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ÚSTAV ANGLOFONNÍCH LITERATUR A KULTUR
THE CONCEPT OF PROPERTY IN THE CONTEXT OF EARLY
AMERICAN POLITICAL WRITING
DIPLOMOVÁ PRÁCE

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PERMISSION

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Souhlasím se zapůjčením diplomové práce ke studijním účelům.

ABSTRACT

When observing the values which repeatedly appear in early American literature, we encounter ideas such as liberty, freedom, or the importance of the individual, but while property and ownership are often also core ideas and motivations for many Americans, their appearance is much more limited and excluded from certain contexts. However, property was always a key issue and economic profitability was always considered as foremost both on political and individual level. This can be seen all throughout American history since its beginning until the present, yet there is the curious trend of downplaying the importance of property in politically oriented text. While no one questioned its value in the past, Americans outwardly replaced property with liberty. Nevertheless, its importance cannot be hidden so easily and through careful examination it is shown as being understood as a pre-requisite of freedom and security, even as it is never the central focus of any major early American political text.

This thesis explores the concept of property in the context of early American political writing in the area between eighteenth and nineteenth century; drawing from texts such as the *Declaration of Independence*, *The Federalist*, *The Anti-Federalist Papers*, *Common Sense* and other contemporary political pamphlets and texts. I argue that the concept of property will prove to be one of the key concepts in early American political writing but that it was greatly downplayed on the formal level due to what might today be referred to as "political correctness" and which is examined by analyzing property in philosophical, political and racial context. The findings prove this hypothesis.

KEY WORDS

Declaration of Independence, slavery, property, John Locke, Federalist Papers

ABSTRAKT

Když sledujeme hodnoty, které se opakovaně objevují v rané americké literatuře, setkáváme se s ideály jako jsou svoboda, volnost a individualita. Ačkoliv majetek a vlastnictví jsou také klíčové v rámci ideologie a motivace Američanů, tyto pojmy se objevují v určitých kontextech velmi zřídka a jsou z nich často i úplně vynechány. Navzdory tomu, majetek byl vždy klíčovou záležitostí v americké kultuře a ekonomická výhodnost byla vždy na předním místě jak na politické tak na individuální úrovni. Tento jev lze pozorovat napříč celou americkou historií od jejího počátku až po současnost. Přesto existuje zvláštní trend v politických textech podceňovat důležitost majetku. V minulosti se o jeho důležitosti nesppekulovalo (stačí nám se jen podívat na práce fylozofů jako byl John Locke) ale Američané na venek zaměnili majetek za svobodu. Navzdory tomu důležitost majetku nelze podceňovat. Díky analýze politických textů můžeme vidět, jak je uváděn jako podmínka pro svobodu a bezpečnost i když není centrálním tématem žádného hlavního raného amerického politického textu.

Tato práce se zaměřuje na pojetí majetku v kontextu raných amerických politických dokumentů v období osmnáctého a devatenáctého století a čerpá z textů, jako jsou *Deklarace nezávislosti*, *Listy federalistů*, *Antifederalistické dokumenty*, *Zdravý rozum* a dalších politických textů té doby. Tvrdím, že majetek se ukáže být jedním z nejdůležitějších konceptů rané americké politické literatury, ale přesto byl na formální úrovni zlehčován, díky tomu co bychom dnes nazvali „společensou nezávadností“. Pokouším se to dokázat analýzou majetku v politické literatuře s přihlédnutím k fylozofickému, politickému a rasovému kontextu doby. Výsledky práce tutu teorii podporují.

KLÍČOVÁ SLOVA

Deklarace nezávislosti, otroctví, majetek, John Locke, Listy federalistů

LIST OF ABBREVIATIONS

For brevity's sake, the following abbreviated forms will be utilized when referring to the texts.

The Declaration for *The Declaration of Independence*

The Second Treatise for *The Second Treatise on Government*

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Chapter 1. – Introduction

The purpose of this thesis is to examine the concept of property in early American political documents. The hypothesis is that property is one of the key ideals of eighteenth and nineteenth century American politics. However, the importance of this concept is somewhat downplayed due to what is now referred to as ‘political correctness’. This will be discovered after analyzing property using philosophical, political and racial context with the final chapter summarizing and comparing the findings. But what do we actually mean by property? This may seem as a ridiculous question, nevertheless, the definition of property plays a key role in forming our understanding of eighteenth century political texts. The first chapter introduces the basic aim of the thesis and discusses the primary and secondary texts in terms of their relevance to the thesis: *The Declaration of Independence*, *The Constitution of The United States of America*, *The Second Treatise on Government*, *The Federalist* and *Anti-Federalist Papers* and *Common Sense*. Also, a sub-chapter explaining the terminology, mainly what is meant by ‘concept’ and ‘property’ (as an extension of the modern meaning is needed for this term due to the fact that during the eighteenth century slaves were still not considered human but property) will be included. Likewise, there will be a summary of the general historical background outlining the social and political context which led to the writing of the aforementioned documents.

1.1 Definitions

As was already mentioned above, the time frame analyzed in the thesis will be the era between the eighteenth century and nineteenth century. However, this does not mean that the eras preceding and following this period will be avoided completely. In order to understand the American approach to property, historical events which shaped their culture and ideology must be taken into account even if only superficially. Likewise, as one of the discussed texts slightly precedes the others such as John Locke's *Second Treatise on Government*, also sometimes references will be made to political events of his time. For brevity's sake, references and notes shall be kept brief and be presented only to clarify the ideas relevant to the analysis of the texts and pertinent information. On a similar note, throughout the thesis, there will be references to the current socio-political situation in the United States. These references will usually be related to showing the contrast between the understanding of terms such as 'rights', 'property' or 'government' in the designated time frame and in the current time as well as showing the dominant trends of American thought.

The first and most crucial term that needs to be examined is that of 'property'. Currently, property is defined as "a (usually material) thing belonging to a person, group of persons [...] a possession; [...] a person's goods, wealth, [...] commercial asset¹". The key word in this definition is 'thing'. Nowadays, the concept of ownership is applicable to things or abstract ideas but certainly not to human beings. During the time that the most significant document of American legislation was written, i.e. *The Declaration of Independence* (1776), the ownership of a person was not only acceptable but fairly common. That is why, when the texts are examined in their historical context, a slightly different understanding of property must be considered. The following definition

¹ "property" www.oed.com/

sums up the eighteenth century attitude towards slavery perfectly: “The fact of owning something or of being owned [...]; (esp. in legal contexts) the (exclusive) right to the possession, use, or disposal of a thing; ownership, proprietorship [...]; a person or thing to be made use of²”.

However, already in the eighteenth century a new attitude towards slavery has appeared. One, that went against the common belief that slaves were “the property of, and entirely subject to, another person, whether by capture, purchase, or birth; a servant completely divested of freedom and personal rights³”. Unfortunately, this emerging trend was not unified in its understanding of what a non-white person actually is. This led to several quite ambiguous statements of some of the leading political figures which continue to raise questions about the interpretation of certain key documents, but that is an issue to be discussed in later chapters. Nevertheless, while we need to be aware of this definition, we cannot forget the current understanding of the term as well.

While these definitions are applicable in the current era they no longer apply to the contemporary concept of human rights. In his text on property, James Madison, a contemporary of the founding fathers, stated that property means “that dominion which one man claims and exercises over the external things of the world, in exclusion of every other individual.”⁴ He also noted, as was already established in the previous two paragraphs, that there are several ways the term can be interpreted and one of these interpretations will prove to be crucial throughout the thesis.

² “Property”. www.oed.com

³ “Property”. <http://www.oed.com>

⁴ James Madison, “Property” *The Founder's Constitution*. Ed. William T. Hutchinson. N.p., 29 Mar. 1792. Web.

Madison declares that the view of property as consisting of a man's money, merchandise of land and nothing else, is only a very limited interpretation because it excludes the immaterial. According to him, property is also nearly synonymous with the word 'right'.

A man has a property in his opinions and the free communication of them. He has a property of peculiar value in his religious opinions, and in the profession and practice dictated by them. He has a property very dear to him in the safety and liberty of his person. He has an equal property in the free use of his faculties and free choice of the objects on which to employ them.⁵

This way, the term property covers a broad range of things to “which a man may attach a value and have a right; and which leaves to every one else the like advantage.”⁶

Among the reasons as to why we should be clear on the definition, is the fact that during the eighteenth and nineteenth century, the status of slaves changed rapidly and they themselves were key to the Southern economy because they provided unpaid labor. Moreover, it should be noted that slaves could have added to the property of the master in several ways. The first is the most well known one; a slave was property and he or she could be used as their master wished. However, they could also add to their master's political power after the constitution was written. As each slave was counted as three-fifths of a person and all slaves would act and vote as directed by their owners, they could directly affect the political stage, as shall be discussed in the fourth chapter.

⁵ Madison, James. “Property“, *The Founder's Constitution* . Ed. William T. Hutchinson. N.p., 29 Mar. 1792. Web.

⁶ Madison, James. “Property”, *The Founder's Constitution* . Ed. William T. Hutchinson. N.p., 29 Mar. 1792. Web.

1.2. The Texts

Let us now focus on the documents themselves. We only have one primary text, which is The *Declaration of Independence*. Most of the secondary texts, are directly connected to it, such as; *The Federalist* or the *Anti-federalist Papers*. The reason why these texts were chosen is simple; they are the key political texts of their time and they focus on redefining America as an independent country, separate from the Crown, with its people, its rights and its commerce, which shows how essential property was for the Americans. The texts are relevant to the topic of the thesis because they all perceive ‘property’ as an important factor for ensuring the happiness of the people. They are the most important political texts written in America during the examined time period and there are few other texts which could match them in terms of validity in representing the views and attitudes of the general public.

The *Second Treatise on Government* slightly predates the other texts that will be used. That is because it is a key text that influenced the creation and content of the *Declaration* and therefore affected the other later political documents as well. Likewise, both the *Federalist* and the *Anti-federalist Papers* were written a bit later and they are a response to the *Constitution of the United States of America*, not to the *Declaration* itself. Nevertheless, the ideas expressed in them are still relevant as they are a reaction to the situation which arose as a direct consequence of the separation from Great Britain. Also, it could be said that the constitution does no more than formalize the solution to the concerns expressed in the *Declaration* by promising to “establish Justice, insure domestic

Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.⁷”

1.3 The Historical Overview

While a detailed knowledge of history is not necessary for the understanding of this thesis and its concerns, it might be beneficial for the reader to be aware of certain historical events and consistencies which resulted in the writing of the *Declaration of Independence* and other American political texts. For that reason, a brief introduction into the situation predating the discovery of America will be provided, giving a general timeline following the arrival of Europeans on American soil and ending with a slightly more detailed description of events immediately preceding the drafting of the first examined document.

It should be noted that the selection process for what would later constitute the population of the United States started in Europe sometime in the sixteenth century (even though the first English settlements began to appear almost a hundred years later). Land was in limited supply in Old World and most of it was already distributed among the ruling class. This caused the lower classes to live as tenants never making enough to buy land. The most difficult role of the European tenant farmers who did not own land as it belonged to mainly to church or aristocracy who have placed a great pressure on them and not only in terms of the rent. The people felt pressured to please both the community and their landlord, who was the absolute authority, in order to keep in their good graces

⁷ “The Constitution of the United States: The Bill of Rights and All Amendments”, *The Constitution of the United States: The Bill of Rights and All Amendments*, 12 Nov. 2017, Web.

and thus avoid being evicted. Moreover, a number of these farmers were radical Protestants but could not fully practice their faith for fear of displeasing their landlords.

Due to this situation, many people held a deep-felt desire to be free of this 'oppression' and therefore many saw America as something akin to utopia at first. The New World was seen as a place free of religious oppression and a land of opportunities. This continued to motivate Europeans to cut their ties with the old continent and move there, even when many eventually returned or died due to the harsh conditions (during the first year, the number of the newly arrived settlers lowered by half⁸). It held immense appeal to the under-privileged lower classes, who could not even afford a ticket. In fact, some were desperate enough to sell themselves to drudgery in order to pay for their passage. This way, a number of small communities and towns were founded, where the citizens had a say in the way they were run, which had an influence on the later American approach to government.

The American people established a sense of personal power stemming from their newly acquired tradition of self-government. This does not mean that the people were free without any control from a higher authority but the power was quite decentralized, the land wild and the settlements isolated. The monarch was far away. There were a number of small colonies each with a different authority figure. Each of the states had different laws and moving from one state to another did not meet with great opposition as it did in Europe. Also, there was an abundance of space so the people who did not favor a certain authority could easily move.

⁸ For more information see: Karen Ordahl Kupperman, "Death and Apathy in Early Jamestown", *The Journal of American History*. Vol. 66. No 1. (Jun 1979) pp. 24

As the settlements increased in number the control of Great Britain increased as well and there was a number of British representatives present in America who executed that control, which reached into all spheres; from judicial to taxation, turning away from the previous state of 'salutary neglect'. The people did not appreciate the control, especially when it came to commerce. Still in 1763 they were proud to call themselves Britons and publicly claimed their connection to their mother country. However, Britain was spent after the Seven Years War and looked to the colonies to cover the deficit, introducing Americans to The Stamp Act, which was widely resisted and even commercially boycotted it. Even after it was withdrawn, Americans no longer saw Britain as its absolute ally, which resulted in an increased number of skirmishes and conflicts.

All this culminated in the situation of the mid seventeen hundred's. In July 1774 Thomas Jefferson wrote *A Summary View of the Rights of British America*, which was his first published account of the grievances the colonies suffered due to King George III. In September of the same year was the first meeting of the Continental Congress in Philadelphia, which met precisely to address those said grievances. The political situation escalated to such heights that even the Olive Branch Petition, which was the Congress' attempt at reconciliation, failed.

The situation moved past the point of no return following the skirmishes along Virginia's coast and the destruction of Falmouth, motivating King George to declare the colonies no longer under his protection in August 23, 1775, an action which, in turn, prompted the Congress to try and establish themselves as truly independent. This attitude only mirrored the ideas of the public as can be seen by the number of political pamphlets which entered circulation at the time, namely Thomas Paine's *Common Sense* that

became immensely popular. On July 2nd 1776, the delegates of the Continental Congress reached the decision that there is no further possibility of reconnecting with Britain and deciding to sign the *Declaration of Independence*.

1.5 The Ideological trends and approaches toward property

It should also be noted that Americans were always strong individualists and that was later reflected in their attitudes towards government. Even now they have a unique taxing system which is set up on both a federal and state level (“the two levels are completely separate and each has its own authority to charge taxes⁹” with the federal government unable to interfere with the state’s choice and height of taxes). Each state has its own tax system unique to others and inside it there may be jurisdictions that also charge taxes (“For example, counties or towns may charge their own school taxes that are in addition to state taxes.”¹⁰)

However, these individualist attitudes, which result in such a variety of separate taxing organs, have concrete points of origin. As was mentioned in the historical overview, the first arrivals were people willing to take a chance in a difficult environment and, in order to stay, they had to succeed. This caused a rise of individualism and higher autonomy in the early American settlements. If people wanted success, they had to take risks and work hard and this approach did work for some, creating the powerful image of self-made men. In order to continue like this, Americans did not wish for the government to have control over their lives on a daily basis. They did feel the need to have some sort

⁹ https://www.rpi.edu/dept/advising/free_enterprise/us_government/taxation.htm

¹⁰ https://www.rpi.edu/dept/advising/free_enterprise/us_government/taxation.htm

of higher authority to appeal to in case of an injustice or some severe issues, but they did not feel the desire to relinquish their own authority.

