

Unit One: What Are the Philosophical and Historical Foundations of the American Political System?



Mayflower Compact (1620)	English Petition of Right (1628)	Massachusetts Body of Liberties (1641) The Law and Liberties (1648)					Glorious Revolution (1688)	English Bill of Rights (1689)	Declaration of Independence (1776) Virginia Declaration of Rights (1776) First Continental Congress (1774) The Stamp Act (1765)			
1610s	1620s	1630s	1640s	1650s	1660s	1670s	1680s	1740s	1750s	1760s	1770s	
	Virginia House of Burgesses, colonies' first representative assembly (1619)		First colonial printing press (1639)		Bacon's Rebellion against the governor of Virginia (1676)		First newspaper published in the colonies (1690)		Britain defeats France in the Seven Years War (1763)			

Purpose of Unit

The people who led the American Revolution, which separated the American colonies from Great Britain, and who created the Constitution, which established the government we have today, were making a fresh beginning. They were also, however, the heirs to a philosophical and historical tradition as old as Western civilization itself.

The Founders were well-read. "I cannot live without books," Thomas Jefferson once told John Adams. Jefferson's library of 6,500 volumes now forms the core of the Library of Congress. Adams himself read 43 books when he was 81 years old! These Americans were familiar with the history, philosophy, and literature of the ancient world, as well as that of their own time. They also studied English history and law, from which their own constitutional traditions had derived. Religion had been an important part of the Founders' educational background. They knew the Bible and its teachings.

The knowledge these people possessed was not limited to what they read in books. In creating the new nation they drew upon their own experience. Many of the Constitution's Framers had fought in the Revolution and

served in colonial government before America won its independence. They also had the experience of governing the newly independent states. They used both their knowledge and their experience when they wrote the Constitution. An understanding of what they had learned will help you understand why they wrote the Constitution as they did and why we have the kind of government we have today.

This unit provides an overview of some important philosophical ideas and historic events that influenced the writing of our Constitution and Bill of Rights. The first and second lessons in this unit introduce you to some basic ideas of the **natural rights philosophy** and theories of government. These ideas were of great importance in the development of our government. The remaining lessons in this unit examine in greater detail the historical background of these ideas. It is particularly important to understand the content of this unit because it provides a frame of reference or basis for understanding the other units. You will appreciate why our history as a people has been a great adventure in ideas and in trying to make these ideas a reality.

LESSON 1

What Would Life Be Like in a State of Nature?

Purpose of Lesson

This lesson introduces you to some basic ideas of the natural rights philosophy and theories of government that were of great importance in the development of our government.

These major ideas include the state of nature, the law of nature, natural rights, consent, and the social contract. You learn about these ideas as they were developed by the English philosopher John Locke (1632–1704).

When you finish this lesson, you should be able to describe how and why the natural rights philosophers used an imaginary state of nature to think about the basic problems of government. You should be able to explain some of the basic ideas of the natural rights philosophy.

Finally, you should be able to explain that the purpose of government based on the natural rights philosophy is to preserve our natural rights to life, liberty, and property.

This excerpt from the Declaration of Independence includes some of the most important philosophical ideas underlying our form of government. They are ideas that had been familiar to almost everyone in the American colonies long before the Revolutionary War.

These ideas had been preached in churches, written in pamphlets, and debated in public and private. They had been developed and refined by political philosophers such as the Englishman John Locke (1632–1704) and others. Locke was the most important influence on the thinking of the Founders at the time of the Revolution. Locke's political philosophy is often called the **natural rights philosophy**.

The natural rights philosophy is based on imagining what life would be like if there were no government. Locke and others called this imaginary situation a **state of nature**. By this, Locke did not necessarily mean people living in a wilderness. A state of nature is a condition in which there is no government. For example, even with the existence of the United Nations, international relations between countries today operate in a state of nature. There is no superior power that can act effectively as a government over these individual states.

