, and he tried to make peace between the parties. In his inaugural address to the nation, he declared, "We are all federalists—we are all republicans." In the war between Britain and Napoleonic France, Jefferson accepted the wisdom of Washington's policy of neutrality in foreign affairs.

During his first term, Jefferson worked to reduce the size and power of the federal government. "That government is best which governs the least," he declared. To this end, Jefferson reduced the number of public employees, cut military spending, and lowered the national debt. But he put aside his concerns about government power in 1803 when

he purchased the Louisiana Territory from Napoleon for \$15 million. This land, Jefferson believed, was necessary for America's future development. It would provide enough space so that Americans could live as independent farmers for a "thousand generations."

Jefferson easily won re-election in 1804. His second term, however, was a time of foreign and domestic trouble. On the high seas, the British Navy forced American sailors into service on British vessels. This led Jefferson to sign the Embargo Act of 1807, which outlawed American trade with foreign countries. Jefferson dealt harshly with violators of the law. In doing so, he violated the civil liberties of many Americans. Jefferson hoped, however, that the policy would prevent the United States from being drawn into the Napoleonic Wars. The Embargo Act sank the economy into a depression. As a result, the United States was ill-prepared for the war with England that began in 1812.

A Fruitful Retirement

Jefferson retired to Monticello after his second term. The achievement of which he was most proud during these years was the founding of the University of Virginia in 1819. He designed and supervised the construction of the university and also hired its original faculty. Jefferson died on July 4, 1826, exactly fifty years after the adoption of the Declaration of Independence. A few hours before his death, he asked, "Is it the fourth?" These were his last words.



Reading Comprehension Questions

1. What was Jefferson's position on slavery?
2. What steps did Jefferson take as president to reduce the size of the federal government?
3. What individual freedoms did Jefferson champion?

Critical Thinking Questions

4. Did Jefferson's actions ever violate his principles?
5. Jefferson asked to be remembered for three accomplishments: his founding of the University of Virginia, his crafting of the Virginia Statute for Religious Freedom, and his authorship of the Declaration of Independence. Why do you think he chose these three things as his greatest achievements? What do they all have in common?
6. What did Jefferson mean when he declared in his presidential inaugural speech, "We are all federalists—we are all republicans"?

VOCABULARY AND CONTEXT QUESTIONS

Letter to James Madison, December 20, 1787

1. **Vocabulary:** Use context clues to determine the meaning or significance of each of these words and write their definitions:
 - a. levy
 - b. omission
 - c. sophisms
 - d. monopolies
 - e. eternal
 - f. unremitting
 - g. *habeas corpus*
 - h. entitled
 - i. abandonment
 - j. magistrate

2. **Context:** Answer the following questions.
 - a. When was this document written?
 - b. Where was this document written?
 - c. Who wrote this document?
 - d. What type of document is this?
 - e. What was the purpose of this document?
 - f. Who was the audience for this document?

IN HIS OWN WORDS: THOMAS JEFFERSON ON THE CONSTITUTION

Letter to James Madison, December 20, 1787

This is an excerpt from one letter in a long correspondence between Jefferson and Madison concerning the Constitution. Jefferson was in Paris at this time, acting as United States minister (ambassador) to France.

December 20, 1787

I like the organization of the government into Legislative, Judiciary, and Executive. I like the power given the Legislature to levy taxes; and for that reason solely approve of the greater house [the House of Representatives] being chosen by the people directly. . . . The people are not to be taxed but by representatives chosen immediately by themselves. . . . I am much pleased too with the substitution of the method of voting by persons [in the legislature], instead of that of voting by states: and I like the negative given to the Executive with a third of either house, though I should have liked it better had the Judiciary been associated for that purpose, or invested with a similar and separate power. . . .

I will now add what I do not like. First the omission of a bill of rights providing clearly and without the aid of sophisms for freedom of religion, freedom of the press, protection against standing armies, restrictions against monopolies, the eternal and unremitting force of the habeas corpus laws, and trials by jury. . . . Let me add that a bill of rights is what the people are entitled to against every government on earth. . . .

The second feature I dislike, and greatly dislike, is the abandonment in every instance of the necessity of rotation in office, and most particularly in the case of the President. Experience concurs with reason in concluding that the first magistrate will always be re-elected if the constitution permits it. He is then an officer for life. . . . The power of removing him from office every fourth year is a power which will not be exercised. . . .

I have thus told you freely what I like and dislike. . . . I own that I am not a friend to a very energetic government. It is always oppressive.

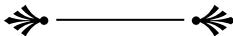
Source: Jefferson to Madison, December 20, 1787, in Merrill D. Peterson, ed., *Thomas Jefferson: Writings* (New York: Library of America, 1984), 428–433.

ANALYSIS: THOMAS JEFFERSON ON THE CONSTITUTION

Directions: In the column on the right, briefly describe how Jefferson reacted to the section of the Constitution reproduced in the left column. Use Handout C as the basis for your answers.

	THE CONSTITUTION'S PROVISION	JEFFERSON'S REACTION
A	The government is separated into three branches: legislative (Article 1), executive (Article 2), and judicial (Article 3).	
B	Article 1, Section 2, Clause 1: The House of Representatives shall be chosen . . . by the People of the several States. Article 1, Section 7, Clause 1: All Bills for raising Revenue shall originate in the House of Representatives.	
C	Article 1, Section 7, Clause 2: The Votes of both Houses shall be determined by [individual] Yeas and Nays.	
D	Article 1, Section 7, Clause 2: Every Bill which shall have passed the House of Representatives and the Senate, shall . . . be presented to the President of the United States; If he approve he shall sign it, but if not he shall return it, with his Objections to that House in which it shall have originated, who shall . . . proceed to reconsider it. If after such Reconsideration two thirds of that House shall agree to pass the Bill, it shall be sent . . . to the other House, . . . and if approved by two thirds of that House, it shall become a Law.	
E	Article 1, Section 9, Clause 2: The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.	
F	Article 3, Section 2, Clause 3: The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury.	
G	Article 1, Section 8, Clauses 12 & 14: [The Congress shall have Power] To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years. . . . [and] To make Rules for the Government and Regulation of the land and naval Forces.	
H	Article 2, Section 1, Clause 1: [The President] shall hold his Office during the Term of four years.	

SLAVERY



For nearly 250 years, the existence of slavery deprived African Americans of independent lives and individual liberty. It also compromised the republican dreams of white Americans, who otherwise achieved unprecedented success in the creation of political institutions and social relationships based on citizens' equal rights and ever-expanding opportunity.

Thomas Jefferson, who in 1787 described slavery as an "abomination" and predicted that it "must have an end," had faith that "there is a superior bench reserved in heaven for those who hasten it." He later avowed that "there is not a man on earth who would sacrifice more than I would to relieve us from this heavy reproach in any practicable way." Although Jefferson made several proposals to curb slavery's growth or reduce its political or economic influence, a workable plan to eradicate slavery eluded him. Others also failed to end slavery until finally, after the loss of more than 600,000 American lives in the Civil War, the United States abolished it through the 1865 ratification of the Thirteenth Amendment to the Constitution.

American slavery and American freedom took root at the same place and at the same time. In 1619—the same year that colonial Virginia's House of Burgesses convened in Jamestown and became the New World's first representative assembly—about 20 enslaved Africans arrived at Jamestown and were sold by Dutch slave traders. The number of slaves in Virginia remained small for several decades, however, until the first dominant labor system-indentured servitude-fell out of favor after 1670. Until then indentured servants, typically young and landless white Englishmen and Englishwomen in search of opportunity, arrived by the thousands. In exchange for passage to Virginia, they agreed to labor in planters' tobacco fields for terms usually ranging from four to seven years. Planters normally agreed to give them, after their indentures expired, land on which they could establish their own tobacco farms. In the first few decades of settlement, as demand for the crop

boomed, such arrangements usually worked in the planters' favor. Life expectancy in Virginia was short and few servants outlasted their terms of indenture. By the mid-1600s, however, as the survival rate of indentured servants increased, more earned their freedom and began to compete with their former masters. The supply of tobacco rose more quickly than demand and, as prices decreased, tensions between planters and former servants grew.

These tensions exploded in 1676, when Nathaniel Bacon led a group composed primarily of former indentured servants in a rebellion against Virginia's government. The rebels, upset by the reluctance of Governor William Berkeley and the gentry-dominated House of Burgesses to aid their efforts to expand onto American Indians' lands, lashed out at both the Indians and the government.

After several months the rebellion dissipated, but so, at about the same time, did the practice of voluntary servitude.

In its place developed a system of race-based slavery. With both black and white Virginians living longer, it made better economic sense to own slaves, who would never gain their freedom and compete with masters, than to rent the labor of indentured servants, who would. A few early slaves had gained their freedom, established plantations, acquired servants, and enjoyed liberties shared by white freemen, but beginning in the 1660s Virginia's legislature passed laws banning interracial marriage; it also stripped African Americans of the rights to own property and carry guns, and it curtailed their freedom of movement. In 1650 only about 300 blacks worked Virginia's tobacco fields, yet by 1680 there were 3,000 and, by the start of the eighteenth century, nearly 10,000.

Slavery surged not only in Virginia but also in Pennsylvania, where people abducted from Africa and their descendants harvested wheat and oats, and in South Carolina, where by the 1730s rice planters had imported slaves in such quantity that they accounted for two-thirds of the population.



The sugar-based economies of Britain's Caribbean colonies required so much labor that, on some islands, enslaved individuals outnumbered freemen by more than ten to one. Even in the New England colonies, where staple-crop agriculture never took root, the presence of slaves was common and considered unremarkable by most.

Historian Edmund S. Morgan has suggested that the prevalence of slavery in these colonies may have, paradoxically, heightened the sensitivity of white Americans to attacks against their own freedom. Thus, during the crisis preceding the War for Independence Americans frequently cast unpopular British legislation—which taxed them without the consent of their assemblies, curtailed the expansion of their settlements, deprived them of the right to jury trials, and placed them

under the watchful eyes of red-coated soldiers—as evidence of an imperial conspiracy to “enslave” them. American patriots who spoke in such terms did not imagine that they would be forced to toil in tobacco fields; instead, they feared that British officials would deny to them some of the same individual and civil rights that they had denied to enslaved African Americans. George Mason, collaborating with George Washington, warned in the Fairfax Resolves of 1774 that the British Parliament pursued a “regular, systematic plan” to “fix the shackles of slavery upon us.”

As American revolutionaries reflected on the injustice of British usurpations of their freedom and began to universalize the individual rights that they had previously tied to their status as Englishmen, they grew increasingly conscious of the inherent injustice of African-American slavery. Many remained skeptical that blacks possessed the same intellectual capabilities as whites, but few refused to count Africans as members of the human family or possessors of individual rights. When Jefferson affirmed in the Declaration of Independence “that all men are created equal,” he did not mean all *white* men. In fact, he attempted to turn the Declaration into a platform from which Americans would denounce the trans-Atlantic slave trade. This he blamed on Britain and its king who, Jefferson wrote, “has waged cruel war against human nature itself, violating it's [sic] most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery in another hemisphere.”

The king was wrong, he asserted, “to keep open a market where MEN should be bought & sold.” Delegates to the Continental Congress from South Carolina and Georgia, however, vehemently opposed the inclusion of these lines in the Declaration of Independence. Representatives of other states agreed to delete them. Thus began, at the moment of America's birth, the practice of prioritizing American unity over black Americans' liberty.

Pragmatism confronted principle not only on the floor of Congress but also on the plantations of many prominent revolutionaries. When Jefferson penned his stirring defense of individual liberty, he owned 200 enslaved individuals. Washington, the commander-in-chief of the Continental Army and future first president, was

one of the largest slaveholders in Virginia. James Madison—who, like Jefferson and Washington, considered himself an opponent of slavery—was also a slaveholder. So was Mason, whose Virginia Declaration of Rights stands as one of the revolutionary era's most resounding statements on behalf of human freedom. Had these revolutionaries attempted to free their slaves, they would have courted financial ruin. Alongside their landholdings, slaves constituted the principal asset against which they borrowed. The existence of slavery, moreover, precluded a free market of agricultural labor; they could never afford to pay free people—who could always move west to obtain their own farms, anyway—to till their fields.

Perhaps the most powerful objection to emancipation, however, emerged from the same set of principles that compelled the American revolutionaries to question the justice of slavery. Although Jefferson, Washington, Madison, and Mason considered human bondage a clear violation of individual rights, they trembled when they considered the ways in which emancipation might thwart their republican experiments. Not unlike many nonslaveholders, they considered especially fragile the society that they had helped to create. In the absence of aristocratic selfishness and force, revolutionary American governments relied on virtue and voluntarism. Virtue they understood as a manly trait; the word, in fact, derives from the Latin noun *vir*, which means “man.” They considered men to be independent and self-sufficient, made free and responsible by

In 1650 only about 300 African Americans worked Virginia's tobacco fields, yet by 1680 there were 3,000; by the start of the eighteenth century, there were nearly 10,000.

habits borne of necessity. Virtuous citizens made good citizens, the Founders thought. The use of political power for the purpose of exploitation promised the virtuous little and possessed the potential to cost them much. Voluntarism was virtue unleashed: the civic-minded, selfless desire to ask little of one's community but, because of one's sense of permanence within it, to give much to it. The Founders, conscious of the degree to which involuntary servitude had rendered slaves dependent and given them cause to resent white society, questioned their qualifications for citizenship. It was dangerous to continue to enslave them, but perilous to emancipate them. Jefferson compared it to holding a wolf by the ears.