Even though early Americans had to endure in the difficult times and face hardships alone, the idea of a strong welfare system was viewed very negatively. Not only would it be unfair to those who have shown the ability to prosper on their own, it would be un-motivational for the new generation, not to mention that the capable or more fortunate Americans would be forced to pay (through tax) for the lazy or unmotivated groups. While changes did occur during the following decades, it was thoughts like this and the desire of individuals to protect their property from the government that established stable trends in the American cultural awareness which shaped the American government into what it is today. As well as clearly determining the cultural paradigm of America ‘the desire to make your own way’.

Chapter 2 - The *Second Treatise of Government* and *Common Sense*

The second chapter will consist of the analysis of *The Declaration of Independence*, explaining how property was viewed according to it and stating its original purpose. Moreover, it will provide a comparison with Locke's *Second Treatise on Government* exploring, among other things, how and why, in the American formulation, the 'pursuit of happiness' came to replace its British counterpart, the 'pursuit of property'.

During the re-examination of the *Declaration* against John Locke's *The Second Treatise on Government*, the text's resemblance to one another should be noted. The *Declaration* applied Locke's ideas of social contract and the laws of nature to formulate its arguments against the government. Not only that, it was greatly inspired by Locke's approach to rebellion and the purpose of the government. Likewise, we noted that while Locke lived in the British Isles, he was fascinated by America and many of the ideas mentioned in his texts were directly applicable and, some argue, were even constructed specifically for the New World.

The Continental Congress ratified the *Declaration* on July 4, 1776 and it changed the course of American history. Yet while it is without a doubt an original work tailored to suit the American needs at the time, it shows clear parallels with the *Second Treatise of Government* written by John Locke in December 1689. The *Second Treatise of Government*, which is subtitled *An Essay Concerning the True Original Extent and End of Civil Government* is an extremely influential work in the field of political philosophy

and it has provided a basis for many later political doctrines, such as the *Declaration* and the Constitution of the United States of America.

2.1. John Locke

There are a great number of similarities to be found between The *Declaration e* and *The Second Treatise on Government*. In fact, we could claim that The *Declaration* is simply the application of The *Second Treatise* in the American context. Many of these similarities actually stem from the reasons that the two texts were written, as will be explained bellow. We should also be aware that Locke should not be examined only in terms of his relation to ideas explicitly mentioned in the *Declaration*. As will be shown below, some of his ideas and beliefs might even be used to suggest interpretations as to what is not explicitly stated in the *Declaration* (ex. meaning of property, slavery...) and we can turn to him in order to get a notion of the ideas of the general public at the time. Herman Lebovic states in *The Uses of America in Locke's Second Treatise on Government* that "John Locke was the first modern philosopher to discover the New World and to make its existence a major component in a political philosophy¹¹" and this can be clearly observed in the *Second Treatise on Government*.

While he was writing for a purpose specific to Britain at the time, he made sure to refer to the New World to show how it is at the beginning of its creation as a Nation. When describing the first process of settlement and the discovery of private property he

¹¹ Herman, Lebovics, "The Uses of America in Locke's Second Treatise on Government." *Journal of the Historic Ideas*. Vol 47. No 4 (October – December 1986) pg. 567

even claims that “in the beginning all the World was America¹²”. Therefore, while his official purpose in writing the *Treatise* was political (the reasons for it will be discussed in the section below), the basics of his political philosophy stem from his contemporary knowledge of America. In fact, it could even be argued that he was primarily an American philosopher.

Locke was fascinated by the process of colonization and he not only read extensively about the voyages but was actually an owner of thousands of acres of undeveloped land in the Carolinas and actually took part in creating the *Fundamental Constitutions of Carolina* when he was as secretary to the Earl of Shaftesbury and the chancellor of the exchequer. He was also actively involved with a number of businesses focused on creating profit from the overseas possessions. “He served on governmental bodies instituted to oversee the colonial empire. A significant portion of his income came to him from his work as a colonial civil servant and from his investments in the colonies¹³”. Among these positions was a place on the Board of Trade responsible for the American colonies as well as the position of a secretary to the Council of Trade and Plantations. He benefited greatly from English slave trade; through the Royal African Company and the Bahama Adventurers Company, even though many people chose to overlook this fact due to his negative assessment of slavery in the *Treatise*, but that shall be examined later.

What is crucial for the course of the thesis is the understanding that Locke was deeply invested in America, not only on the philosophical but also on the economic level.

¹² John Locke, “Second Treatise of Government.” *The Project Gutenberg*, Chuck Greif , 28 July 2010, Web.

¹³ Herman, Lebovics, “The Uses of American in Locke’s Second Treatise on Government.” *Journal of the Historic Ideas*. Vol 47. No 4 (October – December 1986) pg. 567

He made it the center point of his writing and saw and expressed its potential for satisfying the pursuit of property for the number of Europeans who lacked socio-economic opportunities in their own countries. Not only that, he saw it a country where its inhabitants can transform it to whatever shape they desire. And he has expressed these ideas next to a list of reasons as to why country can free itself of an unsatisfactory leader.

The purpose of both documents was to provide a logical excuse for people to rebel if the ruler does not suit their needs. For the *Declaration* it was the British Empire and the document provides clear reasons and excuses as to how King George has failed to fulfill his duties to the people. Locke's *Second Treatise on Government* was related to the Glorious Revolution in 1688 when the unpopular King James II was ousted in favor of King William and his wife Mary. However, while the immediate change in leadership went quite smoothly and peacefully with the help of the Whigs, it was still a revolution. As Locke had strong associations with the Whigs, he felt emotionally involved in the course of the events, even though he was not in England at the time it happened. That is part of the reason why he took to writing the *Second Treatise*; as a defense of the Glorious Revolution and as justification of the resistance to the previous monarch.

2.2 The Resemblance

During the re-examination of the *Declaration* against John Locke's *The Second Treatise on Government*, the text's resemblance to one another should be noted. They both stem from the presupposition that God gave men nature to draw from and certain rights and liberties to enjoy and protect themselves. A government above the people is

seen as a logical step towards protecting oneself and one's property and humans freely enter this social contract as long as their rights are guaranteed. Should the government fail to protect these rights, humans have the right to protect themselves by exchanging that government for one which they find more suitable. Yet those are only bare facts, telling us little of how they formed and why, which is why this section of the thesis examines several of the abovementioned issues to better form our understanding of the *Declaration* and its exact formulation.

The first idea which should be examined is how Locke arrives at his notion of social contract and what it actually means. Locke begins with an assumption that all men once lived the perfect state of nature. This idea is not new, but Locke actually points to several historical examples where the state of nature can be observed. One of these examples is that of American Indians which live together without the notion of private property. This was not strictly true because the Indians of the time were more than capable of differentiating what was theirs or not. In many cases their society only made owning land unprofitable as there was plentiful space and it was easiest to move around to several fixed locations. Also, the individual tribes did differentiate their territory from that of another group, not to mention that there were tribes which remained stationary even if they were a minority. During Locke's time, however, the Indians were seen as one people and they were viewed from the start as savages and no one attempted to dispute this and learn more about their differences. This already put them at a disadvantage along with the fact that the newly arrived settlers were at direct conflict with them. This conflict originated precisely because of the European notion of private property and the settlers expected the Indians to adhere to it.

After establishing that the state of nature truly exists, Locke moved onward to show that men are incapable of being truly content in this state because they all require certain things (such as shelter, food and whatever else they might desire). However, they must thus naturally come into conflict with other individuals as each one strives to create the most favorable circumstance for themselves and the amount of resources in nature is limited. Thus there is the need to determine ownership and private property.

We have thus come to the most important term for the thesis, property. Locke considers property to be the most important thing that a man must protect, even claiming that an individual has the right to kill a thief, same as he would a physical aggressor as an attack on one's property is a threat to his liberty. This applies to the state of war as well (it should be noted that Locke uses the term 'war' to be closer to 'conflict' as he addresses the situation of individuals, not only societies) in which the losing party must make reparations for all damage or is further prosecuted or destroyed (depending on whether the individual acts in a society or in nature).

However, while he assigns property precedence over an individual's life, and makes it the *Treatise's* most important subject, Locke is quite flexible in his use of the term. On occasion he uses it to mean freedom, liberty, life, knowledge as well as physical goods. He sometimes does explain specifically what will be meant by his use but that changes regularly throughout the *Treatise*. This, however, does not mean that the most common interpretation cannot be deduced from the text.

All Locke's ideas rest on the notion of personal liberty given by God. He has given us the world as a sort of collective property to utilize for our survival and benefit. However, few would agree that such state can be maintained for a longer period of time

as the number of recourses is limited and people would naturally come into conflict with one another. Therefore, individual property must exist. In this respect, people may acquire things by putting labor onto them (for example, when I pick an apple, it is mine because I gave my labor to it thus making it my property), thus making labor a factor determining value. This might include both physical and non-physical objects (ex. thoughts and ideas). It is the simplest way to determine private ownership as it does not require consent of the whole society; however Locke places a limit on it by claiming that this way of acquiring property cannot work indefinitely as a people cannot acquire more things than they can reasonably use. Money works in the same way, people need more things than they can apply labor to (you cannot fish and weave at the same time) and so barter developed. Property thus acquired and bound to the individual through his own labor becomes an extension of his liberty as well as a necessity of survival. However, this property needs to be protected.

Locke's theory of social contract formed between the people and their government along with their rights and responsibilities which stem from it is perhaps the most radical concept that the enlightened philosopher set forth. He claims that:

Political power is that power, which every man having in the state of nature, has given up into the hands of the society, and therein to the governors, whom the society hath set over itself, with this express or tacit trust, that it shall be employed for their good, and the preservation of their property... And this power

has its original only from compact and agreement, and the mutual consent of those who make up the community.¹⁴

He thus outlines the primary role of all society, to preserve and protect the individual's right to life, liberty, and property. Failure to do so on the part of the government allows people to dissolve that government¹⁵ and form a new one which shall fulfill its duties to the people. And the main reason why men enter society and are willing to submit to this power "is the preservation of their property¹⁶" and "that there may be laws made, and rules set, as guards and fences to the properties of all the members of the society, to limit the power, and moderate the dominion, of every part and member of the society¹⁷". That is why the one legitimate reason for changing their government is when "the legislators endeavour to take away, and destroy the property of the people, or to reduce them to slavery under arbitrary power, they put themselves into a state of war with the people, who are thereupon absolved from any farther obedience, and are left to the common refuge¹⁸".

This claim was radical for its time as it went against the notions people had encoded from feudal systems. It gave power to the people themselves and made them responsible for observing the government and voicing their concerns should their rights and liberties be threatened. Likewise, it gave responsibility to the government and those

¹⁴ Locke, John. "Second Treatise of Government." *The Project Gutenberg*, Chuck Greif , 28 July 2010, Web.

¹⁵ For more information see: Marvin Perry *et al.*, *Sources of the Western Tradition*, vol 2 (6th edn, NY 2006), pp. 57–9.

¹⁶ Locke, John. "Second Treatise of Government." *The Project Gutenberg*, Chuck Greif , 28 July 2010, Web.

¹⁷ Locke, John. "Second Treatise of Government." *The Project Gutenberg*, Chuck Greif , 28 July 2010, Web.

¹⁸ Locke, John. "Second Treatise of Government." *The Project Gutenberg*, Chuck Greif , 28 July 2010, Web.

that institute it, making the King himself responsible for the decisions made by them. Of course, Locke doesn't encourage rebellion in times of discontent. Instead he fights the claim that his theory will produce "frequent rebellion"¹⁹ claiming that people are prone to suffer injustices acted upon them until they become truly unbearable and that the situations when enough people feel that such situation is eminent is rare. He states that:

Great mistakes in the ruling part, many wrong and inconvenient laws, and all the slips of human frailty, will be borne by the people without mutiny or murmur. But if a long train of abuses, prevarications and artifices, all tending the same way, make the design visible to the people, and they cannot but feel what they lie under, and see whither they are going; it is not to be wondered, that they should then rouse themselves, and endeavour to put the rule into such hands which may secure to them the ends for which government was at first erected²⁰

He even expresses the opinion that true rebels, who act contrary to the trust others place in them, violate the rights of the people.

Yet, he presents this situation as a possibility and that is truly radical, giving average people an all new sort of power. At the same time, he presents them with a question about the benefit of opposing a government:

The end of government is the good of mankind; and which is best for mankind, that the people should be always exposed to the boundless will of tyranny, or that the rulers should be sometimes liable to be opposed, when they grow exorbitant in

¹⁹ Locke, John. "Second Treatise of Government." *The Project Gutenberg*, Chuck Greif , 28 July 2010, Web.

²⁰ Locke, John. "Second Treatise of Government." *The Project Gutenberg*, Chuck Greif , 28 July 2010, Web.

the use of their power, and employ it for the destruction, and not the preservation of the properties of their people?²¹

What must be carried from this is that while people should defend their rights, they are still better protected under a government than without one, which they should continually be aware of as the primary reason they entered society was to be protected.

This explains why people allow the injustices against them to build up, which is precisely what is shown by Jefferson in the second section of the *Declaration* where he creates “the colonists’ list of grievances. Listing point-by-point the specific abuses the colonists have suffered, in violation of their natural rights which support the justification for rebelling²²”. Not only that, Jefferson dedicates the third part of the *Declaration of Independence* to describing the efforts made by the colonists to communicate these grievances to the British government and their people, thus making a show of going through all of Locke’s suggested steps towards improving the government.

2.3 Locke and Slavery

In the *Second Treatise* Locke defines something called ‘natural liberty’ which he claims is a person's right to be ruled only by the laws of nature as they are “free from any superior power on earth, and not to be under the will or legislative authority of man, but

²¹ John Locke, “Second Treatise of Government.” *The Project Gutenberg*, Chuck Greif , 28 July 2010, Web.

²² *The Declaration of Independence and John Locke's Second Treatise on Government*. Dr. Shaffer, Web.

to have only the law of nature for his rule²³”. However, as some sort of regulation of a society is necessary he adds another form of liberty, the ‘social liberty’, which is the right to be under no legislative power other than that founded by the consent (resulting from the social contract) and which is beneficial to the society. These liberties are absolute and stem from rights which no one should affect, which greatly determines Locke’s outlook on slavery.