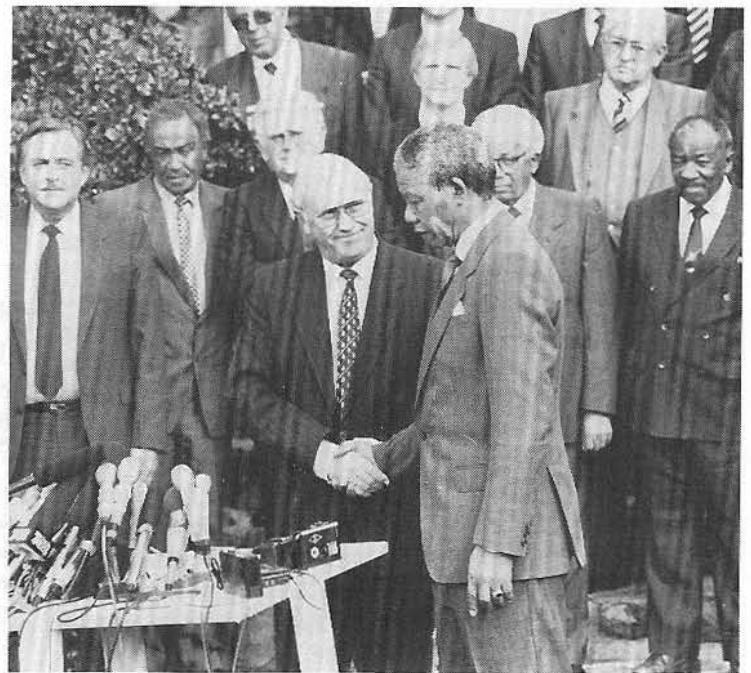
Terms to Know

civil rights	natural rights
consent	political rights
human nature	social contract
law of nature	state of nature
legitimate	unalienable (inalienable)

What is the natural rights philosophy?

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, and to institute new Government....

Declaration of Independence, 1776



Did the end of white rule in South Africa in 1993 result in a state of nature? Why?

Thinking about what life would be like if there were no government was very useful to philosophers such as Locke in answering questions like these:

- What is **human nature**? That is, what traits of personality and character, if any, do all human beings have in common? For example, are all people selfish or do they tend to care for the good of others?
- What should be the purpose of government?
- How do the people running a government get the right to govern?
- How should a government be organized?
- What kinds of government should be respected and supported?
- What kinds of government should be resisted and fought?

The natural rights philosophers' answers to these questions provided the foundation for many arguments the Founders made to explain and justify their decision to separate from Britain. They also used these ideas in writing state constitutions after the Revolutionary War and later in writing the Constitution of the United States and the Bill of Rights.

Critical Thinking Exercise

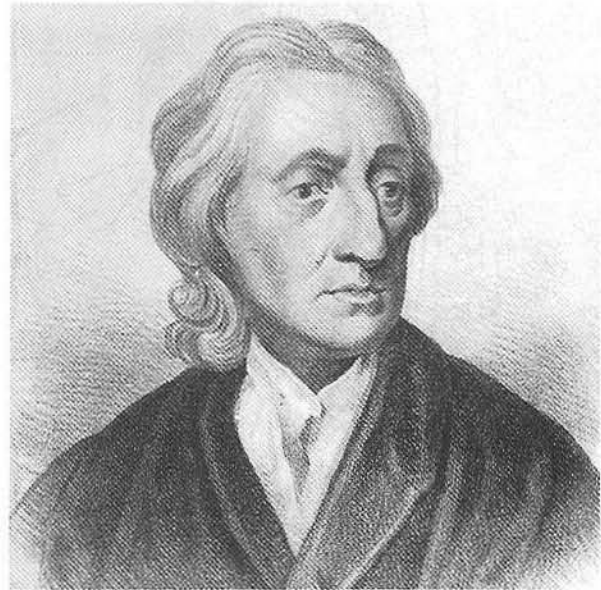
TAKING THE POSITION OF A POLITICAL PHILOSOPHER

To understand the natural rights philosophy, you should try to answer the questions it addresses. Some important questions are included in the following exercise. Your class should be divided into small discussion groups. The members of your group may not all agree on the answers. It is important to know that at various times in history, people have had very different views on these matters.