These conundrums seemed to preclude an easy fix. Too aware of the injustice of slavery to expect much forgiveness from slaves, in the first decades of the nineteenth century a number of Founders embarked on impractical schemes to purchase the freedom of slaves and "repatriate" them from America to Africa. In the interim, debate about the continued importation of slaves from Africa stirred delegates to the Constitutional Convention. South Carolina's Charles Pinckney vehemently opposed prohibitions on the slave trade, arguing that the matter was best decided by individual states. The delegates compromised, agreeing that the Constitution would prohibit for twenty years any restrictions on the arrival of newly enslaved Africans. As president, Jefferson availed himself of the opportunity afforded by the Constitution when he prohibited the continued importation of Africans into America in 1808. Yet he had already failed in a 1784 attempt to halt the spread of slavery into the U.S. government's western territory, which stretched from the Great Lakes south toward the Gulf of Mexico (the compromise Northwest Ordinance of 1787 drew the line at the Ohio River), and in his efforts to institute in Virginia a plan for gradual emancipation (similar to those that passed in Northern states, except that it provided for the education and subsequent deportation of freed African Americans). Of all the Founders, Benjamin Franklin probably took the most unequivocal public stand against involuntary servitude when, in 1790, he signed a strongly worded antislavery petition submitted to Congress by the Pennsylvania Abolition Society. This, too, accomplished little.

The revolutionary spirit of the postwar decade, combined with the desire of many Upper South plantation owners to shift from labor-intensive tobacco to wheat, created opportunities to reduce the prevalence of slavery in America—especially in the North. Those opportunities not seized upon—especially in the South—would not soon return.

Eli Whitney's invention of the cotton gin in 1793 widened the regional divide. By rendering more efficient the processing of cotton fiber—which in the first half of the nineteenth century possessed a greater value than all other U.S. exports combined—Whitney's machine triggered a resurgence of Southern slavery. Meanwhile, the wealth that cotton exports brought to America fueled a booming Northern industrial economy that relied on free labor and created a well-educated middle class of urban professionals and social activists. These individuals kept alive the Founders' desire to rid America of

slavery, but they also provoked the development of Southern proslavery thought. At best, Southerners of the revolutionary generation had viewed slavery as a necessary evil; by the 1830s, however, slaveholders began to describe it as a positive good. African Americans were civilized Christians, they argued, but their African ancestors were not. In addition, the argument continued, slaves benefited from the paternalistic care of masters who, unlike the Northern employers of "wage slaves," cared for their subordinates from the cradle to the grave. This new view combined with an older critique of calls for emancipation: since slaves were the property of their masters, any attempt to force their release would be a violation of masters' property rights.

Regional positions grew more intractable as the North and South vied for control of the West. Proposals to admit into statehood Missouri, Texas, California, Kansas, and Nebraska resulted in controversy as Northerners and Southerners sparred to maintain parity in the Senate. The 1860 election to the presidency of Abraham Lincoln, a Republican who opposed the inclusion of additional slave states, sparked secession and the Civil War.

"I tremble for my country when I reflect that God is just," Jefferson had prophetically remarked, for "his justice cannot sleep for ever." Americans paid dearly for the sin of slavery. Efforts by

"I tremble for my country when I reflect that God is just," Jefferson had prophetically remarked, for "his justice cannot sleep for ever." Americans paid dearly for the sin of slavery.

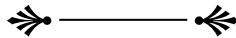
members of the founding generation failed to identify moderate means to abolish the practice, and hundreds of thousands died because millions had been deprived of the ability to truly live.

*Robert M. S. McDonald, Ph.D.
United States Military Academy*

Suggestions for Further Reading

- Bailyn, Bernard. *The Ideological Origins of the American Revolution*. Cambridge, Mass.: Harvard University Press, reprint, 1992.
- Freehling, William W. *The Road to Disunion: Secessionists at Bay, 1776–1754*. New York: Oxford University Press, 1990.
- Jordan, Winthrop D. *White Over Black: American Attitudes toward the Negro, 1550–1812*. Chapel Hill, N.C.: University of North Carolina Press, 1968.
- Miller, John Chester. *The Wolf by the Ears: Thomas Jefferson and Slavery*. Charlottesville: University of Virginia Press, reprint, 1991.
- Morgan, Edmund S. *American Slavery—American Freedom: The Ordeal of Colonial Virginia*. New York: W.W. Norton, 1975.
- Tise, Larry E. *Proslavery: A History of the Defense of Slavery in America, 1701–1840*. Athens: University of Georgia Press, 1987.

FREEDOM OF RELIGION



A sound understanding of the United States requires an appreciation of the historical commitment of the American people to certain fundamental liberties. High on the list of these liberties is freedom of religion. The image of brave seventeenth-century English Puritans making the difficult journey across the Atlantic to American shores in pursuit of the freedom to live according to their faith is a powerful part of the American myth. Less remembered, however, is the fact that the commonwealth established by the Puritans was as intolerant as Anglican England, from which they had fled. Indeed, the road to achieving full religious liberty in the United States was long and arduous. By the time of the writing of the United States Constitution in 1787, Americans were committed to the principle of religious tolerance (or, to use the term of the time, “toleration”) and the idea of separation of church and state, but only to a limited degree. It would be another five decades before all states granted broad religious liberty to their citizens and provided for the complete separation of church and state.

Modern ideas about freedom of religion were developed in the wake of the Protestant Reformation of the sixteenth century, which shattered the unity of Christendom and plunged Europe into political and religious conflict. Though some European states remained religiously homogeneous, either retaining the traditional faith of Roman Catholicism or adopting some brand of Protestantism, religious division within many countries led to discord and bloodshed. In England, the church established in the mid-sixteenth century by King Henry VIII (who reigned from 1509 to 1547) faced stiff resistance, first from the many Catholics who refused to abandon the faith of their ancestors, and then from the Puritans who opposed the rule of bishops and wanted to purify the church so that it included only the elect.

Henry VIII’s successors, Elizabeth I (1558–1603) and James I (1603–1625), successfully quelled opposition to the Church of England (the Anglican

Church), largely through harsh persecution of dissenters. In 1642, however, England was engulfed by religious civil war, from which the Puritans emerged victorious. The Puritan Commonwealth established by Oliver Cromwell ruthlessly persecuted Anglicans and Catholics. But Puritan rule was short-lived. An Anglican monarch, Charles II, was restored to the throne in 1660. This “settlement” of the religious crisis, however, was threatened by the accession of a Catholic, James II, to the throne in 1685. Anxious Protestants conspired and invited a foreigner, William of Orange, to assume the kingship of England. William invaded England, drove James into exile, assumed the throne, and reestablished the Church of England as the national church.

In this contentious atmosphere some English political thinkers, such as John Locke, began to advocate a policy of religious toleration. Locke’s ideas reflected a key assumption of Enlightenment thought—that religious belief, like political theory, is a matter of opinion, not absolute truth. “The business of laws,” Locke wrote in his *Letter on Toleration* (1689), “is not to provide for the truth of opinions, but for the safety and security of the commonwealth and of every particular man’s goods and person.” Public security was in no way dependent on a uniformity of religious belief among the citizenry. “If a Jew do not believe the New Testament to be the Word of God,” Locke stated, “he does not thereby alter anything in men’s civil rights.” Rather, intolerance led to “discord and war,” and Locke warned that “no peace and security” could be “preserved amongst men so long as this opinion prevails . . . that religion is to be propagated by force of arms.” Religious belief, in Locke’s view, was a matter of individual choice, a matter for society, not for government.

Locke’s views on religious liberty had a profound influence on American thinking in the next century. Other writings, however, particularly the Bible, had at least as great an impact on American political theory. Indeed, the American experiment in religious toleration began years before the publication of



Locke's treatise, though the early history of Puritan Massachusetts Bay was hardly indicative of the course that toleration would take in America. Established by John Winthrop in 1630, Massachusetts was a repressive place where church and state were one and where religious dissent was ruthlessly stamped out. Dissenters had few options: they could be silent, suffer persecution, or leave the colony. Roger Williams, a freethinking preacher, was forced to choose this last option, leaving Massachusetts in 1636 to establish the colony of Rhode Island.

In Rhode Island, Williams instituted toleration for all people, and his new colony quickly became a refuge for persecuted groups like Quakers and Baptists. Williams's case for toleration was at least as radical as Locke's. Basing his arguments on the Bible, Williams insisted that the Jews, Muslims, and atheists were also deserving of religious liberty. The only "sword" to be used in fighting their opinions was scripture itself. Intolerance was an offense to God. "An enforced uniformity of religion throughout a nation or civil state," Williams wrote in *The Bloody Tenent of Persecution* (1644), "denies the principles of Christianity." Williams argued that forced belief was not only a violation of God's law but also an unwise policy. "Enforced uniformity (sooner or later) is the greatest occasion of civil war, ravishing of conscience, persecution of Christ Jesus in his servants, and of the hypocrisy and destruction of millions of souls."

Two years before the founding of Rhode Island, Cecil Calvert founded the colony of Maryland and proclaimed toleration for all Christians. Calvert himself was a Catholic, but he knew that the viability of his colony depended on luring enough Protestant settlers to make it an economic success. A policy of toleration, he hoped, would serve this purpose. In setting up Pennsylvania in the 1680s, William Penn, a Quaker, followed a similar course, making his colony a haven not only for his fellow coreligionists, but, like Rhode Island, a refuge for people of all religious sects.

Pennsylvania and Rhode Island would preserve uninterrupted their traditions of religious liberty, but in Maryland, freedom of religion would be curtailed for Catholics once Protestants came to power in the last decade of the seventeenth century. Still, the idea that some degree of religious liberty was a healthful policy for government became

firmly rooted in America by the eighteenth century. Americans learned from the example of seventeenth-century England that religious persecution was ultimately detrimental to the political, social, and economic welfare of the nation. In America, where the Christian sects were more numerous than in England, the repercussions of religious intolerance would be especially adverse to the nation's prospects. Americans' devotion to religious freedom, then, was a product of necessity and experience as well as reason.

The crisis of empire during the 1760s and 1770s served to strengthen the American commitment to religious liberty. It was not only the intrusive economic measures passed by Parliament during these years that alarmed Americans. Patriot leaders also warned of the danger of the Anglican

Church's interference in American religious affairs. There was much talk that the British government would install a bishop in America who would become the instrument of tyranny. This idea that political and religious liberty went hand in hand was reflected in the New York Constitution of 1776, which explicitly connected "civil tyranny" with "spiritual oppression and intolerance."

Nearly all the state constitutions written during the American independence movement reflected a commitment to some degree of religious liberty. The Massachusetts Constitution of 1780 promised that "no subject shall be hurt, molested, or restrained, in his person, liberty, or estate, for worshipping God in the manner and season most agreeable to the dictates of his own conscience." The Virginia Declaration of Rights of 1776, authored by George Mason, proclaimed "That Religion or the duty which we owe to our Creator and the manner of discharging it, can be directed only by reason and conviction, not by force or violence." Mason's ideas mirrored Locke's belief that government should not intrude upon the concerns of society.

But many states limited religious liberty to Christians in general, or to Protestants in particular. The North Carolina Constitution of 1776 decreed "That no person, who shall deny the being of God or the truth of the Protestant religion... shall be capable of holding any office or place of trust or profit in the civil department within this State." Similarly, the New Jersey Constitution of the same year declared that "there

Locke warned that "no peace and security" could be "preserved amongst men so long as this opinion prevails . . . that religion is to be propagated by force of arms."

shall be no establishment of any one religious sect in this Province, in preference to another," but promised Protestants alone full civil rights. Thanks largely to the efforts of Charles Carroll of Carrollton, a Roman Catholic, Maryland's Revolutionary Constitution was more liberal in its guarantee of religious liberty to "all persons, professing the Christian religion."

The Protestant majority in America was indeed particularly concerned about the Catholic minority in its midst. Catholics constituted the largest non-Protestant creed in the country, and it was believed that Catholicism demanded loyalty to the pope above devotion to country. The connection between Catholicism and absolutism was deeply ingrained in the American Protestant mind and was a legacy of the Reformation, which Protestants saw as a period of liberation from the ignorance, superstition, and tyranny of the Roman Catholic Church. During the crisis with England, a wave of religious hysteria swept over American Protestants, who worried that the pope would personally lead the Catholics of Canada in a military assault on American forces. "Much more is to be dreaded from the growth of Popery in America," patriot leader Samuel Adams asserted in 1768, "than from Stamp-Acts or any other acts destructive of men's civil rights." This bigotry caused Roman Catholics to become outspoken proponents of religious toleration and the separation of church and state. In a country dominated by Protestants, this was the only realistic course for them.

All thirteen states at the time of American independence, then, acknowledged to some degree in their constitutions the principle of religious liberty. Most also provided for some degree of separation of church and state. Several states went so far as to prohibit clergymen from holding state office, a restriction in the Georgia Constitution of 1777 that the Reverend John Witherspoon of New Jersey would famously protest. But few states provided for a complete separation of church and state, for it was believed that the government should give some support to religion in general. Though a substantial number of American elites in the late eighteenth century were not church-going Christians, nearly all believed in the God of the Old Testament, and all recognized the practical value of Christianity as a check on antisocial behavior. Many of the state constitutions written

in the era of independence, therefore, required that government give some support to Christianity. Though the Massachusetts Constitution guaranteed that "no subordination of any one sect or denomination to another shall ever be established by law," it also permitted the legislature to levy taxes "for the support and maintenance of public protestant teachers of piety, religion and morality." Similarly, the Maryland Constitution of 1776 permitted the legislature to "lay a general and equal tax for the support of the Christian religion."

