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American Revolution

Ari Kohen and Sara W. Lunsford



When thinking about the American Revolution, one is soon confronted by the puzzle of precisely which revolution is up for discussion. As many scholars of American political thought have noted, one can make a strong case for two revolutionary moments in the founding days of the American republic: the declared separation from Britain in 1776 and the 1789 constitutional revolution. While both of these distinctive moments profoundly influenced the way people think about rights, this essay will focus on the initial revolutionary statement, the American Declaration of Independence. Doing so will enable us to examine closely both the immediate and the lasting impact of the American colonists' decision to break away from the British Empire—a move prompted by the perceived infringement on their basic rights.

The first section of the entry looks closely at the philosophical roots of the American declaration and the rights that it put forward, while the second section considers the declaration from a comparative perspective. The first part looks at the relationship between Jefferson's ideas and those of political philosopher John Locke, while the second part considers the relationship between the American declaration, the English Bill of Rights that preceded it, and the French declaration which came after it. Next, an argument is made about universality and particularity with regard to basic rights, especially noting the language employed by the American founders. Finally, and closely related to the universality debate, the argument is put forth that—while the American Revolution represented a great leap forward with regard to the idea of basic human rights—the founders also left much work to be done, particularly in terms of applying those rights to an ever-expanding circle of individuals and groups.

The Revolution's Philosophical Foundation

The American founders owe an intellectual debt to many who came before them. Although the experiment

they undertook in the late eighteenth century was unique, the ideas upon which it was founded were already in the air, having been written about and debated by some of the greatest minds in Europe. While there are a great many political theorists whose ideas laid the foundation upon which Hamilton, Jefferson, Madison, and others built, the foremost of those is John Locke. His *Second Treatise* (the second part of his famous *Two Treatises of Government*, 1690) undoubtedly influenced Jefferson's thinking, as the ideas and even some of the language can be seen in the American declaration. The most obvious example of this influence can be seen in a comparison of the descriptions of human beings in their natural state. According to Locke (p. 271), "The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions." Echoing this sentiment, Jefferson writes 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." The similarities of language are clear, as is the emphasis that both authors place on the idea of natural rights, but more important are two other foundational ideas upon which Jefferson relies. These are Locke's arguments that legitimate governments must be founded upon the consent of the governed and that subjects have a right to change their government to avoid being tyrannized.

On these two related points, Locke's *Second Treatise* is explicit. After detailing what men are like in their natural state, quite dissimilar from Thomas Hobbes's unhappy picture of the "warre of every man against every man" in *Leviathan*, Locke makes an argument for the origins of government. For Locke, the biggest problem with the state of nature is that independent judgment, legislative clarity, and executive enforcement are lacking; for this reason only, men contract together to form a commonwealth. In doing so, they give up a measure of the

power that is theirs by nature and invest it in those who will create and enforce laws. Because men have consented in this way to be ruled, Locke argues that they might withdraw their consent if their chosen rulers do not discharge their duties properly. Toward the end of the *Second Treatise*, then, Locke articulates two ways by which a government can be dissolved. The first is when the legislative power is altered in any way not agreed upon by the people, while the second is when the executive neglects or abandons his charge by failing to properly enforce the laws that have been enacted. In those instances, the people have the right to discontinue their obedience to the laws and create a new legislative or executive power. Jefferson, of course, directly addresses both of these ideas in the American declaration, noting that “to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed” and 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 a new government.” Furthermore, he dedicates the majority of the declaration to listing the myriad ways in which George III had broken faith with the American colonists and ruled them tyrannically. This list is very much in keeping with Locke’s understanding of appropriate revolutionary moments. After all, Locke is not a proponent of revolution in all cases; rather, he argues that rebellion ought to be undertaken only in rare, necessary cases when it is clear that further delaying a revolution will result in enslavement to a tyrant.

The Declaration of Independence from a Comparative Perspective

The American Declaration of Independence belongs to a larger tradition of rights-asserting documents that also includes the English Bill of Rights of 1689 and the French Declaration of the Rights of Man and of the Citizen of 1789. All three are responses to monarchs’ abuses of power, and they contain many ideas in common, yet they differ significantly, each a product of the circumstances of its creation. The American declaration is a bridge between the other two documents: inspired by the English Bill of Rights, elements of the Declaration of Independence were later incorporated into the Declaration of the Rights of Man.

