

American politics



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Liberty is a concept that is commonly used by the average American in his daily affairs. A lexical definition of liberty states that it refers to the freedom to believe or act without the restriction of an unnecessary force. As far as the individual is concerned, liberty is the capacity of a person to act according to his will. But do we really know the history of America's liberty? Do we really understand the historical events that have shaped the liberty that we know of and enjoy in these contemporary times?

In this paper, I will be examining the roots of American liberty from the founding era to the modern debates surrounding the concept of liberty. I will also be looking into the proponents of liberty and those who have shared a significant role in defining and upholding liberty as we know it today. The Founding Era Hundreds of years before today, America was an entirely different place. Long before the creation of the Constitution, different European countries have already established their own settlements across America. The Spaniards and the French were among the early colonizers until the time of the British.

During the rule of the British Empire, severe shortage in human labor resulted to enslavement and indentured servitude of the natives. In the years that followed, conflicts broke-out between the Native Americans and the English settlers. It should be noted, however, that Virginia already had black indentured servants in 1619 after being settled by Englishmen in 1607 (" Virginia Records Timeline: 1553-1743," http://memory.loc.gov/ammem/collections/jefferson_papers/mtjvatm3.html), thereby suggesting that the attainment of genuine liberty from the colonizers is yet to be realized.

It is perhaps during the time when the English pilgrims came to Plymouth, Massachusetts in 1620 and established their colonies that the concept of liberty came about, not the least in the context of the pre-Constitution history of America. As Mark Sargent writes in his article “ The Conservative Covenant: The Rise of the Mayflower Compact in American Myth,” some of the passengers in the Mayflower ship “ who were not travelling to the New World for religious reasons would insist upon complete freedom when they stepped ashore” since the New World is already “ outside the territory covered in their patent from the [British] crown” (Sargent, p.

236). After the Seven Years War between the British forces and the alliance of French and American Indian forces in 1763, the British Empire enforced a series of taxes on the Americans so as to cover a portion of the cost for defending the colony. Since the Americans considered themselves as subjects of the King, they understood that they had the same rights to that of the King’s subjects living in Great Britain.

However, the Sugar Act, Currency Act—both passed in 1764—the Stamp Act of 1765, the Townshend Act of 1767, to name a few, compelled the Americans to take drastic measures to send the message to the British Empire that they were being treated as though they were less than the King’s subjects in Great Britain (Jensen, p. 186). Moreover, the taxes were enforced despite the lack of representation of the American colonists in the Westminster Parliament.

One of the famous protests taken by the Americans is the Boston Tea Party in 1773 where numerous crates containing tea that belonged to the British East India Company were destroyed aboard ships in Boston Harbor. As a

result, the British government passed a series of acts popularly known as the Intolerable Acts in 1774, further fanning the growing oppression felt by the American colonists. Eventually, the American Revolution ensued beginning in as early as 1775 when British forces confiscated arms and arrested revolutionaries in Concord, thereby sparking the first hostilities after the Intolerable Acts were passed (Jensen, p.

434). From 1775 to 1783, the colonies that formed their own independent states fought as one as the Thirteen Colonies of North America. Lasting for roughly eight years, the American Revolutionary War ended in the ratification of the Treaty of Paris which formally recognized the Independence of America from the British Empire. Between these years, the colonies underwent several changes which constitute part of the developments toward the framing of the Constitution (Bobrick, p. 88).

One of these changes is the shift towards the acceptance of notable republican ideals, such as liberty and inalienable rights as core values, among several members of the colonies. Moreover, the republican ideals of the time saw corruption as the greatest of all threats to liberty. In essence, the concept of liberty during the founding era revolves around the liberation of the American colonies from the British Empire and the growing oppression it gave to the colonists through taxation burdens and a series of repressive acts.

For the American colonists, liberty meant the severing of its ties from the British government and the creation of its own independent nation recognized by other countries. The writing and ratification of the Constitution On the fourth of July in 1776, the second Continental Congress signed and

officially adopted the United States Declaration of Independence which established the separation of the thirteen American colonies—the colonies which were at war with Great Britain from 1775—from the British Empire.

Although others say that the founding moment of America is not on July 4 but two days earlier (Groom, <http://independent.co.uk/arts-entertainment/books/review/the-fourth-of-july-and-the-founding-of-america-by-peter-de-bolla-455878.html>), it remains a fact that there came a point in time when America finally declared its independence. The evolution of American political theory—especially that which is concerned with liberty—can be better understood during the confrontation over the writing and the ratification of the Constitution.

In fact, the Declaration asserts that people have unalienable rights which include life, liberty and the pursuit of happiness. The Articles of Confederation served as the constitution which governed the thirteen states as part of its alliance called the “United States of America”. After being ratified in 1781, the “United States of America” was brought as a political union under a confederate government in order to defend better the liberties of the people and of each state. Meaning, each state retained its independence and sovereignty despite being politically held together as part of the union.