There were, however, calls for complete religious disestablishment at the state level. In Virginia, James Madison and Thomas Jefferson were two of the most prominent advocates of a strict separation of church and state. Their ideas about religious liberty were clearly influenced by John Locke and fellow Virginian George Mason. In 1785, the Virginia legislature considered a bill that would provide for public funding of Christian

instruction. The measure was backed by several prominent statesmen, including Patrick Henry. But James Madison, then a member of the legislature, took the lead in opposing the bill, reminding Virginians that "torrents of blood have been spilt in the old world, by vain attempts of the secular arm, to extinguish Religious discord, by proscribing all difference in Religious opinion." The bill was defeated, and the following year, Jefferson introduced "A Bill for Establishing Religious Freedom," which attempted to enshrine in law the idea "that no man shall be compelled to frequent or support any religious Worship place or Ministry whatsoever." The bill passed with minor changes.

By the time of the Constitutional Convention of 1787, there was a broad consensus regarding the proper relationship between the national government and religion: first, that the government ought not to give support to any religious sect; second, that the government ought not to require a religious test for office; third, that the government ought not to interfere with private religious practice; and fourth, that the government ought not to interfere with the right of the states to do as they wished in regard to religious establishment and religious liberty. These points of consensus were reflected in both the body of the United States Constitution and in the First Amendment, which was ratified in 1791 as part of the Bill of Rights. Article VI of the Constitution explicitly stated that

Thomas Jefferson asserted that the First Amendment created "a wall of separation between church and state." What Jefferson meant by this term is a subject of great debate.

“no religious test shall ever be required as a qualification to any office or public trust under the United States.” The First Amendment declared that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof.”

The right of the states to set their own policy in regard to religion was implicitly acknowledged in Article I of the Constitution, which stipulated that to be eligible to vote in elections for the United States House of Representatives, “the elector in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.” Several states at the time mandated a religious test as a requirement for the franchise, and the Constitution therefore tacitly approved such tests. In addition, the First Amendment’s prohibition against religious establishment applied explicitly to the national Congress alone. Indeed, it was not until after the American Civil War, in the incorporation cases, that the United States Supreme Court ruled that some of the restrictions placed on the federal government by the amendments also applied to the state governments.

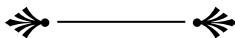
By 1800, then, there was a broad consensus among Americans that religious freedom was essential to political liberty and the well-being of the nation. During the next two centuries, the definition of freedom of religion would be broadened, as states abandoned religious tests and achieved complete disestablishment and as state and federal courts ruled that various subtle forms of government encouragement of religion were unconstitutional. Shortly after the dawn of the nineteenth century, in a letter to a Baptist congregation in Danbury, Connecticut, Thomas Jefferson asserted that the First Amendment created “a wall of separation between church and state.” What Jefferson meant by this term is a subject of great debate. But there is no doubt that his words have become part of the American political creed and a rallying cry for those who seek to expand the definition of religious liberty, even to mean that religion should be removed from public life altogether.

Stephen M. Klugewicz, Ph.D.
Bill of Rights Institute

Suggestions for Further Reading

- Berns, Walter. *The First Amendment and the Future of American Democracy*. New York: Basic Books, 1976.
- Dreisbach, Daniel. *Thomas Jefferson and the Wall of Separation between Church and State*. New York: New York University Press, 2003.
- Levy, Leonard W. *The Establishment Clause: Religion and the First Amendment*. New York: MacMillan, 1989.
- Novak, Michael. *On Two Wings: Humble Faith and Common Sense at the American Founding*. San Francisco: Encounter Books, 2003.

COMMERCE



Although the modern United States is the preeminent example of a nation dedicated to free enterprise and commercial activity, the relationship between republican government and commerce was one of the central problems that confronted the Founders in the late eighteenth century. In order to understand the Founders' attitudes toward commerce, we need to understand both the role that commercial activity played in the American colonies in the century before the Revolution, as well as the important arguments about the legitimacy of commercial societies that animated English and European thinkers in the two centuries before the American Founding.

The American colonies originated in part as commercial enterprises. From the first settlements in the early seventeenth century until the eve of the Revolution, British and European settlers saw America as a place where they could come and make a better life for themselves. By the mid-eighteenth century, the British colonies in America were prosperous places heavily engaged in production and trade. Although the population was still overwhelmingly rural, colonial farmers were increasingly engaged in commercial agriculture. In all regions, they produced more than was needed for subsistence, trading their surplus with other colonies as well as engaging in a growing transatlantic trade with Britain and Europe. The Southern colonies produced valuable staple crops for export (tobacco, rice, indigo, wheat); farmers in the Middle colonies had a flourishing agricultural economy which was also involved in trade with the wider world; and, by the eighteenth century, the New England colonies were building ships, selling timber, and trading produce with the British Caribbean sugar islands. As a result of these extensive Atlantic trading networks, all of the colonial economies grew enormously in the eighteenth century. In addition, the main colonial port cities—Boston, New York, Philadelphia, and Charles Town (Charleston)—grew in size and importance. This burgeoning commercial

society also had a large merchant class, with powerful and wealthy men like John Hancock in Boston involved in far-flung commercial ventures.

The pre-Revolutionary American colonies were also consumer societies that eagerly used their growing wealth to purchase goods from all over the world. And, as the Revolution approached,

a growing number of white settlers not included in the political and economic elite were increasingly able to participate in this consumerism. Indeed, such was the widespread prosperity of these colonies that many modern historians have referred to them as the first middle class societies in the world.

All of this commercial activity, however, had a dark side. The Atlantic trade that the colonists engaged in with such profit was founded in part on the movement of African slaves to the New World. Once there,

these slaves were responsible for producing the lucrative staple crops that the colonies sold to England and Europe in exchange for manufactured goods. In addition, the ever-expanding agricultural economy of the colonies depended on the removal of the Native American population from their lands.

Several strands of thought provided intellectual justification for the increasingly commercial world of the eighteenth-century British Atlantic. The long tradition of English common law stressed the importance of property rights, which it saw as central to liberty, and which it protected from arbitrary seizure by preventing governments from taking property without the subject's consent. By stressing the sanctity of person and property, the English common law provided a legal infrastructure which supported a commercial society.

Seventeenth-century English Puritanism also provided a justification of commercial activity. According to Puritanism, God wanted people to work hard and prosper. To do so was a sign that you were one of the "elect," destined to be "saved"



and not “damned.” This Puritan work ethic remained a powerful force in American life well past the Revolution.

The political theory of the English writer John Locke (1632–1704), and in particular his ideas about a natural right to liberty and property, also provided justification for a commercial society. Like the common law, it placed a value on the liberty of the person, including the liberty to engage in production and trade. In addition, Locke offered an elaborate theoretical defense of an individual’s right to property. According to Locke, individuals were not given property rights by the state; rather, they generated a right to private property by their own labor. Locke defended commercial societies based on private property by arguing that they produced greater wealth for all than did those societies which eschewed private property and exchange. By making this case, Locke helped to legitimize commercial activity in the face of age-old denunciations that it was sinful. Building on these seventeenth-century ideas, English people on both sides of the Atlantic in the eighteenth century increasingly viewed themselves as free, Protestant, and deeply commercial.

By the time of the Revolution, the American Founders had also encountered the ideas of an influential group of eighteenth-century Enlightenment writers who offered a sophisticated defense of commercial societies. The French writer Montesquieu (1689–1755) argued that commerce “cures destructive prejudices” by fostering peaceful trade among peoples rather than war. Many Scottish writers in the eighteenth century made a similar defense of commerce. They argued that commercial societies constituted the highest stage of civilization and were the most conducive to human well-being, fostering political and religious liberty, peaceful relations among nations, higher standards of living, science, and the arts. The moral philosopher and economist Adam Smith (1723–1790), writing in the same year as the American Revolution, argued that self-interest was beneficent, and that those who sought private wealth were simultaneously benefiting society. All of these thinkers celebrated the modern commercial world in which they lived as superior to previous ages which, they argued, were characterized by feudal and aristocratic inequality, constant warfare, and religious fanaticism.

However, the ideas that influenced the Founders were not all supportive of commerce. Christianity, even in its Puritan form, could be used to denounce moneymaking. In New England in the seventeenth century, the merchant Robert Keayne was put on trial on charges of usury. In the years after independence, this Christian critique combined in the Founders’ thought with that of the republican thinkers of Greece and Rome who shared a similar skepticism about commerce. They argued that a society dedicated to commerce and self-interest would produce citizens overly concerned

with private matters and insufficiently attentive to the public good. These classical republican thinkers were particularly concerned about the political effects of luxury, worrying that liberty would be lost if people were too focused on the pursuit

of material gain. To the extent that republican thinkers defended property rights, they did so primarily as a means to the end of ensuring that there was an independent citizenry capable of acting for the public good. These classical ideas about the dangers of commerce to republican government influenced the Founders in the late eighteenth century. In particular, the ideas led some of them to be suspicious of the new institutions of commercial banking and public and private debt that supported the eighteenth-century commercial world.

The Revolution initially fostered these anticommercial sentiments in the colonial populace. In their attempts to harm the British economy, the colonies organized widespread nonimportation agreements in the 1760s and 1770s. Drawing on both the Christian and the classical republican critique of commerce, some colonists argued that this withdrawal from trade would also create a more virtuous citizenry, one less likely to succumb to luxury and self-interest. Writing his influential “Thoughts on Government” in 1776, a guide for lawmakers in the newly independent republican state governments, John Adams openly called for legal restrictions on consumption (called “sumptuary laws” in the eighteenth century), arguing that “the happiness of the people might be greatly promoted by them.”

Following the Revolution, the experience of both the new state governments and that of the Continental Congress operating under the Articles of Confederation brought these questions about

According to Puritanism, God wanted people to work hard and prosper. To do so was a sign that you were one of the “elect,” destined to be “saved” and not “damned.”

the relationship between republican governments and commercial activity to the fore. By ending the old British trading system, the Revolution also ushered in a debate about the commercial relations between the United States and the rest of the world.

The newly independent United States faced severe economic difficulties in the 1780s. The states found themselves with limited access to the lucrative British markets. They also owed money to those who had financed the war. But the Continental Congress lacked the legal power to compel the state governments to agree on a common commercial policy. It also lacked the authority to requisition the taxes necessary to pay off the Revolutionary War debt from the state governments. Robert Morris, who served as Congress' superintendent of finance from 1781–1783, was reduced to pleading with the state governors to send money to the national government.

The war had also left the individual states with large debts to repay. In order to pay these debts off, many states raised taxes and issued paper money that rapidly depreciated. In addition, many of the states began to interfere with the free movements of goods within the United States.

The drafting of the new Constitution in Philadelphia in 1787 set out to address the economic problems of the 1780s by creating a national government that would have the authority to impose taxes, regulate foreign trade, and, most importantly, create a common commercial policy between the various state governments. In the *Federalist Papers*, James Madison and Alexander Hamilton, the most prominent defenders of the new Constitution, argued forcefully that the federal government needed these expanded powers in order to create a large free trading area within the continental United States. They, along with their coauthor John Jay, also argued for a vigorous commercial policy to open up markets for foreign trade.

In making these arguments, the framers were heavily influenced by the Enlightenment defense of commerce discussed above. The Framers further argued that republican government, by allowing both political and economic freedom, would foster virtuous behavior in its citizens. Freed from the burden of supporting monarchs and aristocrats, ordinary people in a republic would have the incentive to be industrious and productive, secure

in the knowledge that they would be able to reap the benefits of their labor.

Although the new Constitution laid the groundwork for an extended commercial republic, it did not end the debates among the Founders over the legitimacy of commerce. In the 1790s, the Federalists argued for a government-led program of commercial expansion, involving investments in infrastructure as well as the creation of a national banking system. However, the Democratic-Republican Party under Thomas Jefferson was much more divided on the merits of commercial

Although the new Constitution laid the groundwork for an extended commercial republic, it did not end the debates among the Founders over the legitimacy of commerce.

republicanism. One strand of Jeffersonian thought was skeptical of extensive commercial activity, preferring instead a society of independent yeoman farmers whose landed status would give them a secure material base for republican

citizenship. In making this argument, the Jeffersonians echoed the republican thinkers of antiquity who valued landed property over commercial property because it alone enabled the virtuous citizen to act in the public interest. This aspect of Jeffersonian thought was also skeptical of manufacturing and wage labor, fearing that a populace engaged in such pursuits would not be able to obtain the independence required of republican citizens. Finally, Jeffersonians were very concerned about the modern institutions of banking and public and private debt, fearing that they would enable powerful men to undermine republican government by setting up an aristocracy of money.

However, Jeffersonian thought also had a strong laissez-faire element, one that became increasingly important as the eighteenth century came to a close. Although still preferring commercial agriculture over manufacturing, Jeffersonians were ardently in favor of free labor, free trade, and free markets. On this view, commerce was a liberating, even equalizing force, allowing the common people to benefit from the fruits of their own labor. In addition, this Jeffersonian policy of laissez-faire was very skeptical of the Federalist plans for extensive state-directed commerce, preferring instead to let individuals make their own economic decisions. This element of the Jeffersonian attitude toward commerce expressed the powerful desire of the American populace for material improvement, a desire which had deep roots in the colonial past.

Jefferson's election in 1800 did not end these debates about the propriety of commercial activity. Most Americans agreed that republican liberty included the right to own property and to enjoy the fruits of one's labor. However, as Jefferson's "empire of liberty" expanded west, this vision of free men and free labor clashed with the institution of slavery as it became an increasingly profitable form of commercial activity, and one that was sometimes defended as an expression of the

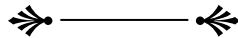
American commitment to private property. Along with the relationship between slavery and free labor, the question of the place of manufacturing in a republican society, the role of banks, the issue of free trade, and the desirability of state intervention in the economy remained pressing questions in the increasingly commercial United States well into the nineteenth century.