Imagine that all the students in your school were transported to a place with enough natural resources for you to live well, but where no one had lived before. When you arrive, you have no means of communicating with people in other parts of the world. With this imaginary situation in mind, answer the following questions. Discuss your answers, and then compare your answers with those of John Locke, in the next section.

1. Upon arrival would there be any government or laws to control how you lived, what rights or freedoms you exercised, or what property you had? Why?

2. Would anyone have the right to govern you? Would you have the right to govern anyone else? Why?
3. Would you have any rights? What would they be?
4. What might people who were stronger or smarter than others try to do? Why?
5. What might the weaker or less sophisticated people try to do? Why?
6. What might life be like for everyone?



John Locke (1632–1704)

In what ways did Locke's ideas influence the Founders?

How do your answers compare with those of John Locke?

Your answers may be similar to those developed by John Locke or they may differ. In this lesson we are focusing on understanding Locke's answers because they were widely shared by Americans living during the 1700s. They also played a very important role in the development of our government.

1. Locke believed that there were rules in a state of nature. He called these rules natural law or the **law of nature**. He said, "The state of nature has a law of nature to govern it which obliges every one.... No one ought to harm another in his life, health, liberty, or possessions...."

They were "the Laws of Nature and of Nature's God," as Thomas Jefferson called them in the Declaration of Independence. Jefferson believed they were laws made by a Supreme Being for the benefit of human beings.



According to Locke, how is personal property protected in a state of nature?

Locke believed that most people understood this law of nature through the use of their reason and followed it because their consciences obliged them to do so. Not all humans were reasonable or good, however. There might even be disagreement about what the “laws of nature” were. If there were no government, there would be no one with the right to interpret or enforce these laws.

According to Locke, there would be no government because a government cannot exist until it has been created. A **legitimate** government cannot exist until the people have given their **consent** to be ruled by it. Thomas Jefferson included this idea in the Declaration when he wrote that “Governments are instituted among men, deriving their just powers from the consent of the governed....”

2. No one would have the right to govern you, nor would you have the right to govern anyone else. According to Locke, the only way anyone gets the right to govern anyone else is if that person gives his or her consent. If the people to be governed have not consented to the creation of a government, there is no legitimate government.
3. Using his reason to determine what rights were provided for by the law of nature, Locke asked himself: “What are the things that all people always

need and seek, no matter what they believe, no matter when or where they live?” His answer identified the following rights:

- **Life.** People want to survive and they want their lives to be as free as possible from threats to their security.
- **Liberty.** People want to be as free as possible from the domination of others, to be able to make their own decisions, and to live as they please.
- **Property.** People want the freedom to work and gain economic goods such as land, houses, tools, and money, which are necessary to survival.

These rights were called **natural rights** and you would have the right to defend them if other people threatened to take them away.

4. Locke believed that people are basically reasonable and sociable, but they are also self-interested. Since the only security people would have for the protection of their natural rights would be their own strength or cunning, people who were stronger or smarter would often try to take away the life, liberty, and property of the weak.
5. Weaker or less sophisticated people might try to protect themselves by joining together against the strong.
6. Since there would be no laws that everybody agreed upon, and no government to enforce them, everybody’s rights would be very insecure.



Why did Locke believe it was necessary for people to create governments?

What do you think?

1. Give examples of problems that might arise when one individual's rights to life, liberty, and property conflict with those of other individuals. What considerations might be used to resolve these conflicts?
2. Should some rights be given more protection than other rights? Why? Give examples.
3. The natural rights philosophy claims that government is based on consent. How do we give our consent and how do we withdraw it?
4. Many people today believe that the rights to life, liberty, and property include the right to public education and health care. Would the founders have agreed? Do you agree? Why?

