

CHARLES PINCKNEY

(1757–1824)



They [Africans] certainly must have been created with less intellectual power than the whites, and were most probably intended to serve them, and be the instruments of their cultivation.

—Charles Pinckney, *Debate about the Missouri Compromise*, 1821



Introduction

Born near Charles Town (now Charleston), South Carolina, Charles Pinckney was the child of a wealthy family. He received a first-rate education and became an accomplished lawyer. Pinckney joined the state militia during the American Revolution and fought the British at Savannah and Charles Town. After the war, he became a member of the Confederation Congress and then a delegate to the Philadelphia Convention, which was convened for the purpose of revising the Articles. A moderate whose wartime experience caused him to see the necessity for a stronger central government, Pinckney nevertheless was jealous of the rights of the South in general and his native state in particular.

Pinckney was most sensitive to infringements upon the South's right to preserve slavery and the slave trade. Like most Americans of his time—in both North and South—Pinckney held what modern people would call “racist” views. Pinckney saw slavery as a positive good and could not imagine blacks as equals. He therefore fought for the protection of the slave trade at the Constitutional Convention and, thirty years later, opposed the Missouri Compromise because it set the dangerous precedent of allowing the federal Congress to outlaw slavery in the territories.

Relevant Thematic Essay for Charles Pinckney

- Slavery

In His Own Words: CHARLES PINCKNEY AND THE ISSUE OF SLAVERY

Overview

In this lesson, students will learn about statesman Charles Pinckney. They should first read as background homework **Handout A—Charles Pinckney (1757–1824)** and answer the **Reading Comprehension Questions**. After discussing the answers to these questions in class, the teacher should have the students answer the **Critical Thinking Questions** as a class. Next, the teacher should introduce the students to the primary source activity, **Handout C—In His Own Words: Charles Pinckney and the Issue of Slavery, 1787**, in which Pinckney and other Founders debate Article 1, Section 9, Clause 1 of the Constitution (the “Slave Trade Clause”). As a preface, there is **Handout B—Vocabulary and Context Questions**, which will help the students understand the document.

Next, ten students will assume the roles of the delegates and read the document in a dramatic presentation. The students will then complete **Handout D—Analysis: Debate about Article I, Section 9, Clause 1**, which analyzes and summarizes the views of the delegates in table form. There are **Follow-Up Homework Options** that ask the students to summarize the views of a particular delegate or create a diary entry for him. **Extensions** provides opportunity for thought as students are asked to examine Pinckney’s views about slavery thirty years later during the debate about the Missouri Compromise.

Objectives

Students will:

- evaluate the importance of Pinckney’s contributions to the Founding
- understand Pinckney’s views on the Articles of Confederation and the Constitution
- analyze Pinckney’s role in the Constitutional Convention
- understand the arguments about Article I, Section 9, Clause 1
- appreciate the passions and the interests of both pro- and antislavery proponents

Standards

CCE (9–12): IC2, IIB1, IIIA2

NCHS (5–12): Era III, Standard 3A;
Era IV, Standard 3B

NCSS: Strands 1, 2, 5, 6, and 10

Materials

Student Handouts

- Handout A—Charles Pinckney (1757–1824)
- Handout B—Vocabulary and Context Questions
- Handout C—In His Own Words: Charles Pinckney and the Issue of Slavery
- Handout D—Analysis: Debate about Article I, Section 9, Clause 1

Additional Teacher Resource

- Answer Key

Recommended Time

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

LESSON PLAN



I. Background Homework

Ask students to read **Handout A—Charles Pinckney (1756–1824)** and answer the Reading Comprehension Questions.



II. Warm-Up [10 minutes]

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

Charles Pinckney was a southern landowner who was one of the most active participants in the Constitutional Convention. Speaking more than 100 times, he contributed ideas about the role of the executive branch, the powers of the federal government, and the place of slavery in the new nation. In later years, he was one of the key figures in the debate about the extension of slavery into the territories.



III. Context [10 minutes]

- Briefly review with students the controversial discussions of slavery at the Constitutional Convention. One of the most heated discussions revolved around what would eventually become Article I, Section 9, Clause 1. Write the following on the board or overhead:

The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

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

Congress will not prohibit the importation of slaves [such persons] before 1808 and Congress may tax each imported slave at a rate of \$10 each.

Explain to the students that they will listen to and analyze the arguments offered during the debate about this clause at the Constitutional Convention.