*Craig Yirush, Ph.D.
University of California, Los Angeles*

Suggestions for Further Reading

- Appleby, Joyce. *Capitalism and a New Social Order: The Republican Vision of the 1790s*. New York: New York University Press, 1984.
- Heyrman, Christine. *Commerce and Culture: The Maritime Communities of Colonial Massachusetts, 1690–1750*. New York: W. W. Norton & Co., 1984.
- Innes, Stephen. *Creating the Commonwealth: The Economic Culture of Puritan New England*. New York: W. W. Norton & Co., 1995.
- Lerner, Ralph. "Commerce and Character." In *The Thinking Revolutionary: Principle and Practice in the New Republic*. Ithaca, N.Y.: Cornell University Press, 1987.
- McCoy, Drew R. *The Elusive Republic: Political Economy in Jeffersonian America*. New York: W. W. Norton & Co., 1982.
- Nelson, John R. *Liberty and Property: Political Economy and Policymaking in the New Nation, 1789–1812*. Baltimore, Md.: Johns Hopkins University Press, 1987.

REPUBLICAN GOVERNMENT



As Benjamin Franklin left Philadelphia's Convention Hall in September 1787, upon the completion of the work of the Framers of the Constitution, a woman approached him and asked the old sage of the Revolution what the delegates had created. Franklin responded, "A republic, Madame, if you can keep it." The woman's reaction to Franklin's reply is left unrecorded by history, but she might well have asked Franklin for a more detailed answer. Though the word "republic" was common currency in America at the time, the meaning of the term was imprecise, encompassing various and diverse forms of government.

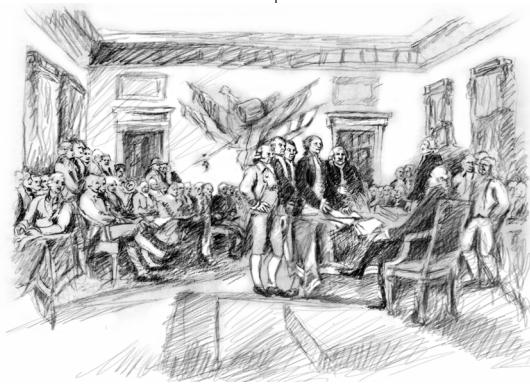
Broadly, a republic meant a country not governed by a king. The root of the word is the Latin, *res publica*, meaning "the public things." "The word *republic*," Thomas Paine wrote, "means the *public good*, or the good of the whole, in contradistinction to the despotic form, which makes the good of the sovereign, or of one man, the only object of the government." In a republic, the people are sovereign, delegating certain powers to the government whose duty is to look to the general welfare of society. That citizens of a republic ought to place the common good before individual self-interest was a key assumption among Americans of the eighteenth century. "Every man in a republic," proclaimed Benjamin Rush, "is public property. His time and talents—his youth—his manhood—his old age, nay more, life, all belong to his country."

Republicanism was not an American invention. In shaping their governments, Americans looked to history, first to the ancient world, and specifically to the Israel of the Old Testament, the Roman republic, and the Greek city-states. New Englanders in particular often cited the ancient state of Israel as the world's first experiment in republican government and sometimes drew a parallel between the Twelve Tribes of Israel and the thirteen American states. In 1788, while ratification of the Constitution was being debated, one Yankee preacher gave a sermon entitled, "The Republic of the Israelites an Example

to the American States." Indeed, the Bible was cited by American authors in the eighteenth century more often than any other single source.

Americans not only knew their Bible, but also the history of the Greeks and Romans. The elite class mastered ancient languages and literature, a requirement of colleges at the time. To these men

of the eighteenth century, ancient languages were not dead, nor were ancient events distant; rather, the worlds of Pericles and Polybius, Sallust and Cicero were vibrant and near. The relatively minor advancements in technology across 2,000 years—people still traveled by horse and sailing ship—



served to reinforce the bond eighteenth-century Americans felt with the ancients.

Like the Greeks and Romans of antiquity, Americans believed that government must concern itself with the character of its citizenry. Indeed, virtue was "the Soul of a republican Government," as Samuel Adams put it. Virtue had two connotations, one secular and the other sacred. The root of the word was the Latin, *vir*, meaning "man," and indeed republican virtue often referred to the display of such "manly" traits as courage and self-sacrifice for the common good. These qualities were deemed essential for a republic's survival. "A popular government," Patrick Henry proclaimed, "cannot flourish without virtue in the people." But virtue could also mean the traditional Judeo-Christian virtues, and many Americans feared that God would punish the entire nation for the sins of its people. "Without morals," Charles Carroll proclaimed, "a republic cannot subsist any length of time." New Englanders in particular sought to have society's institutions—government and schools as well as churches—inculcate such qualities as industry, frugality, temperance, and chastity in the citizenry. The Massachusetts Constitution of 1780, for example, provided for "public instructions in piety, religion, and morality."

The second ingredient of a good republic was a well-constructed government with good institutions.

"If the foundation is badly laid," George Washington said of the American government, "the superstructure must be bad." Americans adhered to a modified version of the idea of "mixed" government, advocated by the Greek thinker Polybius and later republican theorists. A mixed republic combined the three basic parts of society—monarchy (the one ruler), aristocracy (the rich few), and democracy (the people)—in a proper formula so that no one part could tyrannize the others. But Americans believed that the people of a republic were sovereign, so they sought to create institutions that approximated the monarchical and aristocratic elements of society. The Framers of the Constitution did just this by fashioning a single executive and a Senate once removed from the people. The problem, as John Adams pointed out in his *Thoughts on Government*, was

that "the possible combinations of the powers of society are capable of innumerable variations."

Americans had every reason to be pessimistic about their experiment in republicanism. History taught that republics were inherently unstable and vulnerable to decay. The Roman republic and the city-state of Athens, for instance, had succumbed to the temptations of empire and lost their liberty. The histories of the Florentine and Venetian republics of Renaissance Italy too had been glorious but short-lived. Theorists from the ancient Greek thinker Polybius to the seventeenth-century English radical Algernon Sidney warned that republics suffer from particular dangers that monarchies and despotisms do not. Republics were assumed to burn brightly but briefly because of their inherent instability. One element of society always usurped power and established a tyranny.

The great danger to republics, it was generally believed, stemmed from corruption, which, like virtue, had both a religious and a worldly meaning. Corruption referred, first, to the prevalence of immorality among the people. "Liberty," Samuel Adams asserted, "will not long survive the total Extinction of Morals."

"If the Morals of the people" were neglected, Elbridge Gerry cautioned during the crisis with England, American independence would not produce liberty but "a Slavery, far exceeding that of every other Nation."

This kind of corruption most often resulted from avarice, the greed for material wealth. Several American colonial legislatures therefore passed

sumptuary laws, which prohibited ostentatious displays of wealth. "Luxury . . . leads to corruption," a South Carolinian declared during the Revolutionary era, "and whoever encourages great luxury in a free state must be a bad citizen." Another writer warned of the "ill effect of superfluous riches" on republican society. Avarice was seen as a "feminine" weakness; the lust for wealth rotted away "masculine" virtues. John Adams bemoaned "vanities, levities, and fopperies, which are real antidotes to all great, manly, and warlike virtues."

The second meaning of corruption referred to placing private interest above the common good. This temptation plagued public officials most of all, who had ample opportunity to misappropriate public funds and to expand their power.

"Government was instituted for the general good," Charles Carroll wrote, "but officers intrusted with its powers have most commonly perverted them to the selfish views of avarice and ambition." Increasingly in the eighteenth century, Americans came to see government itself as the primary source of corruption.

Fear of government's tendency to expand its power at the expense of the people's liberty was part of Americans' English political heritage. They imbibed the writings of late-seventeenth-century English radicals and eighteenth-century "country" politicians who were suspicious of the power of British officials (the "court"). Government corruption was manifested in patronage (the awarding of political office to friends), faction (the formation of parties whose interests were opposed to the common good), standing (permanent) armies, established churches, and the promotion of an elite class. Power, these country writers argued, was possessed by the government; it was aggressive and expansionist. Liberty was the property of the governed; it was sacred and delicate. The history of liberty in the world was a history of defeat by the forces of tyranny.

Though the history of republicanism was a dismal one, the lessons of history as well as their own colonial experience convinced the American Founders that they possessed sufficient information on which to base a new science of politics. "Experience must be our only guide," John Dickinson proclaimed at the Philadelphia Convention; "reason may mislead us." The Framers of the United States Constitution all had experience as public servants,

Fear of government's tendency to expand its power at the expense of the people's liberty was part of Americans' English political heritage.

and it must be remembered that the document they produced did not spring forth as something entirely new in the American experience. Rather, the Founders had learned much from the operation of their colonial charters, state constitutions, and the Articles of Confederation.

At Philadelphia, the Founders focused on the proper construction of the machinery of government as the key to the building of a stable republic. The Constitution makes no mention of the need for virtue among the people, nor does it make broad appeals for self-sacrifice on behalf of the common good. It is a hard-headed document forged by practical men who had too often witnessed avarice and ambition among their peers in the state house, the courtroom, and the counting house. A good constitution, the Founders held, was the key to good government. Corruption and decay could be overcome primarily through the creation of a written constitution—something England lacked—that carefully detailed a system in which powers were separated and set in opposition to each other so that none could dominate the others.

James Madison, often called “The Father of the Constitution” because of the great influence of his ideas at Philadelphia, proposed to arrange the machinery of government in such a fashion as not to make virtue or “better motives” critical to the advancement of the common good. Acknowledging in *The Federalist Papers* that “enlightened statesmen will not always be at the helm,” Madison believed that the separate powers of government—legislative, executive, and judicial—must be set in opposition to one another, so that “ambition must be made to counteract ambition.”

“In framing a government which is to be administered by men over men,” Madison asserted, “the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself.”

James Wilson, representing Pennsylvania at the Philadelphia Convention, declared that the Constitution’s separation of powers and checks and balances made “it advantageous even for bad men to act for the public good.” This is not to say that the delegates believed that the republic could survive if corruption vanquished virtue in society. Madison himself emphasized the importance of republican virtue when defending the new government in *The Federalist Papers*. But the Framers

agreed with Madison that men were not angels, and most were satisfied that the Constitution, as George Washington put it, “is provided with more checks and barriers against the introduction of Tyranny . . . than any Government hitherto instituted among mortals.”

The question remained, however, whether one part of society would come to dominate. No matter how perfect the design, the danger remained that a faction would amass enough political power to take away the liberty of others. To combat this problem, classical republican theory called for creating a uniformity of opinion among the republican

citizenry so that factions could not develop. The ancient Greek city-states, for example, feared anything that caused differentiation among citizens, including commerce, which tended to create inequalities of wealth and opposing interests. In

contrast, Madison and the Founders recognized that factionalism would be inherent in a commercial republic that protected freedom of religion, speech, press, and assembly. They sought only to mediate the deleterious effects of faction.

Republics also were traditionally thought to be durable only when a small amount of territory was involved. The Greek city-states, the Roman republic, the Italian republics, and the American states all encompassed relatively small areas. When the Roman republic expanded in its quest for empire, tyranny was the result. Madison turned this traditional thinking on its head in *The Federalist Papers*, arguing that a large republic was more conducive to liberty because it encompassed so many interests that no single one, or combination of several, could gain control of the government.

Not all Americans accepted the Madisonian solution. Agrarians, such as Thomas Jefferson, were uncomfortable with the idea of a commercial republic centered on industry and sought to perpetuate a nation of independent farmers through the expansion of the frontier. Though uneasy about the “energetic government” created by the Constitution, Jefferson endorsed the Framers’ work after a bill of rights was added to the document. “Old republicans” like Samuel Adams and George Mason opposed the Constitution, even after the addition of a bill of rights, fearing that the power granted to the central government was too great and wistfully looking back to the Revolutionary era when virtue, not ambition, was the animating principle of government. But in 1789, as the new government went into operation,

[The Constitution] is a hard-headed document forged by practical men who had too often witnessed avarice and ambition among their peers.

most Americans shared the optimism of Benjamin Franklin, who had decided at the conclusion of the Philadelphia Convention that the sun carved into the back of the chair used by George Washington was a rising—not a setting—sun, and thereby indicative of the bright prospects of the nation.

“We have it in our power to begin the world over again,” Thomas Paine had written in 1776, during the heady days of American independence. And indeed the American Founders in 1787 were keenly aware that they possessed a rare opportunity.

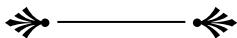
Like the legendary Lycurgus of Ancient Greece, they were to be the supreme lawgivers of a new republic, a *novus ordo seclorum* or new order of the ages. The American Founders were aware that the eyes of the world and future generations were upon them, and they were determined to build an eternal republic founded in liberty, a shining city upon a hill, as an example to all nations for all time.

Stephen M. Klugewicz, Ph.D.
Consulting Scholar, Bill of Rights Institute

Suggestions for Further Reading

- Adair, Douglass. *Fame and the Founding Fathers: Essays by Douglass Adair*. Indianapolis: Liberty Fund, 1998.
- Bailyn, Bernard. *The Origins of American Politics*. New York: Vintage Books, 1968.
- McDonald, Forrest. *Novus Ordo Seclorum: The Intellectual Origins of the Constitution*. Lawrence: University Press of Kansas, 1985.
- Pocock, J.G.A. *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition*. Princeton: Princeton University Press, 1975.
- Rahe, Paul A. *Republics Ancient and Modern*, 3 vols. Chapel Hill: The University of North Carolina Press, 1994.
- Wood, Gordon. *The Creation of the American Republic*. Chapel Hill: The University of North Carolina Press, 1969.