What is the significance of Locke's definition of the natural rights to life, liberty, and property?

References to "human rights," "political and economic rights," "student rights," "consumer rights," "parental rights," and other terms using the word appear in the news every day. "Rights" is a word you are already familiar with. We have become so accustomed to the word, we don't often think about what it means.

A **right** may be described as a claim to have or obtain something, or to act in a way that is justified on legal or moral grounds. For example, you might claim the right to practice your own religion and justify it by appealing to the First Amendment of the Constitution. This is not, of course, the only justification you could give.

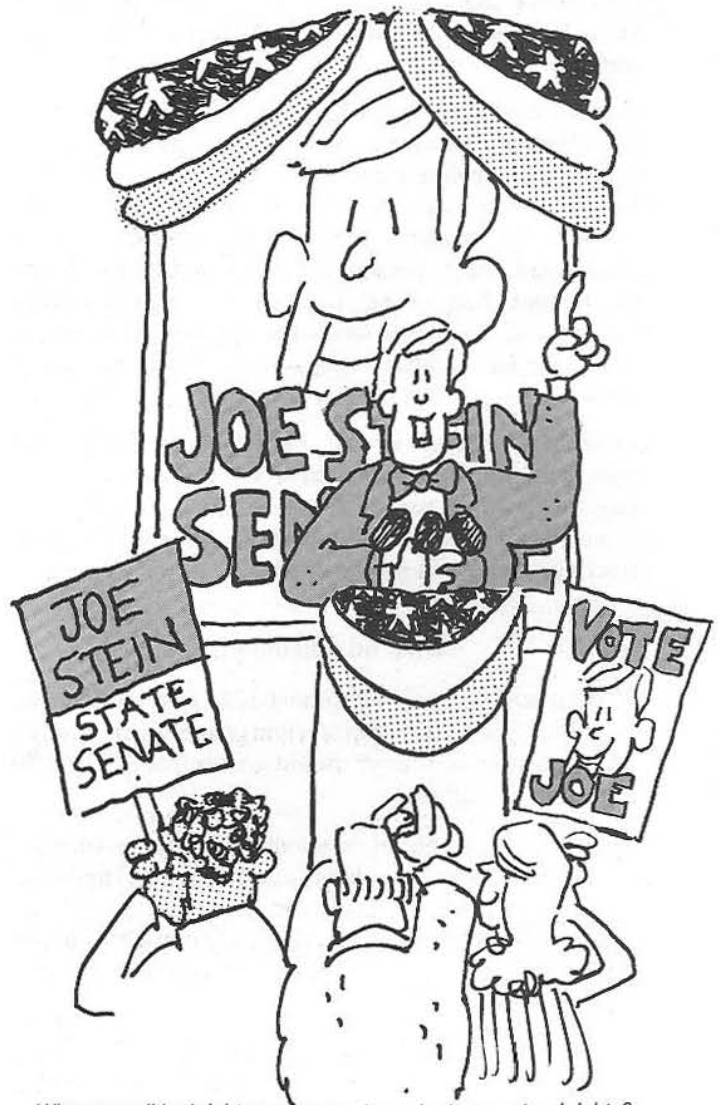
In describing the concept of **natural rights**, philosophers like John Locke were making a bold, new departure from previous uses of the term rights. Before the time of Locke and the other natural rights philosophers, the concept of rights had been applied in a very limited and selective way. More often than not, rights were considered special privileges, enjoyed only by certain groups, classes, or nations of people. They were exclusive rights, not enjoyed by those outside the group.

The natural rights philosophers disagreed with this interpretation. They believed that people's opportunities should not be limited by the situation or group into which they were born. These philosophers regarded the individual, rather than the class or group, as the most important social unit. They saw society as a collection of individuals, all of whom shared the same right to pursue his or her own welfare.