He claims that these rights and liberties are so fundamental that they cannot be relinquished, even voluntarily. The state when an individual might force another to do his bidding is possible under the state of nature, but should be regulated after forming a society whose basic function is to protect these rights. The only possible ‘state of slavery’ that Locke allows in any era is the extension of the state of war. Here the lawful conqueror forces a captive into obedience essentially making him a slave. That is not to say that, according to Locke, men can’t sell themselves. He declares that is indeed possible but with certain restrictions as:

we find among the Jews, as well as other nations, that men did sell themselves; but it is plain, this was only to drudgery, not to slavery: for, it is evident, the person sold was not under an absolute, arbitrary, despotical power: for the master could not have power to kill him, at any time, whom, at a certain time, he was obliged to let go free out of his service; and the master of such a servant was so

²³ Locke, John. “Second Treatise of Government.” *The Project Gutenberg*, Chuck Greif , 28 July 2010, Web.

far from having an arbitrary power over his life, that he could not, at pleasure, so much as maim him²⁴.

This perception of slavery, however, is problematic as it does not take into account the American situation. The *Jacobin* magazine claims that this contradiction between what Locke claimed was an impossible state of being and his enterprise in slavery was “designed to fit his political positions both in England, where he supported resistance to the absolutist pretensions of the Catholic James II, and in America, where he was part of the slave-owning ruling class (albeit from afar).²⁵”

It is questionable if such a contradiction truly exists. He has been continually accused of hypocrisy when gaining profit and even promoting slavery while writing it is impossible at the same time, yet it is not certain how much he knew of the full process. We have already seen that he was reasonably flexible when it came to terminology when we saw his various uses for the word ‘property’, so it he might have been showing the same flexibility. After all, he does agree that a form of drudgery is possible and the sort of chattel slavery occurring in the New World was not a common occurrence in England. His knowledge of the practices and treatment of the black could have been also colored by his perception of them, after all, for a long time blacks were viewed on a par with animals as opposed to humans and all animals were part of nature and thus available to be taken, tamed and used by men.

2.4 Happiness as Opposed to Property

²⁴ John Locke, “Second Treatise of Government.” *The Project Gutenberg*, Chuck Greif, 28 July 2010, Web.

²⁵ John Quiggin, “John Locke Againsts Freedom.” *Jacobin*, 28 June 2015, Web.

As we saw above, the ideas expressed by John Locke correspond absolutely to those found in the *Declaration*. Jefferson and his contemporaries let themselves be inspired, and with good reason, as many of Locke's ideas stemmed directly from his observation of the new continent and his justification of rebellion served their needs. However, the key term which resonates all throughout Locke's writing, 'property', is absent and is instead replaced with a much more obscure term 'happiness'.

According to Locke, property is a natural right of man, the right to take something from nature and make it yours by combining it with effort. However, this interpretation of property is not the same as those seen so far, which is what might cause the change. In the governmental archives transcript it is stated that "Jefferson uses the term "pursuit of happiness" where John Locke used the term "property". These terms meant the same thing. For Enlightenment thinkers private property was the basis of one's security and, therefore, one's happiness.²⁶" Thus he makes the change between 'happiness' and 'property' a matter of interpretation rather than meaning, and so confirms the hypothesis of the undisputed importance of property in the document. However, we should be aware that several other plausible interpretations exist, especially as the document was being constantly re-examined.

One of those interpretations suggests that the change of the term was deliberate due to the similarity between the wording of the *Declaration* and the *Virginia Bill of Rights* with the later relying, in the Lockean tradition, upon the 'pursuit of property' rather than happiness. Richard A. Huenefeld takes this as proof that "this word choice

²⁶ *The Declaration of Independence and John Locke's Second Treatise on Government*. Dr. Shaffer, Web.

served the purpose of avoiding the Lockean redundancy and of encompassing in few words, more than rights in property.²⁷” He further supports this theory by the fact that “the Magna Carta affirmed the principle that life, liberty and property must be protected. Sir Edward Coke supported this interpretation in his treatise concerning that document.²⁸” What he means by this is that the *Magna Carta* also served to influence the wording of the *Declaration* as it was itself the result of protest against the tyrannical behavior of the government.

He also points out that, while continually defending the triad; life, liberty and property, Locke was not absolutely consistent in the wording either. As “he used several variations of the phrase: “Life, Health, Liberty, or Possessions”;³⁰ “Life, Liberty, Health, Limb or Goods”;³¹ “Estate, Liberty, Limbs and Life”;³² “Lives, Liberties and Estates”;³³ “Lives, Liberties, and Possessions”;³⁴ and “Lives, Liberties, or Fortunes.”^{35,29}” Not only that, Locke himself said at one point that he will, at certain points, use “the general Name, *Property*³⁰” to refer to “Lives, Liberties and Estates.^{31,37}” and “that Property which Men have in their Persons as well as Goods.^{32,36}” Thus using only the term property would be redundant. In this way, he claims that the *Declaration* is not trying to avoid the importance of property, but merely attempting to encompass all its different aspects.

²⁷ Richard A. Huenefeld. The Unalienable Right of Property: Its Foundation, Erosion and Restoration. Lonang Institute. Web.

²⁸ Richard A. Huenefeld. The Unalienable Right of Property: Its Foundation, Erosion and Restoration. Lonang Institute. Web.

²⁹ Richard A. Huenefeld. The Unalienable Right of Property: Its Foundation, Erosion and Restoration. Lonang Institute. Web.

³⁰ Richard A. Huenefeld. The Unalienable Right of Property: Its Foundation, Erosion and Restoration. Lonang Institute. Web.

³¹ Richard A. Huenefeld. The Unalienable Right of Property: Its Foundation, Erosion and Restoration. Lonang Institute. Web.

³² Richard A. Huenefeld. The Unalienable Right of Property: Its Foundation, Erosion and Restoration. Lonang Institute. Web,

2.5 Common Sense

Common Sense was a political pamphlet, which advocated independence from Great Britain, and was published in January 1776 by Thomas Paine. While published anonymously, it succeeded in voicing the thoughts and concerns of the American people at the very birth of the American Revolution. In it, he attempted to persuade the colonies to establish themselves as free states using anti-egalitarian arguments to support his ideas of independence which he connected to the newly emerging American identity³³. Due to this it soon became immensely popular as soon as it entered circulation. Some historians even called it ‘the most incendiary and popular pamphlet of the entire revolutionary era’. It was the first political text which voiced thoughts about the benefits of American independence and the form of its government (the *Declaration* was published in July 1776).

Thomas Paine is most definitely a propagator of a strong government claiming that it is necessary as “Society is produced by our wants, and government by our wickedness; the former promotes our happiness positively by uniting our affections, the latter negatively by restraining our vices.³⁴” Yet he makes it clear that it is only a “necessary evil³⁵” and that it can become corrupted becoming intolerable if it is unchecked. Yet there are some forms preferable to others and with “security being the true design and end of government, it unanswerably follows that whatever form thereof

³³ For more information see: Emma Florio. *The Problematic Search for an Emerging American Identity before the Revolution: An Analysis of Colonial Newspapers and Secondary Literature*. Illinois Western University. 2013

³⁴ Thomas Paine. “Common Sense.” *The Project Gutenberg*, Web.

³⁵ Thomas Paine. “Common Sense.” *The Project Gutenberg*, Web.

appears most likely to ensure it to us, with the least expense and greatest benefit, is preferable to all others.³⁶”

Here Paine outlines two concepts which form the bases of a good government; security and economic benefit. In *Common Sense* Thomas Paine also focuses on the issues of property when he claims that the American people need to “inquire into some of the many material injuries which these colonies sustain, and always will sustain, by being connected with, and dependant on Great-Britain.³⁷”. It is with this thought that he begins his arguments in the part commenting on the current state of American affairs. He immediately follows this with a claim that the American people are, at the moment nothing more than property of Great Britain, who extorts the colonies in a most brutal manner without thought for their well being and only puts them at odds with other countries who are not only a threat but could be possible future partners in terms of commerce. As he claims “Our plan is commerce, and that, well attended to, will secure us the peace and friendship of all Europe³⁸”. That is Paine’s greatest argument as to why the American colonies need to separate from Great Britain.

Not only does he note the economical disadvantages and dangers of remaining part of the mother country. Paine stresses that the extortion on Great Britain’s part is the greatest betrayal summoning violent images to stir the people’s imagination and emotions (“Even brutes do not devour their young³⁹”). Against this he lists the possibilities of prosperity and safety of the people, which must have been a very pleasant image, especially when contrasted to the violent imagery before.

³⁶ Thomas Paine. “Common Sense.” *The Project Gutenberg*, Web.

³⁷ Thomas Paine. “Common Sense.” *The Project Gutenberg*, Web.

³⁸ Thomas Paine. “Common Sense.” *The Project Gutenberg*, Web.

³⁹ Thomas Paine. “Common Sense.” *The Project Gutenberg*, Web.

He follows upon this in the following section (called Of the Present Ability of America, with Some Miscellaneous Reflexions) where he speaks about the possibility of gaining property. He elaborates on the possibilities of the people, mainly on the number of posts and trades, which leave no man in want of work and swiftly follows this with the calculation of war costs. Again he plays with people's emotions, contrasting the image of a debt-less country where all men find work against what this image would cost in reality, stressing it's worth the price. He immediately claims that preparing a fleet is not so much an act of war as an act of commerce "We ought to view the building a fleet as an article of commerce, it being the natural manufactory of this country. It is the best money we can lay out. A navy when finished is worth more than it cost."⁴⁰ and he continues in this direction of thought for the entire passage.

What this shows, is an absolute focus on property. Paine does not mention the term much; he mentioned other more notable ideas in the pamphlet which summon images of just war, safety and national pride, yet it cannot be denied that the economic benefits of the separation are his greatest concern. Like Locke before him, this theme is crucially important for him and, judging by the popularity of the pamphlet, it can be argued that these concerns were similar to those of general populace of the time.

These findings, however, leave us in a bit of confusion. Locke's *Second Treatise on Government* undoubtedly greatly influenced the later American political texts yet the explicit focus on property becomes rather rare. The pamphlet of Thomas Paine already shows a tendency of combining the issues of economic benefit with those of a more ideological note, yet all the while the focus on property as the main concern is absolute. It

⁴⁰Thomas Paine. "Common Sense." *The Project Gutenberg*, Web.

is therefore curious that the later official political texts chose to avoid the term even more, even the *Declaration* which is a contemporary of *Common Sense*.

Chapter 3. - *The Declaration of Independence and Property*

The second chapter will consist of the analysis of *The Declaration of Independence*, explaining how property was viewed according to it and stating its original purpose. Moreover, it will provide a philosophical (mostly the effect Transcendentalism would have on the importance of property) and religious reading (mostly Puritan due to their influence at the time), suggesting that the ‘pursuit of happiness’ replaces the ‘pursuit of property’ only on the formal level.

As was already mentioned, when observing the values which repeatedly appear in early American literature we encounter ideas such as liberty, freedom, or the importance of the individual, yet the appearance of ideas such as property and ownership is much more limited and excluded from certain contexts regardless of the fact that they are core ideals for many Americans. And the thesis pursues the claim that the concept of property will prove to be one of the key concepts in early American political writing but that it will be greatly downplayed on the formal level due to what might today be referred to as ‘political correctness’ (meaning that it chose to be careful to not use language or behave in a way that could offend or displease a particular group of people⁴¹).

Previously it was mentioned that the concept of property in the *Declaration* will be analyzed using mainly political pamphlets and texts between the eighteenth and nineteenth centuries for reference to avoid excessive excursions into a legal context as opposed to a literary one. Also, it would be beneficial at least superficially to be aware of how the *Declaration* affected the current understanding of property and for that a brief excursion into the legal sphere will be unavoidable, though brief.

⁴¹ “Politically Correct” www.merriam-webster.com

3.1 The Analysis of the *Declaration of Independence*

We can hardly imagine a more important text in American history than the *Declaration*. It is a text that established the United States as an independent country both by giving the basis for tearing away from England and by clearly stating the basic rights of the citizens. But for all its importance, the original text is not as clear as would appear. The interpretation of individual points changed significantly in certain cases, such as the transfer of African-Americans from the category of property into true citizens and even now it remains unclear about the issues of race. However, it has always been clear at establishing the unalienable right to property and its importance for the happiness and freedom of an individual.

In this section, the *Declaration* will be analyzed as text so that a general idea of its meaning can be gained before analyzing individual parts and comparing them to other texts. The *Declaration* is essentially a list of grievances against King George as a form of explanation of why the colonies feel the need to establish themselves as a separate entity. It also clearly declares that the United States of America already exist with representatives to voice and defend what they view as their rights. It is the first document which has so clearly voiced this fact, even if other political pamphlets and papers of the time were suggesting this as a right course, and so it changed the course of American history.

The first thing that should be noted is the strong reliance on God as the ultimate authority which overpowers that of King George and thus make their separation not only

right according to Locke's notions of the social contract but also supported by a higher authority and thus appealing to the religious communities both on the new continent and on the old. A masterful show of rhetoric is evident already in the first sentence:

WHEN, in the Course of human Events, it becomes necessary for one People to dissolve the Political Bands which have connected them with another, and to assume, among the Powers of the Earth, the separate and equal Station to which the Laws of Nature and of Nature's GOD entitle them, a decent Respect to the Opinions of Mankind requires that they should declare the Causes which impel them to the Separation.⁴²

Not only does the *Declaration* clearly establish that the separation is not an act of willfulness or rebellion, but instead a 'necessity' forced by the authority of God and Nature. It also suggests that the separation is a direct result of the king's own lack of adhesion to these laws. More than that, by calling the people of the colonies 'one people' the *Declaration* clearly shows that the people of the American colonies are no longer a part of Britain's Empire but are an autonomous entity. The ideas suggested in this first sentence form the core of the declaration and are further elaborated on in the text.

Let us then focus on the implications of the assertion that the highest authority of the American people is God and the Laws of Nature. First of all, it establishes a different approach to authority than in the old continent. In Europe, God was also viewed as the highest authority however, second to him, the authority belongs to a few of his chosen people; the monarch and the church. As the king was chosen by God to rule he was so acknowledged as an authority on earth. Likewise, as Europe had a tradition of feudalism

⁴² "In Congress, July 4, 1776. The unanimous declaration of the thirteen United States of America." *The Library of Congress: American Memory*, Web.

where power was held in the hands of a few who then bestowed 'rights' to other less powerful individuals, it was consented that they were the ones rights originated from.

By establishing God as the originator of the rights of the people, Americans move away from the feudal tradition and placed the power into the hands of the people. By claiming that "all Men are created equal"⁴³ the *Declaration* makes everyone their own authority and the government which later originated from the concept of the *Declaration* truly democratic. Of course, the term 'democratic' it is based on the standards of the time as only established white males of a certain age could vote; however the belief that all men have same chances allowed every one of those men the possibility of participating in the ruling of the country. Likewise, by clearly establishing that all men have certain rights and powers, the rhetoric of the Declaration allowed for the following claim that:

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, laying its Foundation on such Principles, and organizing its Powers in such Form, as to them shall seem most likely to affect their Safety and Happiness.⁴⁴

In this way we see an acknowledgement of direct power of the masses as well as an assurance that they are in the right and can freely defend their interests.