EQUALITY



Perhaps no single phrase of the Founders is more commonly misinterpreted than the claim, made by Thomas Jefferson in the Declaration of Independence, “that all men are created equal.” Jefferson did not mean that all people are, in fact, in every way equal. Nor did he mean that all people *should* be equal in every way. He did, however, mean that all individuals possess identical natural rights. These rights, he wrote, include “life, liberty,” and the ability of individuals to engage without injuring one another in “the pursuit of happiness.” Jefferson’s belief in the equality of natural rights reflected deeply-rooted Anglo-American tradition. His words, after all, echoed the reasoning of John Locke, the English political philosopher who, in 1689, maintained that no one—no matter how powerful—possesses the right to “take away” without just cause “the Life, Liberty, Health, Limb or Goods of another.”

Yet Jefferson’s assertion regarding natural rights also sanctioned a radical departure from the past. The Declaration of Independence, which Jefferson penned in behalf of the other privileged delegates to the Continental Congress, helped to inspire ordinary Americans to overturn timeworn social and political barriers separating aristocrats from common people and the powerful from the powerless.

In 1776, these distinctions were stark. Maybe the 3.5 million people who lived in America had been created equal, but more than 600,000 had subsequently been enslaved. When women married, a legal doctrine known as “coverture” held that they lost their legal identity and forfeited to their husbands their property. They could not vote, and since nearly everywhere laws made enfranchisement conditional on the ownership of a sizeable portion of land, neither could many men. Laws establishing primogeniture, which passed to the eldest son all of a father’s land if he died without leaving a will, slowed a fairly consistent trend during the colonial era toward the gradual expansion of land ownership among the population,



as well as the gradual expansion of common people’s political power, which land ownership made possible. In addition, individuals who subscribed to minority religious faiths also suffered from legal inequality. Despite the relative rarity of instances of state-sanctioned intolerance toward members of most minority religions, nine of the original thirteen states designated an official faith that enjoyed taxpayer-financed subsidies as well as other benefits and privileges.

A general acceptance of social hierarchy reflected and reinforced these instances of legal inequality. In many ways American society continued to fit the description of Jonathan Edwards, the eighteenth-century theologian, who observed that all individuals possessed “their appointed office, place and station, according to their several capacities and talents, and everyone keeps his place,

and continues in his proper business.” These assumptions, according to historian Gordon Wood, coalesced naturally with “the hierarchy of a monarchical society” and were feudal in their origins. “In such a society it was inconceivable,” Wood maintains, “for inequality not to exist.”

While an acceptance of monarchical government helped to foster legal inequality and social hierarchy, the republican alternative to absolutism—which gained ground in America especially after the Glorious Revolution of 1688—did not immediately spark a move toward egalitarianism. In many ways, in fact, republicanism bolstered the notion that limits should be placed on who could be entrusted with the reins of government. While republican thinkers believed that the distribution of political power should be expanded to varying degrees, the empowerment of an increasing number of individuals constituted merely a means to a greater end, which was the restraint of government power itself.

Republicans insisted, for example, that political participants be virtuous and that their decisions be motivated by a concern for the good of the entire society. In other words, republicans maintained that

voters and officeholders alike should be selfless (or “disinterested”) in their decision-making—that they should not aim to use the power of government to serve the interests of themselves or any particular constituency. Such disinterestedness, republicans believed, could only be expected of individuals who possessed a sufficient degree of economic independence. Certainly the enslaved lacked independence, and women were presumed to be dependent on their husbands and fathers. Were the poor empowered with the franchise, their desperation could mean that their votes could be cheaply purchased. It might also lead them to use their power to seize the wealth of others. Republican theorists presumed that the rich and the middling, meanwhile, would less easily fall under the influence of others and would be less likely give in to

selfish motives. Republicans, who maintained that the only people who should be entrusted with the government of others were people capable of governing themselves, focused their energies on restraining the predatory nature of political power.

One of the most effective weapons in this crusade, however, was the principle that all men had a right to equal protection under the law. Republicans in Britain and America maintained, for example, that all men accused of serious crimes were entitled to be tried in front of juries of their peers. In addition, republicans believed that all men deserved protection against the imposition of excessive bails and excessive fines, and against the infliction of punishments disproportionate with those accorded to others found to have committed similar offenses against the law. A general acceptance of this sort of procedural equality, which aimed to prevent government officials from singling out individuals or groups for persecution, created a climate within which other forms of equality could take root.

So did the belief that all Britons—whether they resided in England or America—shared an equal right to the protection of a representative assembly. The English Bill of Rights (1689) not only guaranteed to all men the benefit of consistent legal practices, but also restricted government from acting in certain circumstances without the consent of Parliament. The monarch possessed no unilateral power to suspend laws, levy taxes, station an army among the civilian population, or interfere with elections or the

legislative process. While members of the House of Commons generally favored a narrow interpretation of the Bill of Rights and believed themselves to be the ultimate authority on these matters throughout the British empire, Americans tended to disagree. Since they had no direct representation in Parliament, Americans believed that their own elected colonial assemblies possessed Parliament’s prerogatives.

The 1763–1776 imperial crisis brought this issue to the fore and cemented in the minds of many Americans a belief in their own collective equality

with the people of Britain. First, Parliament drew its unpopular Proclamation Line, which prohibited American settlement beyond the crest of the Appalachian Mountains. Then Parliament passed the hated 1765 Stamp Act, through which it acted

without the consent of colonial legislatures to impose a tax on legal documents, newspapers, broadsides, and other paper goods. These and other British measures spurred a spirited resistance movement, helped to provoke the spilling of blood at Lexington and Concord, and led to the Declaration of Independence. Many Americans came to agree with Thomas Paine, who wrote in his 1776 pamphlet, *Common Sense*, that “there is something very absurd, in supposing a continent to be perpetually governed by an island.” Parliament’s recalcitrant insistence on its authority to govern a distant people portended continued abuses of power and unacceptable usurpations of rights. Since in Parliament there existed no equality between the people of Great Britain and the people of America, there was no accountability on the part of Great Britain compelling it to consider what was good for America.

This unbalanced relationship unleashed the avarice of Britons, whom some colonists compared to wolves salivating over vulnerable American sheep. As Paine observed, “the property of no man is secure in the present unbraced system of things.” Within this context, Jefferson, in the Declaration of Independence, not only claimed the equal rights of American people but also the equality of the American people relative to the people of all other nations when he asserted that Americans had a right to enjoy “the separate and equal station to which the Laws of Nature and Nature’s God entitle them.” Americans, in other words, counted for just as much as people anywhere else.

One of the most effective weapons in this crusade, however, was the principle that all men had a right to equal protection under the law.

This was a powerful sentiment. First, it expressed the collective will of the people who comprised the various colonies that now—like the independent nations of Europe—called themselves “states.” The value placed on collective equality by these new states manifested itself through the fact that, according to the rules that governed the Continental Congress as well as those of the Articles of Confederation, a tiny state such as Delaware had a voice as loud as a much more populous state, such as Pennsylvania. Even under the 1787 Constitution, which provided for a lower chamber with proportional representation, within the Senate the states had equal power. Second, the statement drafted by Jefferson helped to inspire the hopes of various groups—such as common people, religious minorities, women, and

African-Americans—that would now begin to question their own unequal stations. If earlier, Americans had based their claims of equality upon their inclusion within a system of English rights and privileges, American revolutionaries now made their appeals on the basis of self-evident truths and universal rights granted by God or nature. As Paine wrote, “a new method of thinking hath arisen.”

It took no great leap of logic to apply the universal claims of the Declaration to various deprived groups. Abigail Adams did this when in 1776 she wrote to her husband, John, a member of the Continental Congress. “I long to hear that you have declared an independency,” she said, for it would provide him and his colleagues with an opportunity to make a new code of law. In this, she maintained, “I desire you would remember the ladies and be more generous and favorable to them than your ancestors.” Appropriating some of the same principles that had been used to justify American opposition to Britain, she reminded her husband that “all men would be tyrants if they could. If particular care and attention is not paid to the ladies, we are determined to foment a rebellion, and will not hold ourselves bound by any laws in which we have no voice or representation.”

A group of slaves from the towns of Stratford and Fairfield in 1779 used similar arguments when they petitioned the Connecticut General Assembly for freedom. “We are endowed with the same Faculties as our masters,” they wrote, “and there is nothing that leads us to a Belief, or Suspicion, that we are any more obliged to serve them, than they

us.” Not unlike white Americans, they maintained, “we are Convinced of our Right (by the Laws of Nature and by the whole Tenor of the Christian Religion....) to be free.” It was simply not “consistent with the present Claims, of the united States, to hold so many Thousands, of the Race of Adam, our Common Father, in perpetual Slavery.”

Although women and African-Americans would continue to suffer under unequal laws for many decades, for white Americans the idea of equality yielded much more immediate benefits. To a certain degree, American social hierarchy had

never been as fully articulated as in Europe. John Adams observed in 1761 that “all Persons under the Degree of Gentlemen are styled Yeoman.” Yet, within the lifetime of the revolutionary generation, the very existence of a special class of

“gentlemen” and “ladies” had been called into question. Old distinctions melted away as the principles of the Revolution combined with the dramatic new economic opportunities of the Market Revolution and the leveling spirit of early nineteenth-century religious revivalism to foster in the minds of Americans the notion that no man or woman was in any fundamental sense better than any other.

This spirit manifested itself through the gradual elimination of laws that favored certain religious groups over others. Paine helped to set the stage for this development, for in 1776 he wrote that “there should be diversity of religious opinions among us: It affords a larger field for our Christian kindness.” Then the efforts of Jefferson and James Madison resulted in the 1786 passage of the Virginia Statute for Religious Freedom, starting a trend that would continue until 1833, when Massachusetts became the last state to cut ties with a specific church. Similarly, laws limiting the franchise also eroded. Thanks to egalitarian principles and the recognition that, in the diversified market economy, land no longer served as a meaningful measure of independence, by the 1840s all white men could vote.

The flowering of equality in America manifested itself not only through the new republic’s laws but also through its people’s spirit. This is what struck Englishman Charles Janson, who traveled in the United States in the first decade of the nineteenth century. Upon his arrival at the house of an acquaintance, he was greeted by a servant. “Is your master at home?” he asked. The servant’s response

*American revolutionaries now made
their appeals on the basis of
self-evident truths and universal rights
granted by God or nature.*

was simple: “I have no master.” The point was that Americans were their own masters and that status had more to do with effort, behavior, and character than inheritance. Americans never called for equality of condition, but they did seek equal opportunities to engage in individual pursuits of happiness. Americans, who had abandoned old

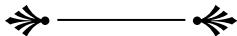
notions that paid deference to the inherited aristocracy of wealth and privilege, now embraced what Jefferson described as a “natural aristocracy of talents & virtue.”

*Robert S. McDonald, Ph.D.
United States Military Academy*

Suggestions for Further Reading

- Appleby, Joyce. *Inheriting the Revolution: The First Generation of Americans*. Cambridge: Harvard University Press, 2000.
- Bailyn, Bernard. *The Ideological Origins of the American Revolution*. Cambridge: Harvard University Press, 1967.
- Bushman, Richard. *The Refinement of America: Persons, Houses, Cities*. New York: Alfred A. Knopf, 1992.
- Pole, J. R. *The Pursuit of Equality in American History*. Berkeley: University of California Press, 1978.
- Wood, Gordon S. *The Creation of the American Republic*. Chapel Hill: University of North Carolina Press, 1969.
- Wood, Gordon S. *The Radicalism of the American Revolution*. New York: Alfred A. Knopf, 1992.
- Zagarri, Rosemarie. “The Rights of Man and Woman in Post-Revolutionary America.” *William and Mary Quarterly*. 55 (1998): 203–230.

LIBERTY



Liberty was the central political principle of the American Revolution. As Patrick Henry, one of its staunchest supporters, famously intoned, “Give me liberty or give me death.” Henry was not alone in his rhetorical fervor. Indeed, no ideal was proclaimed more often in the eighteenth-century Anglo-American world than liberty.

The idea of liberty defended by the American Founders came from several sources. The most venerable was English common law. Beginning in the late medieval period, writers in the common law tradition developed an understanding of liberty which held that English subjects were free because they lived under a system of laws which even the Crown was bound to respect. Leading English jurists argued that these legal limits on royal power protected the subject’s liberty by limiting the arbitrary use of political power.

Under English common law, liberty also consisted in the subject enjoying certain fundamental rights to life, liberty and property. William Blackstone (1723–1780), the leading common lawyer of the eighteenth century, argued that these rights allowed an English subject to be the “entire master of his own conduct, except in those points wherein the public good requires some direction or restraint . . .” For Blackstone, these English rights further protected the subjects’ liberty by making them secure in their persons from arbitrary search and seizure, and by ensuring that their property could not be taken from them without due process of law.

In order to preserve these fundamental rights, the English common law allowed the subject the right to consent to the laws that bound him by electing representatives to Parliament whose consent the monarch had to obtain before acting.

Common lawyers in the seventeenth and eighteenth centuries did not view these rights and the liberty they protected as the gift or grant of the monarch; rather, they believed that they were an Englishmen’s “birthright,” something that inhered in each subject and that therefore could not be taken away by royal prerogative.

This common law understanding of liberty was central to the seventeenth-century struggles against the Stuart monarchy. Prominent jurists and Parliamentarians such as Edward Coke (1552–1634) took the lead in the attempt to limit what they saw as the illegal and arbitrary nature of the Stuarts’ rule. This struggle culminated in the Glorious Revolution

of 1689 and the triumph of Parliamentary authority over the Crown. For champions of English liberty, the result of this century-long struggle was the achievement of political liberty. They further argued that, as a result of this struggle, Britain in the eighteenth century had the freest constitution in the world. According to the French writer Montesquieu (1689–1755), Britain was “the only nation in the world, where political and civil liberty” was “the direct end of the constitution.”