Locke, for example, defined natural rights in terms of life, liberty, and property because he considered them to be the essence of humanity. They are what make us human beings and what define our purpose in life. They

are inclusive rights, belonging to every human being. These rights Locke also considered to be **unalienable**, the word that Jefferson used in the Declaration. This means they are so much a part of human nature that they cannot be taken away or given up. "The sacred rights of mankind," said another Founder, Alexander Hamilton, "are written, as with a sun beam in the whole volume of human nature, by the hand of the Divinity itself, and can never be erased or obscured by mortal power."

Governments and societies based on the natural rights philosophy guarantee specific rights to preserve our natural rights. Under the U.S. Constitution, for example, you possess **civil rights**, securing such things as freedom of conscience and privacy, and protecting you from unfair discrimination by government or others. You also possess certain **political rights**, like the right to vote or run for office, which give you control over your government. Such civil and political rights serve to protect natural rights to life, liberty, and property.



Why are political rights necessary to protect our natural rights?

What did Locke mean by the “social contract”?

In an ideal state of nature, the law of nature would prevail. No one would have the right to interfere with your life and your freedom to acquire and hold property. Locke, however, realized that because not all human beings were rational or good, there would always be people who would try to violate your rights. Since there would not be any government, you and others would have to defend your rights on your own. The result would be that in the state of nature, your rights and their enjoyment would be insecure. You would be in constant danger of losing them.

For Locke and the other natural rights philosophers, the great problem was to find a way to protect each person’s natural rights so that all persons could enjoy them and live at peace with one another. Locke said that the best way to solve this problem in the state of nature is for each individual to agree with others to create and live under a government and give it the power to make and enforce laws. This kind of agreement is called the **social contract**.

As in all contracts, to get something, you must give up something. In the social contract everyone promises to give up the absolute right to do anything he or she has the right to do in a state of nature. In return, everyone receives the security that can be provided by a government. Each person consents to obey the limits placed upon him or her by the laws created by the government. Everyone gains the security of knowing that his or her rights to life, liberty, and property are protected.

Government, then, is the better alternative to an imperfect state of nature where some people will not obey the laws of nature. Government’s purpose is to protect those natural rights that the individual cannot effectively secure in a state of nature.

What do you think?

1. If the purpose of government is to provide security for the rights to life, liberty, and property, under what circumstances, if any, should government be able to limit these rights?
2. What criteria should be used to determine when, if ever, government should be able to limit an individual’s liberty to
 - believe as he or she wishes
 - practice his or her beliefs

- use his or her property
- associate with whomever he or she wishes

3. Imagine yourself living in a community where all order and authority have broken down. Violent lawlessness is widespread. Do you think **any** government is better than none? Explain your answer.
4. It has been said that since people are not equal in their intelligence and character, it is unjust for everyone to have the same rights. Do you agree? Be prepared to defend your answer.

Reviewing and Using the Lesson

1. Explain what is meant by each of the following ideas from the Declaration of Independence:
 - all men are created equal
 - people have certain rights that are unalienable
 - unalienable rights include rights to life, liberty, and the pursuit of happiness
 - governments are created to secure these rights
 - governments derive their just powers from the consent of the governed
 - people have the right to alter or abolish their government if it becomes destructive of the purposes for which it was created
2. What is meant by “the law of nature” or “natural law”? How did Locke try to establish or figure out what limitations it imposed on human conduct?
3. How did Locke use the idea of a “state of nature” to try to establish or figure out what the purpose of government should be?
4. What was Locke’s view of human nature? How did it influence his ideas about what type of government is best?
5. What is meant by the term “social contract”? How is it connected to the idea that government derives its authority from the consent of the governed?
6. Do research to find out about the Mayflower Compact. Explain what it was, why it was created, and how it shows the connection between “social contracts” and the idea that government should be based on consent.