As was suggested in the previous chapter, in order to understand the reasons for the specific phrasing of the *Declaration*, namely the claim that all men are entitled "to

⁴³ "Declaration of Independence: A Transcription." *National Archives*, 26 June 2017, Web.

⁴⁴ "Declaration of Independence: A Transcription." *National Archives*, 26 June 2017, Web.

life, liberty and the pursuit of happiness⁴⁵”, Madison’s definition of property needs to be re-examined. For example, the approach towards merchandise, i.e. land and things of monetary value, allows for another interpretation that is not limited solely to the material world. It could also be understood as an ownership on one’s ideas and also of values that man ascribes to abstract matters such as religion or knowledge in general. This ensured the freedom of a person’s thoughts and opinions as well as the liberty to employ them as they saw fit. What should be noted, however, is that given the socio-political climate of that era, it stands to reason that only white male Americans could claim ownership over both the material merchandise and the immaterial as well. In this respect, man has a ‘property of his rights⁴⁶’.

Another possibility of the change is purely stylistic, and Jefferson certainly aimed to persuade by the power of the rhetoric and not only by logical argument. Likewise, it could have been “modeled on the opening of the bill of indictment in a civil pleading⁴⁷” or for a number of other reasons, some of which shall be explored in the latter sections of the chapter. What is important to realize is, that it could have been any combination of these factors which led to the final form of the text, yet all these factors lead to one thing, arguments relying on property start losing their rhetorical effect. Also, it might be a result of Jefferson’s personal opinion which is evident in his letter to James Madison. In the letter, Jefferson observes that property is concentrated in the hands of only a few and that the rest suffers in poverty even though there are countless possibilities to gain wealth on the unappropriated land. He claims that it is because “the enormous wealth of the

⁴⁵ “Declaration of Independence: A Transcription.” *National Archives*, 26 June 2017, Web.

⁴⁶ James Madison, "Property ." *The Founder's Constitution* . Ed. William T. Hutchinson. N.p., 29 Mar. 1792. Web.

⁴⁷ David Armitage. “The Declaration of Independence and International Law”. *The William and Mary Quarterly*. Vol. 59. No. 1. (Jan 2002) pp. 41

proprietors which places them above attention to the increase of their revenues by permitting these lands to be laboured⁴⁸”. He acknowledges that the equal division of property is impracticable but that these enormous differences cause only misery. That might be part of the reason why he differentiates between the pursuit of property and the pursuit of happiness, so as not to promote those who already have wealth to have the excuse of hindering the access to it for others.

It would likewise be prudent to examine the individual causes which the *Declaration* lists in order to justify the colonies’ separation from Great Britain as they follow immediately after the declaration of the people’s rights. Jefferson declares that:

Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.⁴⁹

He does this to show that the following reasons are serious enough to warrant a change in leadership, and he elaborates on this idea with exclamations about the length and repetitive character of these usurpations. The individual transgressions seem rather general; however that is in part due to their repetitive character where each individual situation was slightly different. Also, “in giving reasons, the Americans admit the sway

⁴⁸ Thomas Jefferson, “Letter to James Madison .” *The Founder's Constitution* . Ed. William T. Hutchinson. N.p., 28 Oct. 1785. Web.

⁴⁹ “Declaration of Independence: A Transcription.” *National Archives* , 26 June 2017, Web.

of reason, and of moral and political principle, thereby eschewing mere appeal to force or will.⁵⁰”

At the beginning, the issues are focused on the king’s unwillingness to pass laws for the benefit of the people, his refusal to make their communication with him easy and threatening their rights and safety, yet this soon changes. Already the seventh complaint focuses on the threat to American property as the king refused to pass “Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.⁵¹” This is the first argument which focuses on the defense of the pursuit of property. By making the appropriation of land more difficult, the king attacked one of the primary desires of the newly arrived settlers and their descendants, who already saw themselves as Americans with a right to find their own way in a previously ‘unsettled’ land.

From that point on, complaints dealing with property become more frequent. Already the ninth claim states that the king makes judges dependent on him “for the tenure of their offices, and the amount and payment of their salaries⁵²”, thus showing the king’s willingness to use power over personal property and its acquisition to control individuals. Likewise, the following argument focuses on his willingness to attack personal property. Creating new officers with similar power and sending them out to “eat out [the people’s] substance⁵³” gives a rather specific observation of the contemporary British society where the people had to obey the will of their betters (aristocracy, officers, church...), something that the Americans no longer observed as strictly.

⁵⁰ Michael P. Zuckert, “Self-Evident Truth and the Declaration of Independence”. *The Review of Politics*. Vol. 49. No.3 (Summer 1987) pp. 319

⁵¹ “Declaration of Independence: A Transcription.” *National Archives* , 26 June 2017, Web.

⁵² “Declaration of Independence: A Transcription.” *National Archives* , 26 June 2017, Web.

⁵³ “Declaration of Independence: A Transcription.” *National Archives* , 26 June 2017, Web.

Among other things, Jefferson condemns the king “For cutting off our Trade with all parts of the world⁵⁴”, “For imposing Taxes on us without our Consent⁵⁵” as well as for plundering their seas. In the first claim, it is easy to see the resemblance to *Common Sense* where the possible trade with other countries was continuously highlighted.

As David Armitage claims:

“disagreement about the *Declaration’s* sources and character has created confusion as to its original purpose, whether as a text for internal or international consumption; as the enactment of the Independence itself or the justification of Independence after the fact; as a contingent and strategic document or as a universal statement of the “self evident truths” regarding the “inalienable rights” of all human beings⁵⁶”.

Thomas Jefferson, in his letter to Henry Lee has written about the *Declaration*, claiming that its purpose was “Not to find out new principles, or new arguments, never before thought of, not merely to say things which had never been said before; but to place before mankind the common sense of the subject ⁵⁷”¹ This subject referred to the unalienable rights to “Life, Liberty and the pursuit of Happiness⁵⁸” which are given to men by God and the laws of nature.

⁵⁴ “Declaration of Independence: A Transcription.” *National Archives* , 26 June 2017, Web.

⁵⁵ “Declaration of Independence: A Transcription.” *National Archives* , 26 June 2017, Web.

⁵⁶ David Armitage. “The Declaration of Independence and International Law.” *The William and Mary Quarterly*. Vol. 59. No. 1. (Jan 2002) pp. 42

⁵⁷ Jefferson, Thomas. Letter to Henry Lee. 8 May 1825. Thomas Jefferson: Writings, ed. Merrill D. Peterson

⁵⁸ “Declaration of Independence: A Transcription.” *National Archives* , 26 June 2017, Web.

During the time the *Declaration* was written, “the common sense of the subject⁵⁹” was that this created a clear connection between a person’s God and wealth, regardless of what kind. The laws of nature were created by God and they gave a man the right to “the pursuit of Happiness⁶⁰” which, among others “included the unalienable right of the individual to acquire, possess, protect and dispose of property⁶¹“. It was the purpose of the government to secure the right of property and so it can be claimed, by extension, that the *Declaration* categorizes violations against this right as subjected to severe sanctions, which is why it names such transgressions in the list of the king’s usurpations that prove him unfit to rule of the people of America.

3.2 A Current View on the Origin of Rights

In the modern era, however, what Jefferson called common sense, no longer applies. The religious beliefs are no longer as firm and the belief that God is the point of origin of the rights of men is currently not applicable. As the society shifted from the original perception of god and their convictions started to stem more from the secular rather than religious sphere, the belief spread that the civil government possesses power over the subjects of property and that property rights could be regulated by the government if it was necessary for the greater good of the American people. This has caused some individuals to advocate the claim that there are no such things as rights, only

⁵⁹ Jefferson, Thomas. Letter to Henry Lee. 8 May 1825. Thomas Jefferson: Writings, ed. Merrill D. Peterson

⁶⁰ Jefferson, Thomas. Letter to Henry Lee. 8 May 1825. Thomas Jefferson: Writings, ed. Merrill D. Peterson

⁶¹ Huenefeld, Richard A., “The Unalienable Right of Property: Its Foundation, Erosion and Restoration,” 8 *Journal of Christian Jurisprudence* 147 (Virginia Beach, 1990).

‘social duties’ which the individual must fulfill. In this sense, it could now be claimed that any right which people have stems not from god but from the civil government.

This is why it is important to realize that, when discussing common terms such as government or right, their position was radically different in the past than now. This is why we must establish a clear distinction between what was considered common sense in terms of property rights for Jefferson and in the current time period. A theorist of Jefferson’s age might view this distinction as stemming from people’s failure to adhere to God’s laws of nature which caused the advancement of theories “of property premised upon power and expediency⁶²,” and the modern theorist as failing to take America’s rejection of feudality into account when it was precisely this emerging anti-feudal attitude that allowed for the birth of America as a nation reliant on private property (this shall be elaborated later). For Jefferson, King George’s outright rejection of the Lockean system that was believed to have been a part of the natural order of things in favor of the arbitrary (“feudal”) system left the Crown to face the outcry of people who feared that their liberties and even lives would be violated next. The solution was found in the *Declaration* that integrated both property laws and basic natural laws in a way that was more or less acceptable to all.

3.3 Philosophical Reading of the Declaration

It would be impossible to say that the *Declaration* is purely a text of political philosophy, yet a brief examination of the philosophical trends of the era can further add

⁶² Huenefeld, Richard A., “The Unalienable Right of Property: Its Foundation, Erosion and Restoration,” 8 *Journal of Christian Jurisprudence* 147 (Virginia Beach, 1990).

to our understanding of the text's formulation. Nevertheless, we should be aware that some people refuse to see the *Declaration* as a philosophic text as it "does not contain coherent, deep rooted truth⁶³" but is instead a 'benign' and 'shallow' text of politics. Such claims result from the fact that the *Declaration* is focused purely on the "political and practical status⁶⁴" of its claims. However, such an interpretation more than the following ones supports the thesis' claim that phrasing of the text is affected by the issue of 'political correctness' as its impact on the readers would be its greatest purpose. Moreover, it should be noted that there is great discord among individuals as to the origin of the doctrine, claiming it anywhere from Locke's natural rights theories to the "common sense epistemology of the Scottish Enlightenment⁶⁵".

While Transcendentalism spread mainly from the 1830s onward, important aspects of its theories echo those of the *Declaration*. Robert Clemmer claims that American transcendentalism "must be regarded as an extension or prolongation of the Enlightenment⁶⁶". It must not be forgotten that it brings ideas of romanticism and idealism as well. The core of American transcendentalism is the elaboration of the ideas already present, those of individualism, self reliance and desire for action rather than contemplation. With this in mind, it becomes clear that the wording of the *Declaration* is actually fully in line with the transcendentalist philosophy. Its focus puts to the forefront of the argument the idea that the American people should start to act and defend themselves in order to establish themselves as free and independent people. It is quite

⁶³ Michael P. Zuckert, "Self-Evident Truth and the Declaration of Independence." *The Review of Politics*. Vol. 49. No.3 (Summer 1987) pp. 319

⁶⁴ Michael P. Zuckert, "Self-Evident Truth and the Declaration of Independence." *The Review of Politics*. Vol. 49. No.3 (Summer 1987) pp. 320

⁶⁵ David Armitage. "The Declaration of Independence and International Law." *The William and Mary Quarterly*. Vol. 59. No. 1. (Jan 2002) pp. 39

⁶⁶ Robert Clemmer, "Historical Transcendentalism in Pennsylvania", *Journal of the History of Ideas*, Vol. 30 No. 4 (Oct-Dec. 1969) pp. 579

possible that the deliberate shift in focus was, in part, the result of the realization of these trends of development in enlightened thought. After all, during the height of Transcendentalism, its advocates, however ambivalent their attitude toward property, usually found a path to its defense and to at least its partial moral, political, and practical vindication. This attitude can be seen in works by Emerson, Thoreau, and others. An example of this can be found in *Walden* where Thoreau states that a man should primarily seek experience, “keep your accounts on your thumb-nail⁶⁷” and simplify his life. Thus we can see that, even within arguably anti-materialistic fluctuations in American thought, property still maintained its importance, often employing phrasings which avoided direct mention of it as a valorized principle. This trend will also be observable in our discussion of the *Federalist* and *Anti-federalist Papers*.

3.4 Religious Reading of the Declaration

Just as it was impossible to characterize the *Declaration* as a philosophical text, it cannot be considered religious, though religion obviously influenced both its authors and its readers. This is obvious from the first moment God is mentioned as the highest power and the originator of the people’s rights as was established in the section above. In fact, even now there are people claiming that the separation of church and state is impossible in America as the *Declaration* is founded on predominantly Christian values (ex. That the interests of smaller communities should not be overpowered by the interests of the powerful).

⁶⁷ Henry David Thoreau, “Walden, and On The Duty Of Civil Disobedience.” *The Project Gutenberg*, Judith Boss, 26 Jan. 2013, Web.

However, ‘Christian’ is a very broad term and we should realize that at the time the Declaration was written there were a number of beliefs in the United States. Among these we can count the Puritan faith, which has been an integral part of America since it started to be colonized (they have later split into a number of individual branches such as the Methodist, Evangelist or Fundamentalists; however there is no reason to go into such detail). What is relevant is the fact that in the middle of eighteenth century, beliefs of a ‘near’ god, self help and reliance on their own abilities were quite wide spread. These beliefs aided in forming a certain resistance to authority which was reflected in the *Declaration’s* predominant focus on ‘oppression’, ‘freedom’ and ‘liberty’ as opposed to property, even choosing to address Americans as “free people⁶⁸” over whom no tyrant should have power.

From the information above, it is obvious that there is a definite shift in tone from the previous documents. The issues of property are still presented, yet they are made to seem far less significant than the issues concerning the transgression of the rights to freedom and liberty. There are a number of possible reasons for this; however, neither can be claimed as absolute, though the desire for rhetorical impact could have motivated Jefferson to focus on the philosophical trends of his time. Regardless of the sudden shift in phrasing, it is beyond obvious that the issues of property were still of critical importance. These concerns gained greater importance in later interpretations as both the threat to liberty (after completely separating from Great Britain) and the belief in God as an absolute power diminished. With the separation justified on the grounds of higher principles (freedom) than those of greed, the concept of property begin to be reestablished in political writing, as shall be seen in the third chapter.

⁶⁸ “Declaration of Independence: A Transcription.” *National Archives*, 26 June 2017, Web.

Chapter 4 – The Federalist and the Anti-Federalist Papers

The third chapter examines property (when interpreted mainly in terms of money, land, and the emerging concept of ‘capital’, which coincides more with the present-day reading) in a purely political context, where it is often referred to as a requirement for freedom (since it enables for individuals and the community greater possibilities and options, and hence greater ‘liberty’). This chapter will be supported mainly by readings of *The Federalist* and the *Anti-Federalist Papers*.

It is worth mentioning that both the *Federalist* and *Anti-federalist Papers* are a response to the *Constitution of the United States of America*, not to the *Declaration of Independence*. Nevertheless, the ideas expressed in them are still relevant as they respond to the situation which arose as a direct consequence of the *Declaration*. Also, it could be argued that the constitution does little more than formalize the solution to the concerns expressed in the *Declaration* by promising to ensure to “establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity.⁶⁹” However, it should be noted that the constitution does shed more light on the place of slaves in the society by establishing them as three-fifths of a person, which shall be discussed more in the following chapter.