This seventeenth century struggle between royal power and the subject’s liberties made a great impression on the American Founders. They absorbed its lessons about the nature and importance of liberty through their reading of English history as well as through their instruction in English law.

A second and equally influential understanding of liberty was also forged in the constitutional battles of the seventeenth century: the idea that liberty was a natural right pertaining to all. The foremost exponent of this understanding of liberty in the English-speaking world was John Locke (1632–1704). Locke’s political ideas were part of a wider European political and legal movement which argued that there were certain rights that all men were entitled to irrespective of social class or creed.

Like the common lawyers, Locke saw liberty as centrally about the enjoyment of certain rights. However, he universalized the older English understanding of liberty, arguing that it applied to all persons, and not just to English subjects. Locke also expanded the contemporary understanding of liberty by arguing that it included other rights—in particular a right to religious toleration (or liberty of conscience), as well as a right to resist governments that violated liberty. In addition, Locke argued that the traditional English common



law right to property was also a natural right, and was an important part of the subject's liberty.

Locke began his political theory by arguing that liberty was the natural state of mankind. According to Locke, all men are "naturally" in a "State of perfect Freedom to order" their "Actions, and dispose of their Possessions, and Persons as they think fit, within the bounds of the Law of Nature, without asking leave, or depending upon the Will of any other Man."

However, Locke did not argue that this natural liberty was a license to do whatever we want.

"Freedom is not," he argued, "A Liberty for every Man to do what he lists (For who could be free, when every other Man's humour might domineer over him?)."

Rather, Locke held that since all men are "equal and independent, no one ought

to harm another in his Life, health, Liberty, or Possessions." According to Locke, each of us has "an uncontrollable Liberty to dispose of our persons and possession," but we do not have the right to interfere with the equal liberty of others to do the same.

In Locke's political theory, men enter into society and form governments to better preserve this natural liberty. When they do so, they create a political system where the natural law limits on liberty in the state of nature are translated into a legal regime of rights. In such a system, Locke argued, each person retains his "Liberty to dispose, and order, as he lists, his Person, Actions, Possession, and his whole Property, within the Allowance of those Laws under which he is; and therein not to be subject to the arbitrary Will of another, but freely follow his own."

For Locke, as for the common lawyers, the rule of law was necessary for liberty. In Locke's view, "the end of law is not to abolish or restrain, but to preserve and enlarge Freedom." According to Locke, "Where there is no Law, there is no Freedom. For Liberty is to be free from restraint and violence from others which cannot be, where there is no law."

Building on both the English common law and on Locke's ideas, the eighteenth-century English writer Cato argued "that liberty is the unalienable right of mankind." It is "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 members of it, by taking from any Member or by

hindering him from enjoying what he himself enjoys." Cato was the pseudonym for two British writers, John Trenchard and Thomas Gordon. Their co-authored *Cato's Letters* (1720–1723) were widely read in the American colonies.

On the eve of the American Revolution, then, the received understanding of liberty in the Anglo-American world was a powerful amalgam of both the English common law and the liberal ideas of writers like Locke and Cato. On this view, liberty meant being able to act freely, secure in your basic rights, unhindered by the coercive actions of others,

and subject only to the limitation of such laws as you have consented to. Central to this idea of liberty was the right to hold property and to have it secure from arbitrary seizure. In addition, under the influence of Locke, liberty was increasingly being seen on

both sides of the Atlantic as a universal right, one not limited to English subjects. Equally influential was Locke's argument that if a government violated its citizens' liberty the people could resist the government's edicts and create a new political authority. However, despite the gains that had been made since the seventeenth century, many Englishmen in the eighteenth century still worried that liberty was fragile and would always be endangered by the ambitions of powerful men.

Since the first settlements were established in the early seventeenth century, the American colonists shared in this English understanding of liberty. In particular, they believed that they had taken their English rights with them when they crossed the Atlantic. It was on the basis of these rights that they made a case for their freedom as colonists under the Crown. In addition, in the eighteenth century, the colonists were increasingly influenced by the Lockean idea that liberty was a natural right. As a result, when they were confronted with the policies of the British Crown and Parliament in the 1760s and 1770s to tax and legislate for them without their consent, the colonists viewed them as an attack on their liberty.

In response, the colonists argued that these British taxes and regulations were illegal because they violated fundamental rights. They were particularly resistant to the claims of the British Parliament, as expressed in the Declaratory Act of 1766, to legislate for the colonies "in all cases whatsoever." By 1774, following the Boston Tea Party organized by Samuel Adams and John Hancock, and the subsequent

No ideal was proclaimed more often in the eighteenth-century Anglo-American world than liberty.

Coercive Acts, many leading colonists such as Thomas Paine and James Otis argued that they had a natural right to govern themselves, and that such a right was the only protection for their liberty. In addition to several essays in defense of rights, including *Letters from a Farmer in Pennsylvania*, John Dickinson wrote the first patriotic song, "The Liberty Song."

This colonial thinking about liberty and rights culminated in the Declaration of Independence issued by the Continental Congress in 1776, which proclaimed that, because their liberty was endangered, the colonists had a natural right to resist the English King and Parliament.

Having made a revolution in the name of liberty, the American challenge was to create a form of government that preserved liberty better than the vaunted British constitution had done. In doing so, the founders turned to the ancient ideal of republican self-government, arguing that it alone could preserve the people's liberty. They further argued that the modern understanding of liberty as the possession of rights needed to be a central part of any proper republican government. Beginning in 1776, in the midst of the Revolutionary War, all of the former colonies began to construct republican governments which rested on the people's consent and which included bills of rights to protect the people's liberty.

Since there was widespread consensus among the Founders that liberty required the protection of rights and the rule of law, much of the political debate in the crucial decades following the American Revolution revolved around the question of which institutional arrangements best supported liberty. Was liberty best protected by strong state governments jealously guarding the people's liberties from excessive federal authority, as leading Anti-Federalists like George Mason contended; or, was an extended federal republic best able to preserve the freedom of all, as leading Federalists like James Madison and Alexander Hamilton argued?

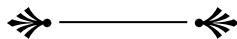
The era of the American Revolution also gave birth to a further series of important debates about liberty. Was slavery, as some Americans in the eighteenth century were beginning to recognize, an unjust infringement upon the liberty of African Americans? Were women, long deprived of basic legal rights, also entitled to have equal liberty with their male fellow citizens? By making a Revolution in its name, the Founders ensured that debates about the nature and extent of liberty would remain at the center of the American experiment in self-government.

Craig Yirush, Ph.D.
University of California, Los Angeles

Suggestions for Further Reading

- Bailyn, Bernard. *The Ideological Origins of the American Revolution*. Cambridge: Harvard University Press, 1967.
- Kammen, Michael. *Spheres of Liberty: Changing Perceptions of Liberty in American Culture*. Madison: University of Wisconsin Press, 1986.
- Reid, John Phillip. *The Concept of Liberty in the Age of the American Revolution*. Chicago: University of Chicago Press, 1988.
- Skinner, Quentin. *Liberty Before Liberalism*. Cambridge: Cambridge University Press, 1997.
- Wood, Gordon. *The Creation of the American Republic, 1776–1787*. Chapel Hill: University of North Carolina Press, 1969.

INTRODUCTORY ESSAY: EXPLAINING THE FOUNDING



In 1760, what was to become the United States of America consisted of a small group of colonies strung out along the eastern seaboard of North America. Although they had experienced significant economic and demographic growth in the eighteenth century and had just helped Britain defeat France and take control of most of North America, they remained politically and economically dependent upon London. Yet, in the next twenty-five years, they would challenge the political control of Britain, declare independence, wage a bloody war, and lay the foundations for a trans-continental, federal republican state. In these crucial years, the colonies would be led by a new generation of politicians, men who combined practical political skills with a firm grasp of political ideas. In order to better understand these extraordinary events, the Founders who made them possible, and the new Constitution that they created, it is necessary first to understand the political ideas that influenced colonial Americans in the crucial years before the Revolution.

THE COMMON LAW AND THE RIGHTS OF ENGLISHMEN

The political theory of the American colonists in the seventeenth and eighteenth centuries was deeply influenced by English common law and its idea of rights. In a guide for religious dissenters written in the late seventeenth century, William Penn, the founder of Pennsylvania, offered one the best contemporary summaries of this common-law view of rights. According to Penn, all Englishmen had three central rights or privileges by common law: those of life, liberty, and property. For Penn, these English rights meant that every subject was “to be freed in Person & Estate from Arbitrary Violence and Oppression.” In the widely used language of the day, these rights of “Liberty and Property” were an Englishman’s “Birthright.”

In Penn’s view, the English system of government preserved liberty and limited arbitrary power by allowing the subjects to express their *consent* to the laws that bound them through two institutions:

“Parliaments and Juries.” “By the first,” Penn argued, “the subject has a share by his chosen Representatives in the Legislative (or Law making) Power.” Penn felt that the granting of consent through Parliament was important because it ensured that “no new Laws bind the People of England, but such as are by common consent agreed on in that great Council.”

In Penn’s view, juries were an equally important means of limiting arbitrary power. By serving on juries, Penn argued, every freeman “has a share in the Executive part of the Law, no Causes being tried, nor

any man adjudged to loose [sic] Life, member or Estate, but upon the Verdict of his Peers or Equals.” For Penn, “These two grand Pillars of English Liberty” were “the Fundamental vital Privileges [sic]” of Englishmen.



The other aspect of their government that seventeenth-century Englishmen celebrated was a system that was ruled by laws and not by men. As Penn rather colorfully put it: “In France, and other Nations, the meer [sic] Will of the Prince is Law, his Word takes off any mans Head, imposeth Taxes, or seizes a mans Estate, when, how and as often as he lists; and if one be accussed [sic], or but so much as suspected of any Crime, he may either presently Execute him, or banish, or Imprison him at pleasure.” By contrast, “*In England*,” Penn argued, “the Law is both the measure and the bound 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 Crime, for which the Law has impos’d such a penalty or forfeiture.”

This common law view of politics understood political power as fundamentally *limited* by Englishmen’s rights and privileges. As a result, it held that English kings were bound to rule according to known laws and by respecting the inherent rights of their subjects. It also enshrined the concept of consent as the major means to the end of protecting these rights. According to Penn and his contemporaries, this system of government—protecting as it did the “unparallel’d

Priviledge [*sic*] of Liberty and Property”—had made the English nation “more free and happy than any other People in the World.”

The Founders imbibed this view of English rights through the legal training that was common for elites in the eighteenth-century Anglo-American world. This legal education also made them aware of the history of England in the seventeenth century, a time when the Stuart kings had repeatedly threatened their subjects’ rights. In response, many Englishmen drew on the common law to argue that all political power, even that of a monarch, should be limited by law. Colonial Americans in the eighteenth century viewed the defeat of the Stuarts and the subsequent triumph of Parliament (which was seen as the representative of subjects’ rights) in the Glorious Revolution of 1688 as a key moment in English history. They believed that it had enshrined in England’s unwritten constitution the rule of law and the sanctity of subjects’ rights. This awareness of English history instilled in the Founders a strong fear of arbitrary power and a consequent desire to create a constitutional form of government that limited the possibility of rulers violating the fundamental liberties of the people.

The seriousness with which the colonists took these ideas can be seen in their strong opposition to Parliament’s attempt to tax or legislate for them without their consent in the 1760s and 1770s. After the Revolution, when the colonists formed their own governments, they wrote constitutions that included many of the legal guarantees that Englishmen had fought for in the seventeenth century as a means of limiting governmental power. As a consequence, both the state and federal constitutions typically contained bills of rights that enshrined core English legal rights as fundamental law.

NATURAL RIGHTS

The seventeenth century witnessed a revolution in European political thought, one that was to prove profoundly influential on the political ideas of the American Founders. Beginning with the Dutch writer Hugo Grotius in the early 1600s, several important European thinkers began to construct a new understanding of political theory that argued that all men by *nature* had equal rights, and that governments were formed for the sole purpose of protecting these natural rights.

The leading proponent of this theory in the English-speaking world was John Locke (1632–1704). Deeply involved in the opposition to the Stuart kings in the 1670s and 1680s, Locke wrote a book on political theory to justify armed resistance to Charles II and his brother James. “To understand political power right,” Locke wrote, “and derive it from its original, we must consider, what state all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they think fit, within the bounds of the law of nature, without asking leave, or depending upon the will of any other man.” For Locke, the state of nature was “a state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another.”

Although this pregovernmental state of nature was a state of perfect freedom, Locke contended that it also lacked an impartial judge or umpire to regulate disputes among

men. As a result, men in this state of nature gathered together and consented to create a government in order that their natural rights would be better secured. Locke further argued that, because it was the people who had created the government, the people had a right to resist its authority if it violated their rights. They could then join together and exercise their collective or popular sovereignty to create a new government of their own devising. This revolutionary political theory meant that ultimate political authority belonged to the people and not to the king.

This idea of natural rights became a central component of political theory in the American colonies in the eighteenth century, appearing in numerous political pamphlets, newspapers, and sermons. Its emphasis on individual freedom and government by consent combined powerfully with the older idea of common law rights to shape the political theory of the Founders. When faced with the claims of the British Parliament in the 1760s and 1770s to legislate for them without their consent, American patriots invoked both the common law and Lockean natural rights theory to argue that they had a right to resist Britain.

Thomas Jefferson offers the best example of the impact that these political ideas had on the founding. As he so eloquently argued in the Declaration of Independence: “We hold these

truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or abolish it, and to institute new Government, laying its foundations on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness."