In 1689, eighty-seven years before the signing of the Declaration of Independence, members of the British Parliament passed the Bill of Rights. They wrote it during the

reign of William III of England (also known as William of Orange). A Protestant, William began his rule following the 1688 Glorious Revolution that ousted his uncle and father-in-law, James II, a Catholic. The Bill of Rights was a response to the tyranny of James II.

The influence of the English Bill of Rights is evident in the Declaration of Independence; it set a precedent for the American colonists by declaring to their king that they had rights, the king had violated those rights, and they would not tolerate any such violations in the future. Both documents declare that the authors and their constituents possess certain rights, although their justification and the particular rights claimed differ. They also both include lists of grievances; some that they share in common are the king acting as if he were superior to the laws, the maintenance of standing armies in peacetime, and the forced quartering of troops in private homes.

Although the influence of the English Bill of Rights on the American declaration is clear, significant differences exist between the two documents. The American founders did not simply copy the ideas found in the English Bill of Rights; they modified and expanded upon those ideas in a way that reflects the political and philosophical environment of eighteenth-century colonial America. The most striking difference between the documents is the authors’ opinion of the sovereignty of the British monarchy. The Bill of Rights explicitly affirms the right of the king to rule Britain—though it requires that he be a Protestant—whereas the Declaration of Independence cuts ties with the British government entirely, asserting America’s status as a separate and independent political entity. Another difference is the source from which the authors derive the rights that they claim. The Bill of Rights understands rights in a particularistic sense, resulting from the British civil tradition, but the American declaration assumes the universality of its rights by referring to “all men.” Finally, although the Bill of Rights confines itself to only the specific rights set forth in the document, the Declaration of Independence takes the broader stance that all men possess the rights to “life, liberty and the pursuit of happiness,” which imply other, more specific rights that are necessary for the attainment of the three that are stated. For example, the right to liberty suggests the right to due process of law in the case of imprisonment. The broader scope of the Declaration of Independence updates the ideas set forth in the English Bill of Rights in a way that is more readily accessible to oppressed people throughout the world, not just in areas controlled by Great Britain.

The French embraced the American revolutionary example. Between 1776 and 1783, there were nine differ-

ent translations of the Declaration of Independence into French. Undoubtedly, these played a role in the creation of the Declaration of the Rights of Man and of the Citizen, which was approved by the National Assembly of France on August 26, 1789. As the delegates met to write the French declaration, opposition to the monarchy increased among the populace, leading to an attack on the Bastille, a French state prison and a symbol of royal power, on July 14, 1789. The Declaration of the Rights of Man and of the Citizen was so radical that the king refused to endorse it. Following the events of August 1789, popular revolutionary sentiment continued to increase, leading to the eventual overthrow of the monarchy.

The Marquis de Lafayette was the primary author of the Declaration of the Rights of Man. He received advice from Thomas Jefferson, which helps to explain some of the similarities between the French document and the American Declaration of Independence. Both embrace universal language, emphasizing that rights derive from nature, not from some sort of agreement between the king and his subjects. Additionally, the French declaration's assertion of the rights to "liberty, property, security, and resistance to oppression" sounds nearly as similar to the American rights to "life, liberty and the pursuit of happiness" as those words sound to Locke's rights to "life, health, liberty, or possessions."

Despite the striking similarities between the Declaration of Independence and the Declaration of the Rights of Man, some differences do exist between the two documents. Unlike the American colonists, the deputies to the French National Assembly were not ready to deny explicitly the sovereignty of the king, and so do not mention the king at all in the declaration. However, the intentions of the two groups of signers were perhaps more similar than is immediately obvious, since the French declaration did declare the nation to be sovereign and, as Lynn Avery Hunt asks, "If the nation was sovereign, what was the role of the king, and who best represented the nation?" (p. 133). Another divergence from the Declaration of Independence is that the French declaration lists particular rights belonging to citizens. In this manner, it is comparable to the English Bill of Rights and to the forthcoming Bill of Rights in the U.S. Constitution (1791), claiming rights such as representative government (Article 6) and due process (Article 8).

The English Bill of Rights, the American Declaration of Independence, and the French Declaration of the Rights of Man and of the Citizen represent different points in the process of asserting the rights of the people against an overreaching monarch. The differences be-

tween the three reflect the times and places of the documents' creations. Oliver Cromwell's brutal dictatorship as lord protector after the English Civil War (1642-1651) was still too fresh in British collective memory in 1689 to support another overthrow of the monarchical system. In America, by 1776, the environment was quite different. After King George III repeatedly ignored the colonists' petitions to treat them more fairly, American revolutionaries were ready to apply the philosophy of John Locke and others and declare their independence. Finally, in France of 1789, the many political and economic failures of the aristocratic *ancien régime* resulted in overwhelming anger among the impoverished peasants, propelling forward the ideals of liberty, equality, and fraternity upon which the revolution stood. The documents that resulted from the revolutionary movements in Britain, America, and France helped to advance and diffuse ideas about human rights.