4.1 Property as a Requirement for Freedom

⁶⁹ “The Constitution of the United States: The Bill of Rights and All Amendments”, *The Constitution of the United States: The Bill of Rights and All Amendments*, 12 Nov. 2017, Web.

As was already mentioned, there are many different definitions and approaches to property. This chapter will focus on property in a wider political context. In the previous chapters, it was shown that there was a concrete reason why the *Declaration* was written. We have also spoken a bit about what property means to an individual not only as part of his God-given right to “the pursuit happiness⁷⁰,” but as means of personal freedom. However, the *Declaration* was not written only for the many individuals living on American soil. According to the pre-supposed social contract, these individuals are part of something greater and form a whole which became known as the United States of America.

This whole was represented by the government which dealt with property issues on a different level. Beyond the borders, it was concerned with the impact on international trade and America’s place among the contemporary greater powers. Here, the primary concerns were America’s position, its ability to negotiate and its economic stability which would allow it to remain autonomous and protected from outside powers. On the home front, the most pressing issues were questions as to how strong and controlled the government should be. To what extent should it control the property of individuals? It is from these questions and the contemporary attitudes of the people that the current ideas about taxes, healthcare and, welfare systems developed.

During the late seventeen-hundreds’, there were two major political factions with opposing attitudes towards the government: the Federalist and the Anti-Federalist parties, both of which emerged in the 1780s. The Federalists advocated (compared to the radically decentralist Anti-Federalists) a relatively strong (though, by contemporary

⁷⁰ “Declaration of Independence: A Transcription.” *National Archives* , 26 June 2017, Web.

British or European standards, quite weak) central government and even considered the possibility of uniting all the independent states. This government would be better equipped, they argued, to protect America both from the threat of other countries and the possible threat of rebellion on American soil. Not only that, they believed that it would better defend its citizens and promote economic stability. This is because it would be both faster and easier to pass and execute laws throughout the country.

The Anti-Federalists had opposite ideals as they promoted a weaker government, believing it would ensure greater freedom to the people. This government would hold little power; the individual states that would be free to pass and execute their own laws and those unsatisfied with the system they lived under would have the opportunity to choose more desirable conditions and move to a different state. It was their belief that a strong government would eventually start to exercise control over all aspects of the citizen's lives, and that this would go directly against the claims made in the *Declaration* that all men have the right to freedom and the pursuit of happiness. This might be why even Thomas Jefferson, one of the authors of the *Declaration*, became affiliated with the Anti-Federalist, later known as the Democratic-Republican, party.

4.2 The Federalist Papers

The *Federalist Papers* are 85 individual articles written by three different authors (John Jay, Alexander Hamilton, and James Madison) and they were intended primarily for the people of New York State. The *Federalist Papers* were published during the years 1787 and 1788. Interestingly, while they were written by three men, they were published

under the common pseudonym ‘Publius’. However, even though they all assisted in writing the papers, John Jay participated the least, as he wrote only five of the eighty-five articles. The primary aim of the Federalist Papers was to convince the state legislature(s) to ratify the United States Constitution. They attempted this by a number of arguments as to the strength and advantage of a united country and by outlining what they perceived were flaws in the Articles of Confederation. “These papers are generally considered to be one of the most important contributions to political thought made in America. [...] But the authors not only discussed the issues of the constitution, but also many general problems of politics.”⁷¹

Before focusing on the *Papers* themselves, it might be beneficial to realize the importance of property for the authors. It was already mentioned in the introduction that Madison wrote an article, in the *Founder’s Constitution*, about property defining it as both a material entity and as a ‘right’ which encompasses man’s immaterial ownership including thoughts and opinions. What is relevant for us is the connection this belief makes with the government. According to it, both excess power and excessive liberty can endanger persons’ rights (as they are synonymous with property, since they encompass both rights and material property) and so, following in the Lockean tradition, Madison declares that “Government is instituted to protect property of every sort⁷²” and any government that achieves this is a ‘just’ government. While “That is not a just government, nor is property secure under it, where the property which a man has in his personal safety and personal liberty, is violated by arbitrary seizures of one class of

⁷¹ “The Federalist Papers.” *American History: From Revolution to Reconstruction and Beyond*, George M. Welling, 2012, Web.

⁷² James Madison, "Property ." *The Founder's Constitution* . Ed. William T. Hutchinson. N.p., 29 Mar. 1792. Web.

citizens for the service of the rest.⁷³” Within this definition, Madison outlines the ideas which are reflected in the *Federalist Papers*; that a government should be strong enough to protect the property of the individual citizens from outside forces, yet it should not limit social and religious liberties as they are also a form of property. Likewise, it should not place restriction on the citizens’ “means of acquiring property⁷⁴” (ex. free choice of occupations or promoting a certain trade for the benefit of a certain group).

This approach reaffirms the condemnation of a welfare system as it does not allow the promotion of specific fields that are in decline, nor does it encourage larger taxation for the purpose of re-distribution or unequal taxes to make up for the income differences of individual classes. It is Madison’s belief that “keenness and competitions of want are deemed [...] sufficient spur to labor⁷⁵”. The idea that a man ought to support himself by the ‘sweat of his brow’ is supported, and Madison claims that to protect and not hinder such as man is the purpose of a just government and that such a government should serve as a pattern for the United States to follow. This way:

If the United States mean to obtain or deserve the full praise due to wise and just governments, they will equally respect the rights of property, and the property in rights: they will rival the government that most sacredly guards the former; and by

⁷³ James Madison, "Property ." *The Founder's Constitution* . Ed. William T. Hutchinson. N.p., 29 Mar. 1792. Web.

⁷⁴ James Madison, "Property ." *The Founder's Constitution* . Ed. William T. Hutchinson. N.p., 29 Mar. 1792. Web.

⁷⁵ James Madison, "Property ." *The Founder's Constitution* . Ed. William T. Hutchinson. N.p., 29 Mar. 1792. Web.

repelling its example in violating the latter, will make themselves a pattern to that and all other governments.⁷⁶

4.3 Property in the Federalist Papers

Property is a prevailing theme often mentioned in the *Federalist Papers*, although the analysis of all of them is impractical due to the restraints of space. For that reason only several *Federalist Papers* will be analyzed more in-depth with a number of examples presented from other articles to illustrate the validity of the abovementioned claim. Likewise, the thesis will focus primarily on the passages dealing with property and overlook the other issues mentioned to keep consistently on the topic.

The purpose of the *Federalist Papers* was to affirm and demonstrate that “The subject speaks its own importance; comprehending in its consequences nothing less than the existence of the UNION, the safety and welfare of the parts of which it is composed, the fate of an empire in many respects the most interesting in the world.⁷⁷”. While property is not mentioned as a main theme, it is often referred to as a means of maintaining that safety and a necessity for the welfare of the citizens. Already in the first article Hamilton writes that the most formidable obstacle that the *Constitution* faces is the resistance of men whose interests (meaning property and power) are being threatened or those who hope that confusion in leadership will help them self ‘aggrandize’ or acquire ‘fairer prospects’.

⁷⁶ James Madison, "Property ." *The Founder's Constitution* . Ed. William T. Hutchinson. N.p., 29 Mar. 1792. Web.

⁷⁷ Alexander Hamilton, “The Federalist Papers: 1 .” *The Avalon Project: Documents in Law, History and Diplomacy*, 2008, Web.

The second article also stresses that “prosperity of the people of America⁷⁸” depends on their being a strong united nation. Jay follows this claim with a paragraph detailing how America is already united by its geography which provides highways for “mutual transportation and exchange of their various commodities⁷⁹” as well as an exceptionally fertile land which allows these commodities to exist. In this way he focuses on the economic benefits of a united nation rather than on their united culture and freedom, which he mentions later.

Already in the third to fifth articles of the *Federalist Papers* the focus is more on property. John Jay claims that the people, regardless of what country they come from, strive to protect their interests. Among these interests, he claims that the concern for their safety is the most important. Jay recognizes the threat of foreign nations, suggesting that war is, in part, a question of benefit, claiming that people often wage war based on unjust causes which translate to individual gain. If America is united, it is more difficult and expensive to attack and therefore the chances of it happening are significantly lowered. However, he notes that America has already become a rival for a number of countries on the economic level. He notes that Americans “can supply their markets cheaper than [the other countries] can themselves⁸⁰” in terms of industries like fishing, navigation and carrying trade and a number of others. Moreover, as the American “trade cannot increase without in some degree diminishing theirs⁸¹” it is logical that the aim of their rivals would be to restrain it. This is why Jay claims a united America is better than separate

⁷⁸ John Jay, “The Federalist Papers: 2.” *The Avalon Project: Documents in Law, History and Diplomacy*, 2008, Web.

⁷⁹ John Jay “The Federalist Papers: 2.” *The Avalon Project: Documents in Law, History and Diplomacy*, 2008, Web.

⁸⁰ John Jay “The Federalist Papers: 4.” *The Avalon Project: Documents in Law, History and Diplomacy*, 2008, Web.

⁸¹ John Jay “The Federalist Papers: 4.” *The Avalon Project: Documents in Law, History and Diplomacy*, 2008, Web.

institutions (states), as those could never afford to pay and keep an army which would deter the other countries from attacking.

The first article that focuses purely on property is the tenth article, which speaks about property rights. In it, it is claimed that the first object of the government is to protect those faculties “from which the rights of property originate⁸²”. That is because they form different interests of the people who thus form opposing opinions depending on the protection of these interests be they landed, money and/or mercantile. (Madison called these groups of people united by a common interest “factions.”). Thus “the regulation of these various and interfering interests forms the principal task of modern legislation⁸³”. It needs to be noted that one of the major reasons as to why these factions need to be regulated was in part Madison’s fear that the poorer classes would unite against the rich, which could result in a redistribution of wealth.

In this article the true power of property becomes obvious. So far, we have seen property as a means of achieving security and welfare of the citizens, yet now we see property examined as a motivating factor for each individual. True, other motives were also mentioned (for example power and/or fame) but only as secondary. However, it was also noted that excessive property can interfere with the interests of other people (both on a national and on an individual level), and thus those in possession of it need to be protected (the nation by becoming unified and the individuals by establishing laws preventing the alienation of their property).

⁸² James Madison. “The Federalist Papers: 10.” *The Avalon Project: Documents in Law, History and Diplomacy*, 2008, Web.

⁸³ James Madison. “The Federalist Papers: 10.” *The Avalon Project: Documents in Law, History and Diplomacy*, 2008, Web.

Quite fascinating is the twenty-first article, which highlights three ways in which the *Articles of the Confederation* failed; these being a government with not enough power to enforce its laws, the fact that the states do not have any guarantee of their rights, and that the states are in no way sanctioned for not paying their taxes. While only the third failing is tied to the topic of this thesis directly, when examining the previous two issues it becomes obvious that the *Federalist Papers* consider property to be the key object which eventually leads to both security and power.

The first issue that Hamilton outlined is that the government as it is now is too weak and has no sway over the individual states and it might lead to issues concerning the enforcement of laws. He even claimed that “the United States as now composed have no power to exact obedience, or punish disobedience to their resolutions, either by pecuniary mulcts...or by any other constitutional means⁸⁴”. This means that the citizens could choose to be flexible when it came to following the laws given by the government due to lack of repercussions. As a result it caused a situation where the state interests were being promoted and the American citizens had to be convinced to trust in the “promotion of individual interests and the protection of individual liberty⁸⁵”. Hamilton was concerned by the situation, claiming that the government should be strong enough to balance out the power of the individual states, as an imbalance of these powers could lead to a situation where the states could choose to separate in order to protect their own interest; these smaller groups would then fall prey to the European powers, especially as there would no doubt be competition and conflict between the separated groups. The

⁸⁴ Alexander Hamilton, “The Federalist Papers: 21.” *The Avalon Project: Documents in Law, History and Diplomacy*, 2008, Web.

⁸⁵ Alexander Hamilton, “The Federalist Papers: 21.” *The Avalon Project: Documents in Law, History and Diplomacy*, 2008, Web.

second failing was related to external threat and rested upon the claim that the individual states were unprepared to fight a war, should it occur, both due to a lack of able-bodied men and of resources. For this reason Hamilton suggested “a mutual guarantee of the state governments⁸⁶” which meant that the national government and the states would aid each other in conflict.

While these two issues seem to be mainly political, their concerns are deeply rooted in the economic sphere. In the case of the first issue the states are in danger of coming into conflict with each other because of different economic interests. Already when examining *Common Sense*, it was seen that each state has a number of different resources but is in need of others which the other states can provide, mainly by the ‘water routes’. Should a state place a high tax on goods imported from another state or make any similar endeavor it would quickly gain an economical advantage over the other states, while alienating some. This would eventually lead to conflict in which each state would attempt to promote their own interests and the divided States would be significantly weakened and vulnerable to an attack from outside. The second failing is partially related to this as it stems from a threat of conflict over interfering interests. As no individual state had such resources that would allow it to fund a war, should it occur, they needed some sort of a guarantee that there would be no need to prepare for such a situation.

The final issue Hamilton outlined in this article is aimed purely on monetary issues. It was concerned with the amount of money the states had to pay to the government. All states had to pay taxes but they did not “always pay all of the money

⁸⁶ Alexander Hamilton, “The Federalist Papers: 21.” *The Avalon Project: Documents in Law, History and Diplomacy*, 2008, Web.

requested by Congress, but they did pay some. When the situation became dire, one or more states would always come through⁸⁷”. However, this was neither fair to the states that did not pay a reasonable amount nor was it enough to significantly reduce the national debt. Not to mention that there were no definite quotas that each state had to pay. Hamilton suggested options such as increasing taxes, changing its economic policy or even using a new monetary system.

The fact that Hamilton considered the issue of taxation to be one of the most important issues to cover is another proof of the fact that monetary issues were always uppermost in the people’s minds. The government needed always to balance the economic interests of the nation (the need to take enough on the taxes to cover the national debt and assure ample resources to equip an army and be ready to protect the people), the interests of the state (to limit government taxation) and the interests of the American citizens.

Before continuing further to the *Anti-federalist Papers*, several other articles should be briefly mentioned. For example, we should focus on article forty-four where Madison speaks about money directly. Neither should we exclude article fifty-four which deals with the perception of slaves as property and taxation. In it Madison argues that the three-fifths compromise was successful in that it was an acceptable solution for both the North and the South.

4.4 The Anti-Federalist Papers

⁸⁷ Alexander Hamilton, “The Federalist Papers: 21.” *The Avalon Project: Documents in Law, History and Diplomacy*, 2008, Web.