This idea of natural rights also influenced the course of political events in the crucial years after 1776. All the state governments put this new political theory into practice, basing their authority on the people, and establishing written constitutions that protected natural rights. As George

Mason, the principal author of the influential Virginia Bill of Rights (1776), stated in the document's first section: "All men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety." The radical implications of this insistence on equal natural rights would slowly become apparent in postrevolutionary American society as previously downtrodden groups began to invoke these ideals to challenge slavery, argue for a wider franchise, end female legal inequality, and fully separate church and state.

In 1780, under the influence of John Adams, Massachusetts created a mechanism by which the people themselves could exercise their sovereign power to constitute governments: a special convention convened solely for the purpose of writing a constitution, followed by a process of ratification. This American innovation allowed the ideas of philosophers like Locke to be put into practice. In particular, it made the people's natural rights secure by enshrining them in a constitution which was not changeable by ordinary legislation. This method was to influence the authors of the new federal Constitution in 1787.

Natural rights became a central component of political theory in the American colonies . . . , appearing in numerous political pamphlets, newspapers, and sermons.

RELIGIOUS TOLERATION AND THE SEPARATION OF CHURCH AND STATE

A related development in seventeenth-century European political theory was the emergence of arguments for religious toleration and the separation of church and state. As a result of the bloody religious wars between Catholics and Protestants that followed the Reformation, a few thinkers in both England and Europe argued that governments should not attempt to force individuals to conform to one form of worship. Rather, they insisted that such coercion was both unjust and dangerous. It was unjust because true faith required voluntary belief; it was dangerous because the attempts to enforce religious beliefs in Europe

had led not to religious uniformity, but to civil war. These thinkers further argued that if governments ceased to enforce religious belief, the result would be civil peace and prosperity.

Once again the English philosopher John Locke played a major role in the development of these new ideas. Building on the work of earlier writers, Locke published in 1689 *A Letter Concerning Toleration*, in which he contended that there was a natural right of conscience that no government could infringe. As he put it: "The care of Souls cannot belong to the Civil Magistrate, because his Power consists only in outward force; but true and saving Religion consists in the inward perswasion [sic] of the Mind, without which nothing can be acceptable to God. And such is the nature of the Understanding, that it cannot be compell'd to the belief of any thing by outward force. Confiscation of Estate, Imprisonment, Torments, nothing of that nature can have any such Efficacy as to make Men change the inward Judgment that they have formed of things."

These ideas about the rights of conscience and religious toleration resonated powerfully in the English colonies in America. Although the Puritans in the seventeenth century had originally attempted to set up an intolerant commonwealth where unorthodox religious belief would be prohibited, dissenters like Roger Williams challenged them and argued that true faith could not be the product of coercion. Forced to flee by the Puritans, Williams established the colony of Rhode Island, which offered religious toleration to all and had no state-supported church. As the Puritan Cotton Mather sarcastically remarked,

Rhode Island contained “everything in the world but Roman Catholics and real Christians.” In addition, Maryland, founded in the 1630s, and Pennsylvania, founded in the 1680s, both provided an extraordinary degree of religious freedom by the standard of the time.

In the eighteenth century, as these arguments for religious toleration spread throughout the English-speaking Protestant world, the American colonies, becoming ever more religiously pluralistic, proved particularly receptive to them. As a result, the idea that the government should not enforce religious belief had become an important element of American political theory by the late eighteenth century. After the Revolution, it was enshrined as a formal right in many of the state constitutions, as well as most famously in the First Amendment to the federal Constitution.

By reading the classics, the American Founders were introduced to an alternate political vision, one that legitimized republicanism.

COLONIAL SELF-GOVERNMENT

The political thinking of the Founders in the late eighteenth century was also deeply influenced by the long experience of colonial self-government. Since their founding in the early seventeenth century, most of the English colonies in the Americas (unlike the French and Spanish colonies) had governed themselves to a large extent in local assemblies that were modeled on the English Parliament. In these colonial assemblies they exercised their English common law right to consent to all laws that bound them.

The existence of these strong local governments in each colony also explains in part the speed with which the Founders were able to create viable independent republican governments in the years after 1776. This long-standing practice of self-government also helped to create an indigenous political class in the American colonies with the requisite experience for the difficult task of nation building.

In addition to the various charters and royal instructions that governed the English colonies, Americans also wrote their own Founding documents. These settler covenants were an early type of written constitution and they provided an important model for the Founders in the late eighteenth century as they sought to craft a new constitutional system based on popular consent.

CLASSICAL REPUBLICANISM

Not all the intellectual influences on the Founders originated in the seventeenth century. Because many of the Founders received a classical education in colonial colleges in the eighteenth century, they were heavily influenced by the writings of the great political thinkers and historians of ancient Greece and Rome.

Antiquity shaped the Founders’ political thought in several important ways. First, it introduced them to the idea of republicanism, or government by the people. Ancient political thinkers from Aristotle to Cicero had praised republican self-government as the best political system. This classical political thought was important for the Founders as it gave them grounds to dissent from the heavily monarchical political culture of eighteenth-century England, where even the common law jurists who

defended subjects’ rights against royal power believed strongly in monarchy. By reading the classics, the American Founders were introduced to an alternate political vision, one that legitimized republicanism.

The second legacy of this classical idea of republicanism was the emphasis that it put on the moral foundations of liberty. Though ancient writers believed that a republic was the best form of government, they were intensely aware of its fragility. In particular, they argued that because the people governed themselves, republics required for their very survival a high degree of civic virtue in their citizenry. Citizens had to be able to put the good of the whole (*the res publica*) ahead of their own private interests. If they failed to do this, the republic would fall prey to men of power and ambition, and liberty would ultimately be lost.

As a result of this need for an exceptionally virtuous citizenry, ancient writers also taught that republics had to be small. Only in a small and relatively homogeneous society, they argued, would the necessary degree of civic virtue be forthcoming. In part, it was this classical teaching about the weakness of large republics that animated the contentious debate over the proposed federal Constitution in the 1780s.

In addition to their reading of ancient authors, the Founders also encountered republican ideas in

the political theory of a group of eighteenth-century English writers called the “radical Whigs.” These writers kept alive the republican legacy of the English Civil War at a time when most Englishmen believed that their constitutional monarchy was the best form of government in the world. Crucially for the Founding, these radical Whigs combined classical republican thought with the newer Lockean ideas of natural rights and popular sovereignty. They thus became an important conduit for a modern type of republicanism to enter American political thought, one that combined the ancient concern with a virtuous citizenry and the modern insistence on the importance of individual rights.

These radical Whigs also provided the Founders with an important critique of the eighteenth-century British constitution. Instead of seeing it as the best form of government possible, the radical Whigs argued that it was both corrupt

and tyrannical. In order to reform it, they called for a written constitution and a formal separation of the executive branch from the legislature. This classically inspired radical Whig constitutionalism was an important influence on the development of American republicanism in the late eighteenth century.

CONCLUSION

Drawing on all these intellectual traditions, the Founders were able to create a new kind of republicanism in America based on equal rights, consent, popular sovereignty, and the separation of church and state. Having set this broad context for the Founding, we now turn to a more detailed examination of important aspects of the Founders’ political theory, followed by detailed biographical studies of the Founders themselves.

*Craig Yirush, Ph.D.
University of California, Los Angeles*

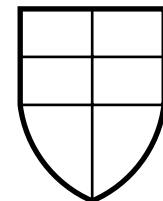
Suggestions for Further Reading

- Bailyn, Bernard. *The Ideological Origins of the American Revolution*. Cambridge, Mass.: Harvard University Press, 1967.
- Lutz, Donald. *Colonial Origins of the American Constitution: A Documentary History*. Indianapolis, Ind.: Liberty Fund, 1998.
- Reid, John Phillip. *The Constitutional History of the American Revolution*. Abridged Edition. Madison: The University of Wisconsin Press, 1995.
- Rossiter, Clinton. *Seedtime of the Republic: The Origins of the American Tradition of Political Liberty*. New York: Harcourt Brace, 1953.
- Zuckert, Michael. *Natural Rights and the New Republicanism*. Princeton, N.J.: Princeton University Press, 1994.

ADDITIONAL CLASSROOM ACTIVITIES

Visual Assessment

1. **Founders Posters**—Have students create posters for either an individual Founder, a group of Founders, or an event. Ask them to include at least one quotation (different from classroom posters that accompany this volume) and one image.
2. **Coat of Arms**—Draw a coat of arms template and divide into 6 quadrants (see example). Photocopy and hand out to the class. Ask them to create a coat of arms for a particular Founder with a different criterion for each quadrant (e.g., occupation, key contribution, etc.). Include in the assignment an explanation sheet in which they describe why they chose certain colors, images, and symbols.
3. **Individual Illustrated Timeline**—Ask each student to create a visual timeline of at least ten key points in the life of a particular Founder. In class, put the students in groups and have them discuss the intersections and juxtapositions in each of their timelines.
4. **Full Class Illustrated Timeline**—Along a full classroom wall, tape poster paper in one long line. Draw in a middle line and years (i.e., 1760, 1770, 1780, etc.). Put students in pairs and assign each pair one Founder. Ask them to put together ten key points in the life of the Founder. Have each pair draw in the key points on the master timeline.
5. **Political Cartoon**—Provide students with examples of good political cartoons, contemporary or historical. A good resource for finding historical cartoons on the Web is <http://www.boondocksnet.com/gallery/political_cartoons.html>. Ask them to create a political cartoon based on an event or idea in the Founding period.



Performance Assessments

1. **Meeting of the Minds**—Divide the class into five groups and assign a Founder to each group. Ask the group to discuss the Founder's views on a variety of pre-determined topics. Then, have a representative from each group come to the front of the classroom and role-play as the Founder, dialoguing with Founders from other groups. The teacher will act as moderator, reading aloud topic questions (based on the pre-determined topics given to the groups) and encouraging discussion from the students in character. At the teacher's discretion, questioning can be opened up to the class as a whole. For advanced students, do not provide a list of topics—ask them to know their character well enough to present him properly on all topics.
2. **Create a Song or Rap**—Individually or in groups, have students create a song or rap about a Founder based on a familiar song, incorporating at least five key events or ideas of the Founder in their project. Have students perform their song in class. (Optional: Ask the students to bring in a recording of the song for background music.)

Web/Technology Assessments

1. **Founders PowerPoint Presentation**—Divide students into groups. Have each group create a PowerPoint presentation about a Founder or event. Determine the number of slides, and assign a theme to each slide (e.g., basic biographic information, major contributions, political philosophy, quotations, repercussions of the event, participants in the event, etc.). Have them hand out copies of the slides and give the presentation to the class. You may also ask for a copy of the

- presentation to give you the opportunity to combine all the presentations into an end-of-semester review.
2. **Evaluate Web sites**—Have students search the Web for three sites related to a Founder or the Founding period (you may provide them with a “start list” from the resource list at the end of each lesson). Create a Web site evaluation sheet that includes such questions as: Are the facts on this site correct in comparison to other sites? What sources does this site draw on to produce its information? Who are the main contributors to this site? When was the site last updated? Ask students to grade the site according to the evaluation sheet and give it a grade for reliability, accuracy, etc. They should write a 2–3 sentence explanation for their grade.
 3. **Web Quest**—Choose a Web site(s) on the Constitution, Founders, or Founding period. (See suggestions below.) Go to the Web site(s) and create a list of questions taken from various pages within the site. Provide students with the Web address and list of questions, and ask them to find answers to the questions on the site, documenting on which page they found their answer. Web site suggestions:
 - The Avalon Project <<http://www.yale.edu/lawweb/avalon/avalon.htm>>
 - The Founders’ Constitution <<http://press-pubs.uchicago.edu/founders/>>
 - Founding.com <<http://www.founding.com/>>
 - National Archives Charters of Freedom <http://www.archives.gov/national_archives_experience/charters.html>
 - The Library of Congress American Memory Page <<http://memory.loc.gov/>>
 - Our Documents <<http://www.ourdocuments.gov/>>
 - Teaching American History <<http://www.teachingamericanhistory.org/>>

A good site to help you construct the Web Quest is: <<http://trackstar.hprtec.org>>

Verbal Assessments

1. **Contingency in History**—In a one-to-two page essay, have students answer the question, “How would history have been different if [Founder] had not been born?” They should consider repercussions for later events in the political world.
2. **Letters Between Founders**—Ask students to each choose a “Correspondence Partner” and decide which two Founders they will be representing. Have them read the appropriate Founders essays and primary source activities. Over a period of time, the pair should then write at least three letters back and forth (with a copy being given to the teacher for review and feedback). Instruct them to be mindful of their Founders’ tone and writing style, life experience, and political views in constructing the letters.
3. **Categorize the Founders**—Create five categories for the Founders (e.g., slave-holders vs. non-slaveholders, northern vs. southern, opponents of the Constitution vs. proponents of the Constitution, etc.) and a list of Founders studied. Ask students to place each Founder in the appropriate category. For advanced students, ask them to create the five categories in addition to categorizing the Founders.
4. **Obituaries and Gravestones**—Have students write a short obituary or gravestone engraving that captures the major accomplishments of a Founder (e.g., Thomas Jefferson’s gravestone). Ask them to consider for what the Founder wished to be remembered.
5. **“I Am” Poem**—Instruct students to select a Founder and write a poem that refers to specific historical events in his life (number of lines at the teacher’s discretion).

ADDITIONAL CLASSROOM ACTIVITIES

Each line of the poem must begin with “I” (i.e., “I am...,” “I wonder...,” “I see...,” etc.). Have them present their poem with an illustration of the Founder.