However, the Articles were not without opposition and criticisms from several notable political thinkers of the time. For example, James Madison saw several main flaws in the Articles of Confederation that were alarming, or threatened the very existence and purpose of the Articles first and foremost. For one, Madison was concerned about the dangers posed by the divided republics or “factions” given that their interest may stand in conflict to the

interests of others. Madison argues in *The Federalist*, specifically in “*Federalist No.*

10,” that in order to guard the citizens from the dangers posed by these individuals who have contradicting interests, a large republic should be created, a republic that will safeguard the citizens from the possible harms brought by other states. It is likewise important to note that the union is not a homogenous group of citizens with the same political inclinations. Madison also argues that for the government to become effective it needs to be a hybrid of a national and a federal constitution.

The government should be balanced in the sense that it should be federal in some aspects and republican in others instead of giving more weight to each separate state over the larger republic. In his “*Federalist No. 39*,” Madison proposes and describes a republic government guided by three fundamental principles: the derivation of the government’s legitimate power through the consent of the people, representatives elected as administrators in the government, and a limitation on the length of the terms of service rendered by the representatives (Kobylka and Carter, p.

191). Madison also pointed out in “*Federalist No. 51*” that there should be checks and balances in the government, specifically among the judicial, legislative and the executive branches. The judiciary, therefore, is at par with the other two inasmuch as each of the other two are at par with one another. Giving one of the three more powers disables the other two to check if that branch is still functioning within its perimeters.

As a result, the more powerful branch becomes a partisan branch which consequently creates dangers to the liberties of the people. Another

important part of the evolution of American political theory is the contention raised by Patrick Henry. In a letter sent to Robert Pleasants in January 18, 1773, Patrick Henry sees the relationship between the new government and the institution of slavery as a contradiction precisely because while the new government is said to be founded on liberty, there the evil that is slavery persisted under the new government.

During those times, slavery was not yet abolished and that the new government was unable to meet the challenge of living up to its roles and foundations by failing to address the institution of slavery and demolishing it altogether. Moreover, Henry understood the efforts of secession from the hands of England were a matter of freedom or slavery, which can also be looked upon as a question of either a freedom from or a continuation of tax slavery from the British.

While Madison was part of the “Federalists” who were supporting the ratification of the Constitution, the “Anti-Federalists” apparently argued against its ratification. It was Patrick Henry who led the group in criticizing the contents of the proposed Constitution. For instance, Henry argued that the phrase “We the People” in the Preamble of the Constitution was misleading primarily because it was not necessarily the people who agreed and created the proposed Constitution but the representatives of each participating state.

Thus, Henry argues that the Preamble should instead read as “We the States” which in turn delegated power to the union. Another argument of the Anti-Federalists is the claim that the central government and, therefore, the central power might result to a revival of the monarchic type of rule

reminiscent of the British Empire which the Patriots fought. The fear is that, by delegating a considerable amount of power to the central government, the liberties of the individual states and the people are weakened as a result. Nevertheless, the Constitution was adopted on September 17, 1787 and later ratified in each of the state conventions held. The anti-federalists share a significant role in strengthening some of the points of the Constitution through the succeeding amendments. The first ten amendments to the Constitution are popularly known as the Bill of Rights; it is largely influenced by the arguments of the anti-federalists. For the most part, the Bill of Rights aimed to guarantee that Congress shall not create laws which stand against the rights and liberties of the citizens of the nation.

In effect, the Bill of Rights limits the power of the federal government in order to secure the liberties of the people in the United States. In “Federalist No. 84,” Alexander Hamilton argues against the Bill of Rights for the reason that the American citizens will not have to necessarily surrender their rights as a result of the ratification of the Constitution and, thus, the protection of the rights through the Bill is unnecessary. Moreover, Hamilton also argues that creating a Bill of Rights would effectively limit the rights of the people since those that are not listed in the Bill will not be considered as rights.

In response to the argument, the Ninth Amendment to the Constitution was introduced and ratified later on. The amendment specifically states that the rights of the people are not to be limited to those which are listed in the Constitution. As it can be observed, the time before and during the ratification of the Constitution and the succeeding amendments made reflect how the people at the time sought to protect the liberties that they have

realized and gained after the American Revolution and the defeat of the British Empire.

Moreover, the debates at that time revolved around the issue of what to do with the liberties gained and how to secure them for the coming generations. One side—the Anti-Federalists—argues that the central government weakens the independence and sovereignty of the states as well as the rights and liberties of the people. The other side—the Federalists—argues that the Constitution will help preserve and strengthen the Union. Modern debates In the years that followed, debates over the interpretation of the Constitution, the role of the government and the place of the individual in American society have escalated.