Like the *Federalist Papers*, the *Anti-federalist Papers* were the result of the 1787-88 debate concerning the benefits of the *Constitution*. As was already mentioned at the beginning of the chapter, the Anti-federalists felt that the *Constitution* presented a significant threat to the rights and liberties that the United States won after the successful separation from England. They stood firmly against the Federalists and their ideas about their approach are bluntly obvious in the *Anti-federalist Papers*. Nevertheless, the *Anti-federalist Papers* discussed a number of issues such as the formation of government, voting and even slavery, however our focus shall be once again on their approach and representation of property.

The *Anti-federalist Papers* also chose to deal with property extensively, although in a slightly different way from the *Federalist Papers*. The first mention of property is already in the first article which outlines its ideas against the ‘zealous’ federalists. The article attacks the federalists claiming that they:

strived to overawe or seduce printers to stifle and obstruct a free discussion, and have endeavored to hasten it to a decision before the people can duly reflect upon its properties. In order to deceive them, they incessantly declare that none can discover any defect in the system but bankrupts who wish no government, and officers of the present government who fear to lose a part of their power.⁸⁸

In this way, the federalists connect their government with economic success, something the anti-federalists aim to disprove. Immediately after making such an assumption, they shift their focus onto the threat to freedom and liberty which could come from a strong central government, only to return to economic concerns again, re-affirming a link between money and the federalist zealots. The text calls them “men of great wealth and

⁸⁸ “Antifederalist Paper 1.” *The Federalist Papers Project*, Web.

expectations of public office⁸⁹” that choose to ignore the interests of the people in order to pursue their quest for property, being “greedy gudgeons they long to satiate their voracious stomachs with the golden bait⁹⁰”.

In this way, the authors of the *Anti-federalist Papers* attempt to relate to the financially weaker majority, connecting the federalist system with a notion of something which could even be claimed to be oligarchy of the rich. They tried to enforce this concept as a warning against a strong government for fear that the newly free and democratic America would revert to a situation similar to that it escaped, a life under a tyrannical rule of a chosen few.

In the light of this, it is possible to see references to property in the article eleven. Already in the first paragraph it claims that power of an empire (referring to the United States) renders individuals “less secure in their persons and property⁹¹”, which is one of the marks of a despotic government. They however, refuse the argument that separate states would come into conflict with one another, should they be missing a powerful government. This is because “all the states have local advantages, and in a considerable degree separate interests.⁹²” And so commerce becomes, in a way, a guarantee of the people’s rights as such a relationship between states would produce ‘friendship’.

One major difference between the *Anti-federalist* and *Federalist Papers*’s approach to property is that the *Federalist Papers* do not single out groups (or factions) with any great frequency. The *Anti-federalist Papers*, however, focus on competing interests, especially on the economically weaker majority. They do this by constantly

⁸⁹ “Antifederalist Paper 1.” *The Federalist Papers Project*, Web.

⁹⁰ “Antifederalist Paper 1.” *The Federalist Papers Project*, Web.

⁹¹ “Antifederalist Paper 11.” *The Federalist Papers Project*, Web.

⁹² “Antifederalist Paper 11.” *The Federalist Papers Project*, Web.

questioning federalist ideals and connecting strong government with rich corrupt interests which, in pursuing their economic advantage will endanger both the freedom and property of the masses.

4.5 Conclusion about Attitudes and Results

As was seen, in general there was consensus among the people that there was a need to maintain a harmonious relationship between the power of the federal (or “general”) government and the individual states. The need for the balance was based on the defense of the rights mentioned in *The Declaration*, the right to freedom and pursuit of happiness. As was observed in the examples above, these two rights were often based on monetary situation. Having significant financial resources to equip soldiers, should another country threaten the independence of the United States, was crucial. Similarly, the government needed to have enough power to keep the individual states from challenging one another to promote their interests. Nonetheless, the federal government’s power should not extend to all spheres as it would then both require greater taxes and limit individual agency, which was a highly undesirable thought at the time. It should be noted that some of the attitudes have survived until now; this will be elaborated in greater depth in the final chapter, but it might be beneficial to keep some of the above mentioned issues in mind.

Chapter 5 – Slavery

The fourth chapter examines property in the context of slavery. It focuses on the intrinsic relationship between the two issues in terms of the interpretation of the *Declaration*. Also it shows the supposed views of Thomas Jefferson and other prominent figures of his time and how property and slavery were perceived by the general public at the time and what different readings would mean in the economic and political context. This chapter uses references to slavery from main political texts of the era and considers their historical background as well as draws from the autobiography of Thomas Jefferson and his *Notes on the State of Virginia*.

5.1 History

To begin, a brief history of slavery in America as well as what it meant for Americans economically and politically must be mentioned. Moreover, we must bear in mind that, even if some of the facts mentioned below show a certain tendency towards viewing slaves as human beings, the true breaking point comes at a later period. This means that at the time of its writing *The Declaration*'s claim that “all men are free and equal⁹³” did not in any way apply to enslaved African Americans. Also, while it is true that some of the Founding Fathers spoke against slavery on occasion, as will be mentioned below, they were often slave owners themselves and there are documents demonstrating that particular discrepancy between their words and their actions. While

⁹³ “Declaration of Independence: A Transcription.” *National Archives*, 26 June 2017, Web.

they did not place the slaves at the same level as cattle, they were far from accepting them as human beings let alone their equals.

Slavery is characterized as a “legal or economic system in which principles of property law are applied to humans allowing them to be classified as property, to be owned, bought and sold accordingly⁹⁴” likewise while a man is enslaved the owner is “entitled to productivity of the slave’s labor⁹⁵”. The import of slaves was one of the most lucrative business ventures. “Ships involved in the colonial trade were first required to be registered in 1696.⁹⁶” and according to the *Atlas of the Transatlantic Slave Trade* written by Eltis and Richardson, it is estimated that the Transatlantic Slave Trade between early sixteenth and late eighteenth century resulted in over twelve million Africans being enslaved by the white colonists, most of those slaves forcibly uprooted and transported to America to serve as unpaid labor⁹⁷. In some of the American southern states, the African Americans made up to 40 percent of the entire population. It was impossible not to consider the implications of what would happen if these individuals were to be considered as ‘equal’. This question was most important for the southern whites, whose economy was based almost entirely on the unpaid labor they provided.

American agriculture and subsequently economy received a significant boost because the slave owners did not have to pay the non-whites for their work. Also, before the invention of the cotton gin, the southern economy absolutely relied on the slaves’ manual work. By treating the black slaves the way they did, the white farmers increased their productivity at the lowest possible cost, i.e. the buying of the slaves was generally

⁹⁴ “Slavery.” *JSTOR*, www.jstor.org/topic/slavery/.

⁹⁵ “Slavery.” *JSTOR*, www.jstor.org/topic/slavery/.

⁹⁶ “British transatlantic slave trade records.” *The National Archives*, Web.

⁹⁷ For more information see: Eltis, David, and David Richardson. *Atlas of the Transatlantic Slave Trade*. Yale University Press, 2015.

the most significant expenditure. In fact, even the idea of actually paying the slaves for their labor was regarded as distasteful at best—not to mention that texts such as *Time on the Cross* written by Fogel and Engerman have provided calculations by the slave owners proving the best ways to utilize slave productivity. Given the number of slaves on large plantations, fear must also have played a role in the whites' perception of the 'uncivilized race'. Moreover, since they were a minority on their own property, they needed to retain the advantage of inherent superiority that enabled them further to secure their dominant position. It was thus unthinkable that the African Americans, or 'negroes' as they were called at the time, should become their equals. Moreover, many whites also believed that the slaves were not mentally capable of taking care of themselves properly, and so they saw the master-slave relationship as a way of civilizing the 'negroes' in religious and other matters.

At the time the *Declaration* was written, slavery was still widely spread, but there were already tendencies to view the black as almost human and so some states were beginning to show rather negative feelings towards slavery. Already two years before the document was written, Rhode Island passed legislation that all slaves imported after that point should be freed.

In 1776, Delaware prohibited the slave trade and removed restraints on emancipation, as did Virginia in 1778. In 1779, Pennsylvania passed legislation providing for gradual emancipation, as did New Hampshire, Rhode Island, and Connecticut in the early 1780s, and New York and New Jersey in 1799 and 1804. In 1780, the Massachusetts Supreme Court ruled that the state's bill of rights made

slavery unconstitutional. By the time of the U.S. Constitution, every state (except Georgia) had at least proscribed or suspended the importation of slaves.⁹⁸

However, even though such trends appeared, when the new constitution was to be written, a true clash of interests occurred, especially between the Northern and Southern states, the latter of which continued to support the institution of slavery and the slave trade. That resulted in compromises designed to tolerate the currently existing slavery but not to promote it. The path to the true end of slavery began after the Slave Trade Act of 1807 was passed, which banned the importation of slaves. Illegal smuggling still occurred in some southern states, but the trends of resentment from the northern states steadily escalated, resulting eventually in the Civil War in 1861 which resulted in the end of slavery in America.

5.2 The Document's Attitudes Towards Slavery

So is the *Declaration* pro or anti slavery? Many people are under the mistaken impression that the *Declaration* is one of the first steps for the abolishment of slavery even though slavery was officially abolished almost a hundred years later. This is often because of the misinterpretation of the *Declaration's* claim that all men are 'free and equal' which, as was mentioned before, did not include slaves at the time as they were not considered as men. Even at the time, some people claimed that:

98 Spalding, Matthew. *We Still Hold These Truths: Rediscovering Our Principles, Reclaiming Our Future*. Intercollegiate Studies Institute, 2010.

Colonial freedom from British tyranny had clear implications for domestic slavery. “The colonists are by the law of nature free born, as indeed all men are, white and black,” James Otis wrote in 1761. “Does it follow that it is the right to enslave a man because he is black? ”⁹⁹

Nevertheless, there are still arguments against this, and a number of people turn to the *Constitution* to justify their claims. After all, while slavery was avoided in the *Declaration* the same was not so for the *Constitution* and it is generally assumed that the ideas and motivations of the authors remained the same.

However, even the *Constitution* is not entirely clear as to its attitudes toward blacks. On one hand, the *Constitution* affirmed African Americans to be worth three-fifths of a human being, which was the first time they started to be viewed legally as closer to human than to an animal. On the other hand, many Americans, even now agree with Chief Justice Roger Taney’s claim in the *Dred Scott v. Sandford* case in 1857 that the Founders’ Constitution regarded blacks as people who “had for more than a century before been regarded as beings of an inferior order, and altogether unfit to associate with the white race, either in social or political relations; and so far inferior that they had no rights which the white man was bound to respect, and that the negro might justly and lawfully be reduced to slavery for his benefit.”¹⁰⁰ While this might seem incomprehensible to many people, we need only to look at the recent interview with Richard Spencer (one of the most prominent figures of the far-right movement which claims close relationship to President Trump) who claimed that America was built by

⁹⁹ “The Deleted Passage of the Declaration of Independence (1776).” *Black Past*, Web.

¹⁰⁰ “No Rights Which the White Man was Bound to Respect.” *American Constitution Society for Law and Policy*, Martin Magnusson, 19 Mar. 2007, Web.

white people, as slaves only did what their masters told them. In this respect, he claims that white Americans and African Americans do not have a common culture and history and, like blacks in Britain, they cannot consider themselves at home in the country of their birth.

As can be seen above, there can be arguments both for and against the *Constitution* being anti-slavery and, as a result, the *Constitution* can be read both ways. However, like the *Declaration*, the *Constitution* actually avoided going into the issues of slavery and race. In fact, concepts such as race, color or ethnicity do not appear either in the *Declaration* or in the *Constitution*. It does use the euphemism ‘other persons’ for slaves but that is in regard to their status, not their skin color. In fact, it approaches Indians in a similar manner; they are separated as a group in the *Constitution* in order to clarify their exemption from taxation. As John Rutledge of South Carolina admitted: “Religion and humanity had nothing to do with this question. Interest alone is the governing principle with nations¹⁰¹,”

Like the *Declaration*, the *Constitution of the United States of America* does not employ words like ‘slave’ and ‘slavery’ nor any of their derivations at all. Again like the *Declaration*, it avoided all connection to the theme of property with the exception of what was unavoidable in terms of other political issues (for example, the question of race was completely avoided until the issues of voting or taxes were reached). Many people therefore lean towards the idea that the absence of this information means that the text is in its nature anti-slavery. This was assumed rather early in American history. For, example Frederick Douglass, a Maryland born slave, who experienced successively the

¹⁰¹James Madison. “Notes on the Federal Convention.” *The Avalon Project: Documents in Law, History and Diplomacy*, 2008. Web.

lives of a plantation slave under a terrible master, of slavery to a relatively kind master further north, and of an escaped slave, eventually becoming a prominent spokesman for free blacks in the abolitionist movement, stated that the government established by the *Constitution* “was never, in its essence, anything but an anti-slavery.¹⁰²” He supported this statement with an interesting observation about the document itself:

Abolish slavery tomorrow, and not a sentence or syllable of the Constitution need be altered,” he wrote in 1864. “It was purposely so framed as to give no claim, no sanction to the claim, of property in man. If in its origin slavery had any relation to the government, it was only as the scaffolding to the magnificent structure, to be removed as soon as the building was completed.¹⁰³

It should also be noted that the three-fifths clause in the *Constitution* did not represent an implicit opening of the question of the degree of humanity to be imputed to African Americans; in actuality, it reflected only the desire of the pro-slavery delegates who wanted slaves to be counted as people when it came to voting rights. This is because they were still assured of their superiority and power over them and, in that situation, counting them as individuals would give their owners more power through the greater numerical representation in the federal legislature to which Southern states would be entitled if their black slave population, although barred completely from politics (and, of course, voting) were counted (even if only three-fifth of a person per head) as part of the population on which assignment of political representation was based. The anti-slavery

¹⁰² Spalding, Matthew. “How to Understand Slavery and the American Founding.” *The Heritage Foundation*, 26 Aug. 2002, Web.

¹⁰³ Spalding, Matthew. “How to Understand Slavery and the American Founding.” *The Heritage Foundation*, 26 Aug. 2002, Web.

delegates were well aware of this and consciously chose to prioritize the power aspect over a slavery one.

It is worth mentioning that the three-fifth clause did not include blacks in general, and “The 60,000 or so free blacks in the North and the South were counted on par with whites¹⁰⁴”. What is not generally known and/or acknowledged is the fact that blacks were actually able to vote quite early as the Constitution in Article I (Section 2, Clause 1) confirms that each state was free to specify its individual laws in terms of who is eligible to vote and almost ten states showed leniency towards the free black citizens in that respect (the precise number is unclear, but only Georgia, South Carolina and Virginia explicitly restricted suffrage to whites).¹⁰⁵ We must also realize that the clause does not actually claim that a black man was worth sixty percent of a white man; it was a compromise considered mainly on the political level to determine the number of votes and representatives.

5.3 Slavery According to Political Figures of the Time

Another favored argument as to why the *Declaration* is in essence anti-slavery is the idea that its authors were against slavery themselves. This also applies to the *Constitution*, claiming that the reason it referred to slavery so rarely and obliquely and never used the words like ‘slave’ or ‘slavery’ was “because the Framers were embarrassed by the institution. They believed that slavery was morally wrong and would

¹⁰⁴ David Azerrad, “Race and Slavery: What Does the Constitution Really Say?” *The National Interest* , 28 Dec. 2015, Web.