Universals and Particulars in the American Founding

At the beginning of the revolutionary period, few colonists—even those who would go on to become the framers of the American Constitution—saw themselves as anything other than British subjects living abroad. By 1776, however, that sentiment had dwindled significantly. To be sure, there remained quite a few loyalists—many of whom fled to Canada or to England during the Revolutionary War—but the founders began to perceive of themselves as American instead of British. Even Franklin, the oldest of the Founding Fathers and thus presumably the least likely to become a revolutionary, rejected the possibility that the impasse could be resolved without a split between subjects and sovereign.

Indeed, the specificity of language in the American declaration can be attributed to the unusual circumstances surrounding its drafting, for it needed to describe the feelings of British subjects seeking a separation from the British Empire because of their treatment as British subjects. Thus, the list of complaints against George III is one compiled by subjects who believe that they are being treated unfairly as subjects. For Edmund Burke, who was not a great supporter of revolutionary movements, this distinction is critical because it accords with his sentiment that all rights are particular. Thus, in supporting the American revolutionary sentiment from his position in the British Parliament, Burke points out that these are British subjects asserting the rights that all British subjects possess as

a result of their particular history. But this, of course, contrasts markedly with the language employed in the preliminary clauses of the declaration, which is universalistic in tone and which invokes the rights of all men rather than the particular rights of British subjects.

Finally, from a theoretical perspective, one of the more interesting questions arising from the drafting of the American declaration involves the language the founders chose to describe natural rights and how closely that language is in accordance with their intentions. Clearly, the language is universal, referring to the natural rights of *all men*. This word choice certainly calls to mind a debate about whether Jefferson understood women to possess these rights; it also seems clear from Jefferson's other writings, notably his *Notes on the State of Virginia*, that a great many people were either not considered men by many of the founders or simply were not believed to possess these rights.

Laying the Foundations

The American Revolution was a key event in the progression of human rights in what is now the United States. Most important, the colonists broke away from the British monarchy, established a republic, and—through the Declaration of Independence—centered American political rhetoric on freedom and equality. Despite these advances, the American Revolution nonetheless left a great deal of work to be done in the field of human rights.

Only by situating the American Revolution in its philosophical and historical context can its outcomes be properly evaluated. The English Bill of Rights set a practical example of a people (albeit the elites of a people) asserting their rights as subjects. Enlightenment philosophy, particularly through the writings of John Locke, also helped to pave the way for declaring independence from Britain by providing an ideological justification.

By declaring independence, the Americans took the first step toward establishing a republic. From a human rights perspective, the major advantages of a republic are that, unlike a monarchy, it does not presume that some people are more worthy than others simply because of parentage, and that, in theory at least, citizens can use the vote to prevent tyrannical behavior by those in power. The Revolution put a stop to certain illiberal practices that had occurred under British rule. For example, after the war the Church of England lost its status as the official religion. In addition to these direct advances, the revolutionary focus on freedom and equality helped to put these

values at the center of America's collective consciousness, thereby laying the foundation for later human rights advances in the United States.

Although the American Revolution played an undeniably important role in advancing human rights, many in the new republic did not gain access to either freedom or equality. The government denied some or all rights to people without property, women, slaves, free blacks, and Native Americans. Economically, as well, the early United States was quite unequal, prompting Thomas Jefferson to remark, "The property of this country is absolutely concentrated in a very few hands" (Ishay, *History of Human Rights*, p. 108). Furthermore, although there was no longer an established religion, several state constitutions allowed the allocation of taxes to churches in order to preserve Christianity, and some states had religious requirements for public office. Finally, under the Articles of Confederation that served as the first postrevolutionary form of government, Americans lacked a sufficiently strong national government to protect the rights that the Revolution secured.

The failures of the weak national government finally led Americans to take the next step and draft the Constitution. Although observers today can quite rightly criticize the founders as having too limited a conception of who possessed human rights, their ideas were progressive for their time and served as a foundation on which later generations built expanded notions of rights. The process of the expansion of rights that started with the Revolution continued through the Civil War, the granting of the vote to African Americans and women, and the civil rights movement. In the early twenty-first century, the same values of liberty and equality that prompted the Revolution remain key components of the way Americans think about their government and themselves.

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