In his essay “ Resistance to Civil Government” (popularly known as “ Civil Disobedience”) first published in 1849, Henry David Thoreau asserts that the people should not simply remain passive and allow the government to be an agent of injustice. Much of Thoreau’s political beliefs eventually follow that same philosophy. In his work *Walden* published in 1854, Thoreau attempts to live a life of solitude in a cabin, away from the reaches of the society. In one of his days in *Walden*, Thoreau was arrested for the charge of not paying his taxes. His defense was that he refuses to pay federal taxes to a government that tolerates slavery.

In essence, the fact that Thoreau decided to stay in solitude for approximately two years (although the contents of *Walden* was made to appear as though all the events happened within just a year) signifies his decision not to conform to the dictates of the society. On the contrary, Thoreau lived a life of liberty, free to do anything that he chooses without

the institutions of society restraining him. The same sentiment—non-conformity or disobedience to the dictates of the society, especially the government—echoes through in Thoreau's other work, which is "Civil Disobedience".

Thoreau asserts that "the only obligation which I have a right to assume is to do at any time what I think [is] right" (Thoreau, <http://sniggle.net/Experiment/index.php?entry=rtcg#p04>). That passage, along with the rest of "Civil Disobedience" and its theme in general, implies that people have an inherent liberty, which is the liberty to do any time what they think is right. Taken altogether in the context of the concept of liberty, Thoreau seems to suggest that people ought to disobey a government that oppresses other people since each individual has inalienable rights that nobody can take away, not even the government.

In the face of oppression such as slavery (which was still very much a part of America within twenty years after the ratification of the original Constitution since the issue of slavery was a very delicate and contentious matter during the Philadelphia Convention), Thoreau even suggested that Abolitionists should not only confine themselves with the mere thought of abolishing slavery but resisting the instructions of the government such as paying taxes.

Thus, as a reading of Thoreau's works would suggest, to have liberty is to act upon crucial issues instead of passively allowing contentious actions of the government to thrive and continue. I cannot help but think that Thoreau's concept of liberty is something that is absolute, which I also take to mean as confined only within one's disposition instead of being limited by the

government. Moreover, since Thoreau suggests that liberty is doing any time what one thinks is right an individual should first know if what he or she thinks is indeed right instead of being wrong.

Charles Madison notes that Thoreau was heavily concerned with the “ ever pressing problem of how one might earn a living and remain free” (Madison, p. 110). I cannot help but begin to think that Thoreau attempts at embodying and enacting his individualistic beliefs. As Leigh Kathryn Jenco argues, “ The theory and practice of democracy fundamentally conflict with Thoreau’s conviction in moral autonomy and conscientious action” (Jenco, p.

355); democracy is essentially the rule of the majority which consequently ignores the decisions of the minority. However, I think that much of Thoreau’s thoughts were heavily influenced by the circumstances during his time. His aversion towards the imposed taxation policy of the government stems from the fact that the government at that time still tolerates slavery which is directly against an individual’s liberty.

Thoreau’s insight on the perceived conflict between the liberties being upheld by the Constitution and the actual state of the government during his time points us to the ideal that the people are sovereign because the people is the ultimate source of power of the government. If it is indeed the case that the Constitution upholds the rights of individuals including the right to liberty, it seems appropriate to consider as well why slavery at that time was not immediately abolished entirely especially at the time when the Constitution was ratified.

In fact, it was only in 1865 under the Thirteenth Amendment—about 80 years after the original Constitution was adopted—when slavery was legally

abolished and when Congress was given the power to finally enforce abolition. During the time when slavery was not yet abolished and immediately after the original Constitution was ratified, it can be said that not all citizens living in America were given full liberties. Several people were still laboring as slaves to their American masters.

That is perhaps an often neglected piece of history that undermines the spirit of creating a Constitution and a government that will uphold the rights of the people. The pre-American Revolutionary war, the founding era, the ratification of the original Constitution, the creation of the Bill of Rights and the other succeeding amendments to the Constitution—all these stand as testimonies to the evolution of American political thought. The concept of liberty has played an important role in the development of the federal government and the Constitution.

Although the history of American political thought might reveal that the attainment of liberty through the years has never been a smooth journey, contemporary America has reaped a large amount of benefits from the sacrifices and ideas of the Founding Fathers and all the people who lived and died during those times. Some might even argue that liberty is yet to be truly attained in today's American society. But if liberty is yet to be attained in practice, how is it possible that people are given the right to air their grievances before the government?

How is it possible that people have the liberty to do as they please so long as what they do does not conflict with what is legal? In any case, the present American Constitution guarantees the liberty of the people and that there are institutions which seek to promote and guard that important right. Had it

been the case that the early Americans swallowed everything that the British Empire throw in their way and that the Founding Fathers abandoned the creation and amendment of the Constitution, the United States of America would not have been the land of the free and the home of the brave.

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