¹⁰⁵ David Azerrad, “Race and Slavery: What Does the Constitution Really Say?” *The National Interest* , 28 Dec. 2015, Web.

die out, and they did not want that permanent moral stain on the document.¹⁰⁶ This theory, however, is not entirely correct either. As there is very little in the *Declaration* itself to make its perception on blacks and slavery clear, many people turn to the leading figures of the day to get a sense of how the *Declaration* should be interpreted. Here, however, they face a lot of contradictions. Many of the leading American Founders, for example Thomas Jefferson, George Washington, and James Madison, owned slaves, and so it was often assumed that they considered blacks as ‘sub-human’. Such ideas, to the extent that the above Southerners actually held them, as opposed to having such views imputed to them, contrasted sharply with the approach of individuals such as Benjamin Franklin who openly declared that slavery was “an atrocious debasement of human nature¹⁰⁷” and “a source of serious evils.¹⁰⁸” Such a claim from someone who was respected and a prime example of the self-made man, would have held a lot of weight at the time. He and Benjamin Rush even founded the Pennsylvania Society for Promoting the Abolition of Slavery two years before the *Declaration* was completed. This would mean that his ideas would have been known at the time of the *Declaration*’s composition and publishing.

Franklin was far from being the only representative who expressed himself thusly. John Adams opposed slavery his entire life calling it a “foul contagion in the human character¹⁰⁹” and “an evil of colossal magnitude.¹¹⁰” And John Jay, who much like

¹⁰⁶ Matthew Spalding, “How to Understand Slavery and the American Founding.” *The Heritage Foundation*, 26 Aug. 2002, Web.

¹⁰⁷ Matthew Spalding, “How to Understand Slavery and the American Founding.” *The Heritage Foundation*, 26 Aug. 2002, Web.

¹⁰⁸ Matthew Spalding, “How to Understand Slavery and the American Founding.” *The Heritage Foundation*, 26 Aug. 2002, Web.

¹⁰⁹ Matthew Spalding, “How to Understand Slavery and the American Founding.” *The Heritage Foundation*, 26 Aug. 2002, Web.

Franklin, was later involved a similar society in New York believed that “the honour of the states, as well as justice and humanity, in my opinion, loudly call upon them to emancipate these unhappy people. To contend for our own liberty, and to deny that blessing to others, involves an inconsistency not to be excused.¹¹⁰” Even slave owner James Madison, who was often referred to as ‘father of the Constitution’ called it “the most oppressive dominion ever exercised by man over man.¹¹²”

Like these public figures, a number of other slave-owning personages expressed negative opinions about slavery. One of these was George Washington, the icon of the American Revolution. While he owned a large number of slaves, he viewed slavery as a sort of warning example, even comparing it to the possible situation between the Americans and the British “till custom and use shall make us as tame and abject slaves, as the blacks we rule over with such arbitrary sway.¹¹³” While he acknowledged that the institution of slavery was a negative thing, this claim was, at the time, still only a rhetorical feature aimed to open a dialogue about this particular issue.

His outlook slightly changed after he took command of the Continental army in 1775 and came into contact with blacks who were treated differently, as the army included both slaves and free blacks (though at first it was declared that they would serve ‘without arms’).The army became a place where the blacks were perceived, not completely as equal, but as much closer to the whites than anywhere else. Alexander

¹¹⁰ Mattew Spalding, “How to Understand Slavery and the American Founding.” *The Heritage Foundation*, 26 Aug. 2002, Web.

¹¹¹ Mattew Spalding, “How to Understand Slavery and the American Founding.” *The Heritage Foundation*, 26 Aug. 2002, Web.

¹¹² Mattew Spalding, “How to Understand Slavery and the American Founding.” *The Heritage Foundation*, 26 Aug. 2002, Web.

¹¹³ Mattew Spalding, “How to Understand Slavery and the American Founding.” *The Heritage Foundation*, 26 Aug. 2002, Web.

Hamilton proposed a plan to enlist slaves in the army with the promise to “give them their freedom with their muskets,¹¹⁴” and Washington supported such a policy.

In 1786, Washington wrote about slavery: “there is not a man living who wishes more sincerely than I do, to see a plan adopted for the abolition of it.¹¹⁵” And he even acted upon this notion as far as the law allowed him by freeing several of his own household slaves and finally declaring in his will that his slaves would become free upon the death of his wife—even claiming that “The old and infirm were to be cared for while they lived, and the children were to be taught to read and write and trained in a useful skill until they were age 25. Washington’s estate paid for this care until 1833¹¹⁶”.

However, the most controversial figure in terms of his ideas was the main author of *The Declaration* himself. Thomas Jefferson also proposed legislation that would emancipate slaves in Virginia; however he faced strong opposition, and it did not pass. Likewise in *A Summary View of the Rights of British America* he proclaimed that “The abolition of domestic slavery is the great object of desire in those colonies where it was unhappily introduced in their infant state.¹¹⁷” This might have aided in convincing the First Continental Congress to consider measures to “discontinue the slave trade and boycott other nations that engaged in it.¹¹⁸” Likewise, it should not be forgotten that Jefferson did include a passage against slavery in a draft of the *Declaration* where he

¹¹⁴ Mattew Spalding, “How to Understand Slavery and the American Founding.” *The Heritage Foundation*, 26 Aug. 2002, Web.

¹¹⁵ Mattew Spalding, “How to Understand Slavery and the American Founding.” *The Heritage Foundation*, 26 Aug. 2002, Web.

¹¹⁶ Mattew Spalding, “How to Understand Slavery and the American Founding.” *The Heritage Foundation*, 26 Aug. 2002, Web.

¹¹⁷ Jefferson, Thomas. “Thomas Jefferson, A Summary View of the Rights of British America.” Edited by Julian P Boyed, *The Founders' Constitution*, 2000, Web.

¹¹⁸ Jefferson, Thomas. “Thomas Jefferson, A Summary View of the Rights of British America.” Edited by Julian P Boyed, *The Founders' Constitution*, 2000, Web.

accuses King George of unacceptable behavior and of introducing slavery into the United States. Claiming that:

He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery.¹¹⁹

Even though this part was eventually removed, which Jefferson later blamed on “delegates who represented merchants who were at the time actively involved in the Trans-Atlantic slave trade¹²⁰”, it shows an attempt of not only one but several delegates to make an anti-slavery claim.

Nevertheless, while it is undeniable that Jefferson made attempts to present himself as an anti-slavery thinking individual, he made no other attempts to change the situation and the fact that he owned more than two hundred slaves shows that he was not as (or perhaps more) invested in them as he claimed. Not only that, his thoughts on the matter can be clearly observed in his *Notes on the State of Virginia* (1789). On one hand, he truly condemned the institution of slavery, though he did practice it himself. Claiming that “The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other¹²¹”. Moreover he declared that:

I think a change already perceptible, since the origin of the present revolution.

The spirit of the master is abating, that of the slave rising from the dust, his condition mollifying, the way I hope preparing, under the auspices of heaven, for

¹¹⁹ “The Deleted Passage of the Declaration of Independence (1776).” *Black Past* , www.blackpast.org/primary/declaration-independence-and-debate-over-slavery.

¹²⁰ “The Deleted Passage of the Declaration of Independence (1776).” *Black Past* , Web.

¹²¹ Thomas Jefferson, “Notes on the state of Virginia.” *Archive*, Web.

a total emancipation, and that this is disposed, in the order of events, to be with the consent of the masters, rather than by their extirpation.¹²²

On the other hand, the same text also showed highly condemning attitudes towards blacks as a race, which Jefferson makes clear when he states “that the blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to the whites in the endowments both of body and mind.¹²³” He reached this decision after careful observation of the slaves on his plantations, where he observed that:

“comparing them by their faculties of memory, reason, and imagination, it appears to me, that in memory they are equal to the whites; in reason much inferior, as I think one could scarcely be found capable of tracing and comprehending the investigations of Euclid; and that in imagination they are dull, tasteless, and anomalous¹²⁴,”

He further elaborated on this opinion of their mental abilities when claiming that:

[N]ever yet could I find that a black had uttered a thought above the level of plain narration; never see even an elementary trait of painting or sculpture. In music they are more generally gifted than the whites with accurate ears for tune and time, and they have been found capable of imagining a small catch¹²⁵

However, these attitudes were quite common at the time. For example, Henry Gates, like many of his contemporaries, explains that, he (and they) “separated ’what we would call intelligence from the capacity for religious experience¹²⁶”, which allowed both

¹²² Thomas Jefferson, “Notes on the state of Virginia.” *Archive*, Web.

¹²³ Thomas Jefferson, “Notes on the state of Virginia.” *Archive*, Web.

¹²⁴ Thomas Jefferson, “Notes on the state of Virginia.” *Archive*, Web.

¹²⁵ Thomas Jefferson, “Notes on the state of Virginia.” *Archive*, Web.

¹²⁶ Babacar M’Baye, “Phillis Wheatley and Thomas Jefferson: The Birth of African-American Literary Criticism .” *H-Net Reviews*, Web.

the principle of black inferiority and the religious conversion of slaves. This is why he was so radically against slavery but could never see slaves as fully-functioning human beings. This translated even to his views on literature: Upon receiving a poem from Phillis Wheatley, he was extremely critical, refusing even to acknowledge it as poetry because he believed her to be “an example of a product of religion, of mindless repetition and imitation, without being the product of intellect, of reflection. True art requires a sublime combination of feeling and reflection¹²⁷”.

What the above mentioned information shows us is that, while Jefferson did not fully support slavery, he in no way saw African-Americans as equal to white men. Logically, these views were reflected in the text he wrote, and it is obvious when we once again look at his claim that all men are ‘free and equal’, while the slaves were neither and Jefferson himself declared that slaves were “inferior to the whites in the endowments both of body and mind”. This clearly shows that the ‘equal’ clause did not include them among men with the rights to ‘freedom, liberty and the pursuit of happiness’ according to the *Declaration*.

As was seen in the passages above, at the time the *Declaration* was written, blacks were seen as far inferior to whites and many of the *Declaration* principal endorsers stipulated this “fact,” though they may have progressed to the point that they saw them as more human than animal. However, these beliefs were mirrored by the general population who, after reading the text of the *Declaration*, interpreted it according to their convictions. Thus, they continued to treat slaves as their property. It should then come as no surprise that, when the *Declaration* declared that men have the right to freedom,

¹²⁷ Babacar M’Baye, “Phillis Wheatley and Thomas Jefferson: The Birth of African-American Literary Criticism .” *H-Net Reviews*, Web.

liberty and the pursuit of happiness, it was often interpreted as a document marking slaves the rightful property of the whites. Consequently, this would have further engaged the white men against siding with England in order to protect their own economic interests on the part of the slave trade. After all, we should not forget that slavery had famously been declared illegal in England (though not yet in the Empire) in 1772, on the eve of the American Declaration of Independence, and that the *Abolition of the Slave Trade Act* had originated in Britain in 1807. Faced with aggressive and successful British enforcement of the Act, the U.S. complied in passing similar legislation later that year officially forbidding the importation of slaves into the United States; but slavery was still highly promoted in the South.

5.4 Present Attitudes

Currently, it is generally assumed that The *Declaration* includes blacks among the free and equal people who have the right to freedom, liberty and the pursuit of happiness. However, the fact that the interpretation of the *Declaration* and The *Constitution* changed due to different socio-cultural circumstances does not end with the claim that now African Americans have the same rights as white Americans. The history of oppression and the older interpretations of the documents still play a role in current issues. As Matthew Spalding states “Today’s most controversial public policy questions concerning race in the United States—from the debate over affirmative action and racial quotas to financial demands for reparations—ultimately derive from the fact that those who founded

this country did not abolish the institution of slavery as part of their project to establish a nation dedicated to the cause of liberty.¹²⁸”

As we can see, there are a number of issues which depend on older interpretations (see above) of the texts and on the point where the interpretation changed. These issues can be more philosophical, such as what does each interpretation say about the American dedication to maintaining liberties and human equality which are principles that they have promoted since their beginning (see sub-chapter Historical Introduction, page 6). These theories could even make us contemplate the origins of American politics and whether it makes its basic principles less defensible when taken as “a guide for just government?”¹²⁹”

¹²⁸ Matthew Spalding, “How to Understand Slavery and the American Founding.” *The Heritage Foundation*, 26 Aug. 2002, Web.

¹²⁹ Spalding, Matthew. “How to Understand Slavery and the American Founding.” *The Heritage Foundation*, 26 Aug. 2002, www.heritage.org/american-founders/report/how-understand-slavery-and-the-american-founding.

Chapter 6 – The Conclusion

In the beginning it was said that the thesis aims are to provide a deep analysis of the concept of property in the *Declaration* and to prove the hypothesis that the concept of property is one of the key ideas of early American political writing. However, it is also greatly downplayed in regards to the formal level due to what might today be referred to as ‘political correctness’. This hypothesis proved true especially in terms of the importance of property. As stated in previous chapters, property was perceived not only as one of the key ideas of the eighteenth and nineteenth centuries, but perhaps it could be viewed as the most important one since some interpretations considered it as a pre-requisite for freedom and liberty, both on the individual and political level, along with the necessity for happiness.

As for why the term itself was understated, it cannot be stated with absolute certainty that it was due to what we would now refer to as political correctness, though it is plausible. Other equally likely reasons as to why the term was not focused on as strongly could be the desire of the Founding Fathers to avoid such obvious connection to the ideas of John Locke as well as to avoid repeating the same ideas since they considered property to be one of the basic requirements for liberty; thus another term was chosen for stylistic reasons. Nevertheless, the thesis fulfilled its purpose and brought to light many fascinating connections which are crucial to a deeper understanding of a text of such importance as the *Declaration*. Likewise, there is still a possibility of further research in this area which does not need to be limited only to the sphere of literature but

to that of law, economy, and politics. We need only to look at some of the current problems in the American socio-political sphere.

6.1 Current Issues

The contemporary attitudes of Jefferson's generation prepared the grounds from which many current ideas about taxes, healthcare and welfare systems developed. But they did not always develop to the benefit of the people. "Ours is the Ruthless Economy. [...] in its ruthlessness at home and abroad it creates a world of wounds. As it strengthens and grows those wounds deepen and multiply"¹³⁰ is a claim made by Paul Samuelson and William Nordhaus in their *Microeconomics*, and they are absolutely right. As was seen throughout the course of the thesis, no matter the angle from which we analyzed the political documents of the era, property always remained a core concern and motivation. All the other, nobler pursuits such as freedom were always just another step towards increasing one's own wealth. It was already mentioned that not everyone interprets the documents the way this thesis did, and so we shall look at the current political and economical situation of the United States so that there can be no doubt that these ideological trends existed and that they have survived until the present.