6. **Founder’s Journal**—Have students construct a journal of a Founder at a certain period in time. Ask them to pick out at least five important days. In the journal entry, make sure they include the major events of the day, the Founder’s feelings about the events, and any other pertinent facts (e.g., when writing a journal about the winter at Valley Forge, Washington may have included information about the troops’ morale, supplies, etc.).
7. **Résumé for a Founder**—Ask students to create a resume for a particular Founder. Make sure they include standard resume information (e.g., work experience, education, skills, accomplishments/honors, etc.). You can also have them research and bring in a writing sample (primary source) to accompany the resume.
8. **Cast of Characters**—Choose an event in the Founding Period (e.g., the signing of the Declaration of Independence, the debate about the Constitution in a state ratifying convention, etc.) and make a list of individuals related to the incident. Tell students that they are working for a major film studio in Hollywood that has decided to make a movie about this event. They have been hired to cast actors for each part. Have students fill in your list of individuals with actors/actresses (past or present) with an explanation of why that particular actor/actress was chosen for the role. (Ask the students to focus on personality traits, previous roles, etc.)

Review Activities

1. **Founders Jeopardy**—Create a Jeopardy board on an overhead sheet or handout (six columns and five rows). Label the column heads with categories and fill in all other squares with a dollar amount. Make a sheet that corresponds to the Jeopardy board with the answers that you will be revealing to the class. (Be sure to include Daily Doubles.)
 - a. Possible categories may include:
 - Thomas Jefferson (or the name of any Founder)
 - Revolutionary Quirks (fun Founders facts)
 - Potpourri (miscellaneous)
 - Pen is Mightier (writings of the Founders)
 - b. Example answers:
 - This Founder drafted and introduced the first formal proposal for a permanent union of the thirteen colonies. *Question: Who is Benjamin Franklin?*
 - This Founder was the only Roman Catholic to sign the Declaration of Independence. *Question: Who is Charles Carroll?*
2. **Who Am I?**—For homework, give each student a different Founder essay. Ask each student to compile a list of five-to-ten facts about his/her Founder. In class, ask individuals to come to the front of the classroom and read off the facts one at a time, prompting the rest of the class to guess the appropriate Founder.
3. **Around the World**—Develop a list of questions about the Founders and plot a “travel route” around the classroom in preparation for this game. Ask one student to volunteer to go first. The student will get up from his/her desk and “travel” along the route plotted to an adjacent student’s desk, standing next to it. Read a question aloud, and the first student of the two to answer correctly advances to the next stop on the travel route. Have the students keep track of how many places they advance. Whoever advances the furthest wins.

AN EIGHTEENTH-CENTURY GLOSSARY

Common Good: General conditions that are equally to everyone's advantage. In a **republic**, held to be superior to the good of the individual, though its attainment ought never to violate the **natural rights** of any individual.

Democracy: From the Greek, *demos*, meaning "rule of the people." Had a negative connotation among most Founders, who equated the term with mob rule. The Founders considered it to be a form of government into which poorly-governed **republics** degenerated.

English Rights: Considered by Americans to be part of their inheritance as Englishmen; included such rights as property, petition, and trials by jury. Believed to exist from time immemorial and recognized by various English charters as the Magna Carta, the Petition of Right of 1628, and the English Bill of Rights of 1689.

Equality: Believed to be the condition of all people, who possessed an equality of rights. In practical matters, restricted largely to land-owning white men during the Founding Era, but the principle worked to undermine ideas of deference among classes.

Faction: A small group that seeks to benefit its members at the expense of the **common good**. The Founders discouraged the formation of factions, which they equated with political parties.

Federalism: A political system in which power is divided between two levels of government, each supreme in its own sphere. Intended to avoid the concentration of power in the central government and to preserve the power of local government.

Government: Political power fundamentally limited by citizens' rights and privileges. This limiting was accomplished by written charters or constitutions and bills of rights.

Happiness: The ultimate end of government. Attained by living in **liberty** and by practicing **virtue**.

Inalienable Rights: Rights that can never justly be taken away.

Independence: The condition of living in **liberty** without being subject to the unjust rule of another.

Liberty: To live in the enjoyment of one's rights without dependence upon anyone else. Its enjoyment led to **happiness**.

Natural Rights: Rights individuals possess by virtue of their humanity. Were thought to be "**inalienable**." Protected by written constitutions and bills of rights that restrained government.

Property: Referred not only to material possessions, but also to the ownership of one's body and rights. Jealously guarded by Americans as the foundation of liberty during the crisis with Britain.

Reason: Human intellectual capacity and rationality. Believed by the Founders to be the defining characteristic of humans, and the means by which they could understand the world and improve their lives.

Religious Toleration: The indulgence shown to one religion while maintaining a privileged position for another. In pluralistic America, religious uniformity could not be enforced so religious toleration became the norm.

Representation: Believed to be central to republican government and the preservation of **liberty**. Citizens, entitled to vote, elect officials who are responsible to them, and who govern according to the law.

Republic: From the Latin, *res publica*, meaning “the public things.” A government system in which power resides in the people who elect representatives responsible to them and who govern according to the law. A form of government dedicated to promoting the **common good**. Based on the people, but distinct from a **democracy**.

Separation of Church and State: The doctrine that government should not enforce religious belief. Part of the concept of **religious toleration** and freedom of conscience.

Separation of Powers/Checks and Balances: A way to restrain the power of government by balancing the interests of one section of government against the competing interests of another section. A key component of the federal Constitution. A means of slowing down the operation of government, so it did not possess too much energy and thus endanger the rights of the people.

Slavery: Referred both to chattel slavery and political slavery. Politically, the fate that befell those who did not guard their rights against governments. Socially and economically, an institution that challenged the belief of the Founders in **natural rights**.

Taxes: Considered in English tradition to be the free gift of the people to the government. Americans refused to pay them without their consent, which meant actual **representation** in Parliament.

Tyranny: The condition in which **liberty** is lost and one is governed by the arbitrary will of another. Related to the idea of political **slavery**.

Virtue: The animating principle of a **republic** and the quality essential for a republic’s survival. From the Latin, *vir*, meaning “man.” Referred to the display of such “manly” traits as courage and self-sacrifice for the **common good**.

ANSWER KEY

Colony have the only and sole exclusive Right & Power to lay . . . taxes upon the Inhabitants of this Colony.”

5. Answers will vary, but students should recognize that Henry’s speech was a defiant call for armed resistance to British forces. He declared that war, in effect, had already begun.

Handout B—Context Questions

- a. The document was written in 1788.
- b. It was written in Virginia.
- c. Patrick Henry wrote the document.
- d. The document is a speech.
- e. Henry wrote the speech to convince the Virginia delegates to oppose ratification of the Constitution.
- f. The audience for this speech was the Virginia delegates in particular, but also the people of all the states.

Handout C—In His Own Words: Patrick Henry on the Constitution

Main idea of each passage:

1. Majority Rule: Henry favors majority rule and democratic government. He argues that under the new Constitution, a small minority of Americans could thwart the will of the majority by refusing to ratify a proposed amendment. For example, four small states—such as New Jersey, Rhode Island, Connecticut, and New Hampshire—containing only five to ten percent of the total population of the country could block approval of an amendment favored by the remaining nine more populous states.
2. A Standing Army: Henry argues that the Constitution will create a standing army that the government will use to crush any opposition to its exercise of power. The militia will be powerless to stop it. Henry warns that the seat of government will become an armed fortress used by this army.
3. Liberty vs. Empire: Henry laments the fact that Americans seem to favor the

building of a great empire, which will come at the expense of their liberty.

4. Good and Bad Rulers: Henry argues that the Constitution does not include sufficient safeguards against the abuse of power by evil officeholders.
5. The President, a Tyrant: Henry cautions that the presidency is poorly designed and that a power-hungry occupant of that office will be able to use the standing army and the militia to establish tyranny.

THOMAS JEFFERSON

Handout A—Thomas Jefferson (1743–1826)

1. Jefferson had mixed feelings about slavery. He warned that slavery might one day tear the Union apart. He condemned the slave trade and proposed a plan for ending it. But Jefferson owned more than 200 slaves who lived on and near his great plantation of Monticello, and he freed none of them while he lived. He did provide in his will for the emancipation of seven of his slaves, including Sally Hemings (the slave with whom Jefferson is alleged to have had a sexual relationship), her five children, and her nephew.
2. While he was president, Jefferson reduced the number of public employees, cut military spending, and lowered the national debt.
3. Jefferson championed the right to bear arms, religious freedom, the rights of people accused of crimes, and the right to property.
4. Answers will vary. Some students will point out the contradictions between Jefferson’s opinions and his actions. For example, he condemned the slave trade, warned that slavery might one day tear the Union apart, and proposed a plan for ending slavery in the United States. But he owned more than 200 slaves who

ANSWER KEY

lived on and near his great plantation of Monticello, and he freed few of them while he lived. Also, despite his opposition to powerful government, he purchased the Louisiana Territory from Napoleon for \$15 million. And though he advocated the rights of individuals, Jefferson violated the civil liberties of many Americans when enforcing the Embargo Act. Students may argue that these facts are proof that Jefferson did indeed violate his principles at times. Other students, however, may say that Jefferson was sometimes forced to choose between competing principles. In purchasing Louisiana, for instance, he hoped to provide for the happiness of America. By harshly enforcing the Embargo Act, he wished to keep the United States out of European wars.

5. Jefferson believed that these achievements were the high points of a life dedicated to the promotion of human freedom. Education, he held, freed the mind from ignorance. Tolerance freed the will from coercion. And the assertion of human liberty and equality freed the body from the chains of tyranny.
6. Jefferson was trying to unite the nation after the bitterness of the 1800 presidential contest. His words implied that all Americans shared certain philosophical principles—those embodied by the terms “federalism” and “republicanism”—that superseded petty political differences between the Federalist and Republican Parties.

Handout B—Vocabulary and Context Questions

1. Vocabulary
 - a. impose, charge
 - b. leaving out
 - c. errors in reasoning
 - d. businesses that dominate a sector of the economy
 - e. undying
 - f. constant
 - g. the requirement that the government must show good cause in order to hold a person in jail
 - h. to have a right to
 - i. leaving behind
 - j. official
2. Context
 - a. The document was written on December 20, 1787.
 - b. It was written in Paris, France.
 - c. Thomas Jefferson wrote the document.
 - d. The document is a personal letter.
 - e. Jefferson wrote the letter to respond to Madison’s previous letter and to inform him of Jefferson’s opinion of the Constitution.
 - f. The audience for the letter was James Madison and, by extension, the other members of Congress he would be addressing on the issue.

Handout D—Analysis: Thomas Jefferson on the Constitution

- A. Jefferson approved of this separation of powers.
- B. He approved of the House—whose members are chosen by the people—possessing the taxing power.
- C. He approved of voting in the legislature being done by individual members and not by state delegations.
- D. He approved of the president’s veto power, although he wanted the judicial branch to have a veto power also.
- E. He wanted the right of habeas corpus to be more firmly established in a bill of rights.
- F. He wanted the right to a trial by jury to be more firmly established in a bill of rights.
- G. He approved of Congress’ oversight of the military forces but wanted protection against a standing army to be more firmly established in a bill of rights.

ANSWER KEY

H. He was troubled by the lack of limitation on how many terms the president could serve.

RICHARD HENRY LEE

Handout A—Richard Henry Lee (1732–1794)

1. Lee was an outspoken opponent of the international slave trade. His first official act in the Virginia House of Burgesses was to introduce a bill that proposed “to lay so heavy a duty on the importation of slaves as to put an end to that iniquitous and disgraceful traffic within the colony of Virginia.” Lee also condemned the institution of slavery itself. Blacks, Lee declared, were “equally entitled to liberty and freedom by the great law of nature.” He warned that slaves would rebel if they “observed their masters possessed of a liberty denied to them.” Nevertheless, Lee did not free any of his slaves. He simply could not afford to do so.
2. On June 7, 1776, Lee introduced a resolution that declared “that these United Colonies are, and of right ought to be, free and independent States.” This led to the drafting of the Declaration of Independence. Lee’s resolution was adopted by Congress on July 2, 1776.
3. In the *Federal Farmer*, Lee criticized the Constitution’s centralization of powers in the federal government and its lack of a bill of rights. He warned that the Constitution would destroy the states and create a “consolidated” government in which all power was dangerously concentrated in one place. Lee wished instead to preserve a federal system, in which power is divided between the national and state governments.
4. Answers will vary. Some students may say that Lee did not want anyone to know he was the author of the *Federal Farmer*. Anonymous authorship was a common tactic of political pamphleteers at the time. This was a way to keep people focused on the arguments and not the author of the pamphlet. Some students may suggest that the pseudonym “Federal Farmer” reflects Lee’s identity as a plantation owner who favored the principle of federalism. Lee probably also wished to imply that the views expressed in the pamphlet were held by all virtuous farmers of America.
5. Answers will vary. Some students may agree with Lee that no constitutional procedures or laws can stop corrupt office-holders from doing evil. Others may disagree with Lee and argue that a well-designed constitution can reign in evildoers by pitting the interest of one against the other. (Madison famously expressed this latter idea in *Federalist No. 51*, in which he argued that “ambition must be made to counteract ambition.”)

Handout B—Vocabulary and Context Questions

1. Vocabulary
 - a. united
 - b. vicinity
 - c. incapable of being taken away
 - d. openly, clearly
 - e. discovered, found out
 - f. determined
 - g. supports, buttresses
2. Context
 - a. The document was written in 1787–1788.
 - b. The document was written in Virginia.
 - c. Richard Henry Lee is the author of the document.
 - d. The document is a series of essays/letters.
 - e. The purpose of the document was to convince Americans not to ratify the Constitution.
 - f. The audience was Americans in every state.