James Gustav Speth claims that the basic operating system of the American economy "rewards the pursuit of profit, growth, and power and does little to encourage a concern for people, place or planet"¹³¹ and this is a direct result of the development of the

130 James Gustave Speth, *America the Possible: Manifesto for a New Economy (American Crisis)*, Yale University Press; First Edition edition September 25, 2012

¹³¹ James Gustave Speth, *America the Possible: Manifesto for a New Economy (American Crisis)*, Yale University Press; First Edition September 25, 2012

American ideology of the successful self-made man. In the past, the moral implications of this ruthless pursuit of success remained unquestioned and thus allowed for things such as slavery or the simple act of forgetting all those who failed to keep up in the difficult conditions early America created. The situation now, however, is very different, and moral concerns are beginning to be voiced and examined more often (As can be seen with the increased international focus on human rights). This can be seen, for example, in the ranking provided by the Organization for Economic Cooperation and Development. It shows us that while America is still an economic and world power, it is by no means an ideal country for the average man but only for the few chosen.

6.1. i Poverty

America has the highest poverty rate, both generically and for children; it has the greatest inequality of incomes, the lowest social mobility as well as the highest high school dropout rate, homicidal rate, and the largest prison population (both absolutely and per capita). There are no great tendencies on the part of the government to take care of its poor, and underprivileged Americans do not actively ask for its assistance either. They seem generally to equate financial power with success and so do not push for further governmental aid as they could be perceived as unsuccessful. These tendencies have been there since the first arrivals where those unable to make their way simply left or found a way to cope, and this was continually encouraged throughout history.

The Declaration proudly declares all men's right to pursue happiness while claiming that they are 'equals', making the readers work with the assumption that all

people have the same potential to succeed. We can also see this in the situation following the freeing of the slaves and their conflict with the newly arrived immigrants for work. During these waves of immigration, where it was mainly the northern factory owners, the government or bigger business that prospered, Americans had to fight against each other to secure their well being. The individuals who chose to build their own farms instead faced similar problems, where they encountered powerful competition. It might be, in part, this ideology which correlates property with success that helped Donald Trump in the recent presidential campaigns.

6.1.ii Health and Government Aid

Not only that, America has a number of other problems showing its harsh attitude towards supporting socially weaker individuals. It has the lowest ranking for government spending as a percentage of the gross domestic product on social programs for the disadvantaged, as well as the highest public and private expenditure on healthcare as a percentage of gross domestic product; yet it still has the highest infant mortality rate and lowest life expectancy—not to mention the highest percentage of people going without health care due to cost concerns, prevalence of mental health problems, and largest consumption of antidepressants per capita. The prices of health insurance are astronomical, and people often find it motivating to seek ‘lucrative’ jobs that offer any sort of such insurance. It is also a good lure to attract people for work in the public sector including the army.

In light of this, healthcare can be perceived as a luxury or as something reserved for those who can afford to pay it. In fact, “Total health spending last year, including private out-of-pocket and government spending, was \$8,985 per person in the US while the OECD average was just \$3,633.¹³²” Not only that, the number of private insurance companies is steadily falling, as few are able to afford them; in attempting to avoid bankruptcy due to high medical bills, people often search for the cheapest possible options available¹³³. The government has recently made attempts to change this situation, namely the concept of Obamacare has raised wide debate concerning the benefits of slowing the rise of healthcare costs as opposed to the fact that the benefits came from taxing even those who didn’t purchase insurance. The capitalist attitudes of Americans can be seen in President Trump’s health reform which immediately attacked Obamacare for chiefly this reason.

The same thing applies to help in retirement. This, among other things, motivates the younger generation to become more independent so that they are prepared for old age as well as often limiting their inheritance. By this we mean possible ways people can make up for the sudden lowering or absence of income, such as reverse mortgages (an arrangement when a bank buys up a house by monthly installments to its resident until his death at which point the bank becomes the sole owner of the house), which are often perceived as preferable to relying on others, even on members of one’s own family.

6.1.iii Environmental Issues

¹³² Chalabi, Mona. “Us Healthcare Broken System One Chart.” *The Guardian* , 2 July 2017, Web.

¹³³ For more information see: “U.S. Health Insurance - Statistics & Facts.” *The Statistics Portal* , Web.

However, these ideas are not being expressed only on American soil in relation to individuals but also affect international trade and large businesses. America has the lowest score on Yale-World Economic Forum's Environmental Performance Index. It has the second largest Ecological Footprint per capita, the highest water consumption per capita, and the second highest carbon dioxide emission per capita. This shows that the American focus on property by far takes precedence over environmental issues or international politics.

A good example of this is President Trump's prerogative to leave the Paris Climate Deal. While this decision met with extreme resistance both on the part of the world and on the part of many average Americans (even causing several individual states to declare that they will hold to the Paris standards regardless of Trump's decision) it should be noted that it was not an irrational spontaneous action. For one thing, it was already part of his campaign pledge, which should have been known to the people who have voted him president and so supported this decision. Another reason is that the motivations towards this decision were once again influenced by visions of greater profit. As the White House declared, there was no real problem but "it would only stay in if it got more 'favorable' terms."¹³⁴—proving that the focus on potential profit at the moment outweighed the negative views of the public, and even the potential sanctions from the rest of the world. As McMaster said on ABC's *This Week*, the US stay in the accord depended solely on "if there's an agreement that benefits the American people. The president is open to any discussions that will help us improve the environment." He

¹³⁴ Joanna Walters, "Top Trump officials signal US could stay in Paris climate agreement ." *The Guardian*, 17 Sept. 2017, Web.

added “that will help ensure our energy security and will advance our prosperity and the prosperity of American businesses and American workers.”¹³⁵

But it is not necessary to focus only on this most recent issue, as there are many others like it (ex. There was an embarrassing situation when Trump’s nominee for the Top Environmental Advisor, Kathleen White, proved to know nothing about even such common issues such as climate change). Other examples might relate more to the everyday life of average Americans. Among these we could mention lack of things such as technical inspections on transport allowing greater release of emissions to be released or the growing frequency of natural gas air-conditions that further increase climate risks, which are commonly regulated by the state outside of the United States, but which is being completely avoided. In part it is to avoid giving the government too much power over the individual, but that is again because of the money that the individuals would be forced to pay for these services.

6.1. iv International Issues

To conclude with the examination of the issues of international nature, it would be beneficial to focus briefly on commerce and general involvement. America has the largest international arms sales, the highest rate of failing to ratify international agreements, and the third lowest spending on international development and humanitarian assistance as a percentage of GDP.

¹³⁵ Joanna Walters, “Top Trump officials signal US could stay in Paris climate agreement .” *The Guardian*, 17 Sept. 2017, Web.

There are a number of examples which could be used to illustrate any one of these points, including most famously the war in Iraq (supposedly motivated by fear of nuclear weaponry but later considered as nothing more but an attempt of America to gain access to natural riches of the area). While terrible, war is business, and America has been and still is an active participant in many conflicts—supporting the armaments industry not only at home where owning a gun is a constitutionally protected right guaranteed by the second amendment, but mainly abroad.

The United States have more than 200,000 soldiers currently assigned to locations around the world from Japan to El Salvador. And we are not only talking about the money made by the weapons industry, which is enormous and continually encouraged both in terms of production and development. (ex. Those can be seen among the newest innovation from brands like the Colt [ex. Variations of the M1911 or AR15], Smith & Wesson, innovations made on ICBMs or UAVs)

Being a soldier is a job with prestige that brings individuals and their families a number of benefits, be they monetary or in the healthcare and/or education sectors. Likewise, private American firms often rent soldiers as escorts at a ridiculously high price. This motivates average Americans to try and participate in this way of life, making a career in one of the units, which in a never-ending circle encourages the government to keep such posts available either by being active in a conflict themselves (preferably) or by assigning the soldiers to joint missions.

American activity in this area gives them better ability to negotiate in international politics; however a number of countries have not viewed this positively and have voiced their concerns over American activities overseas. Interestingly enough, some of these

concerns might be abated during Trump's presidency, as he seems to focus more on what is on American soil and is not overly active in outside issues, as can be seen from his restrained approach to the situation in Syria.

6.1. v Current Situation Re-examined

What these rankings and findings show, is proof that America is not so much the country of winners as for winners, as the average man finds his right to the pursuit of happiness challenged at every corner not through a lack of liberty but through a lack of property. Be it the schooling system, healthcare or social care, their quality very much depends on the economic background of their recipient. Currently, the above-mentioned issues are the result of fundamental flaws present in the American political and economic system as well as a direct consequence of their mentality, which considered many of the previously mentioned issues as positive things. In the case of environmental issues, there was little interest in the area until relatively recently and on the individual level the focus of the government would be viewed negatively as it would be violating their freedoms. The same is applicable to healthcare and monetary aid programs, which were seen as demotivating and unfair to those capable of supporting themselves.

However, the times are changing and so are views of American politics and economy. James Speth claims that one of the main reasons America got 'off course' is its failure to "build consistently on the foundations laid by New Deal, by Franklin Roosevelt's *Four Freedoms* and his *Second Bill of Rights*, and by the United Nations'

*Universal Declaration of Human Rights*¹³⁶” instead unleashing “a virulent, fast growing strain of corporate- consumerist capitalism¹³⁷”. He states that control over these things must come from the government but that “the captains of our economic life and those who have benefited from it¹³⁸” do not allow it to do so. He thus confirms what we have so far been saying; that the cultural paradigm of America does not allow any other course but the pursuit of property.

What Speth and (with increasing frequency) others are suggesting, is that the solution to many current American issues must come as a result of a radical change the American ideology. They suggest that more power should rest with the government and, instead of encouraging people to pursue happiness through monetary means, more effort and money should be put into making men free and equal by providing assistance and opportunity to those who, from the start, have lower chances. By focusing on these less fortunate Americans, they hope for lowering criminality rates as well as greater social mobility on the grounds of increased availability of education. This, however, would require Americans to develop a completely new perception of the government and their rights and duties, which still seems to be a far way off.

5.2 Conclusion

¹³⁶ James Gustave Speth, *America the Possible: Manifesto for a New Economy (American Crisis)*, Yale University Press; First Edition edition September 25, 2012 . pp. 3

¹³⁷ James Gustave Speth, *America the Possible: Manifesto for a New Economy (American Crisis)*, Yale University Press; First Edition edition September 25, 2012 . pp. 3

¹³⁸ James Gustave Speth, *America the Possible: Manifesto for a New Economy (American Crisis)*, Yale University Press; First Edition edition September 25, 2012 pp. 3

To summarize the findings, the main ideas of the individual parts of the thesis should be highlighted, with the exception of the introduction. It was shown that the *Declaration*, which was consistently presented as a political document of particular significance as it affected all further work in the American political sphere, made several key statements which affected the understanding of further American politics.

It has proclaimed all ‘men to be free and equal’ as well as in possession of rights among which are freedom, liberty and the pursuit of happiness. In this way it has re-affirmed the notion that American men are all in possession of the same opportunities for success, which eventually led to the idealization of the notion of the self-made man. It has also been noted that the results of writing the *Declaration* were primarily economic. While hiding behind ideology to avoid referring to property, the Founding Fathers mostly desired independence from the king, which eventually translated to lower taxes, and better opportunities in international trade. The claim that the rights of all men are primarily guaranteed by God and nature, could have been genuinely accepted at the time due to stronger religious tendencies. However, it also removed the negative stigma of being labeled as rebels and traitors to the crown from newly independent colonies. We also should not forget that freedom of religion and ability to reinvent oneself was a promise present in the *Declaration* which would have held an immense appeal at the time.

During the re-examination of the *Declaration* against John Locke’s *The Second Treatise on Government*, the texts’ resemblance was noted. The *Declaration* took the idea of social contract and the laws of nature to formulate its arguments against the British imperial government, as the reasons for which both of these texts were written were quite

similar. Likewise, it was observed that, while Locke lived in the British Isles, he was fascinated by America, and many of the ideas mentioned in his texts were directly applicable and were arguably even constructed specifically for the New World. Special attention was paid to two notions; the replacement of ‘property’ with ‘happiness’ and Locke’s ideas about slavery. In the former, we suggested a number of reasons as to why this key term should be replaced, finally making the claim that an important role was played by what we would now call ‘political correctness’ as well as rhetorical benefit of focusing on ideology.

In the next section the focus shifted slightly from the *Declaration of Independence* and to other political texts written during the same era, mainly the *Federalist Papers* and the *Anti-Federalist Papers*. The notion of property was thoroughly examined in all the above mentioned texts in order to determine if it is indeed such a powerful concept as was the case with the *Declaration*. We found that to be so in both *Papers*, as they considered property to be the main factor affecting security and well being of American citizens. Moreover, direct reference to property appeared more frequently, supporting the claim that the phrasing of the *Declaration* was affected by desire to appeal to the greatest number of readers.

Finally, we examined the concept of slavery and equality in the context of the time. The main focus was once again on the *Declaration*, but we also drew heavily from the *Constitution of the United States of America*. Though we finally agreed that the claim ‘free and equal’ in no way included blacks, much less slaves, it is obvious why there is so much controversy about these issues. While the attitudes of the general populace were quite clear, both the *Declaration* and the *Constitution* avoided going into this territory,

and the large discrepancies between the claims and actions of the authors and endorsers generally left readers free to decide how to interpret it. This eventually shifted towards perceiving blacks as ‘free and equal’ to whites; however, at the time the texts were written, slaves were still seen as property. This was crucial, as the regulation of Trans-Atlantic Trade on the part of the British as well as the possibility of being free to make new international business partners for greater profit was yet another reason why Americans were eager to separate from the British Empire.

Finally, the thesis’s focus moved towards the most recent American situation which proved the continued existence of all the previously mentioned trends as well as the return to open acknowledgement of property as a key factor forming the American identity. All that was discovered in the individual parts of the thesis served to support the hypothesis that the term ‘property’ was greatly overlooked but that it was none the less the most important concept in America at the time. In addition, the first two chapters also showed the greater importance of freedom—physical, religious and freedom of opportunity—which was on a par with the importance of pursuing personal wealth, although this fact does not affect the interpretation of the hypothesis. Moreover, as was shown in the examination of how the cultural paradigm of American thought affected the current economical and political situation, the importance of religion slowly dwindled while the crucial position of property remained unchallenged until today.

What Jefferson and his contemporaries masked under the guise of pursuing more noble causes such as freedom, liberty and the fight for independence, is the importance of an American value no one is any longer trying to deny: the importance of property. At one point, not hiding this fact caused enormous attraction and America became the

setting of utopias and a county of possibilities. While this view still persists, the values of the global society have shifted, and that same value is becoming a point of criticism.

Which leads us to an interesting issue which might prompt further research: Does the current era require America to change its cultural paradigm? We have seen features such as individualism and self reliance flourish in the pursuit of property since the first settlers made America their home. Up until the Great Depression there was not much reason for Americans to care for others beside themselves. This approach has worked splendidly for some, and it most certainly aided in establishing the United States as we know them, a world power. However, with a strong shift towards humanitarian principles occurring around the world, it might be possible that America will have to start changing in order to re-establish itself as a leading country. In which case, the ideals that Trump represents might be one of the final glimpses of the Old America.

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