IV. In His Own Words [20 minutes]

- Distribute **Handout B—Vocabulary and Context Questions**.
- Distribute **Handout C—In His Own Words: Charles Pinckney and the Issue of Slavery**. Be sure that the students understand the vocabulary and the “who, what, where, and when” of the document.
- Choose ten students who are good dramatic readers to read the parts of the ten delegates to the Convention. Give the students a couple of minutes to review the parts, and encourage them to read with fervor.
- Give the students **Handout D—Analysis: Debate about Article I, Section 9, Clause 1**. Divide the class into groups, one group for each of the delegates. Have each group complete the appropriate sections of **Handout D**. It might be helpful to have a brief discussion of the differences between moral, economic, and political arguments for and against slavery.



V. Wrap-Up Discussion [5 minutes]

Have the students share their answers to **Handout D**. Ask them to consider which delegates defended slavery and which opposed it. Did any delegates take a middle ground in regard to slavery?

Answers will vary.

LESSON PLAN



VI. Follow-Up Homework Options

- A. Have the students summarize in a short essay the arguments of one delegate, based on **Handouts C** and **D**. Be sure to assign each delegate to at least one student.
- B. Have the students assume the identity of one of the delegates and write a diary entry that describes his thoughts and feelings as he spends a day at the convention. Again, be sure to assign each delegate to at least one student.



VII. Extensions

Mr. Madison. At the conclusion of the debate about Article I, Section 9, Clause 1, James Madison made the following comment:

“Twenty years will produce all the mischief that can be apprehended from the liberty to import slaves. So long a term will be more dishonorable to the National character than to say nothing about it in the Constitution.”

The Debate Continues. Thirty years after the Constitutional Convention, Charles Pinckney, then a member of the House of Representatives, participated in the debates regarding the admission of Maine and Missouri to the Union. Both states were admitted, Maine as a free state and Missouri as a slave state, along with the added proviso that slavery would be prohibited north of 36°30' latitude. This arrangement is known as the Missouri Compromise. Pinckney's comments included the following:

In considering this article, I will detail, as far as at this distant period is possible, what was the intention of the Convention that formed the Constitution in this article. The intention was, to give Congress a power, after the year 1808, to prevent the importation of slaves either by land or water from other countries. The word import, includes both, and applies wholly to slaves. Without this limitation, Congress might have stopped it sooner under their general power to regulate commerce; and it was an agreed point, a solemnly understood compact, that, on the Southern States consenting to shut their ports against the importation of Africans, no power was to be delegated to Congress, nor were they ever to be authorized to touch the question of slavery; that the property of the Southern States in slaves was to be as sacredly preserved, and protected to them, as that of land, or any other kind of property in the Eastern States were to be to their citizens. (14 February, 1820)

I perfectly knew that there did not then exist such a thing in the Union as a black or colored citizen, nor could I then have conceived it possible such a thing could have ever existed in it; nor, notwithstanding all that has been said on the subject, do I now believe one does exist in it. (13 February, 1821)

Sources: “Charles Pinckney, House of Representatives, 14 February 1820.” The Founders’ Constitution.

<http://press-pubs.uchicago.edu/founders/documents/a1_9_1s23.html>.

“Missouri Compromise (1820).” Our Documents. National Archives and Records Administration.

<<http://www.ourdocuments.gov/doc.php?doc=22>>.

Suggestions:

- A. Students could write a brief paper in which they use historical evidence to prove that Madison's prediction was right (or wrong).
- B. Students could compare Pinckney's views with those expressed by him (and others) thirty years earlier at the Constitutional Convention.
- C. Students could consider why Pinckney and his fellow Southerners were so deeply committed to slavery as an institution.
- D. Pinckney's words about the inferiority of Africans, quoted at the beginning of this lesson, could serve as a starting point for a discussion about racial attitudes in eighteenth-century America.

Charles Pinckney

LESSON PLAN

Resources

Print

- Broussard, James H. *The Southern Federalists, 1800–1816*. Baton Rouge: Louisiana State University Press, 1978.
- Singer, Charles Gregg. *South Carolina in the Confederation*. Philadelphia: Porcupine Press, 1976.
- Weir, Robert M. “South Carolinians and the Adoption of the United States Constitution.” *South Carolina Historical Magazine* 89 (April 1988): 73–89.
- Williams, Frances Leigh. *A Founding Family: The Pinckneys of South Carolina*. New York: Harcourt Brace Jovanovich, 1978.
- Zahniser, Marvin R. *Charles Cotesworth Pinckney, Founding Father*. Chapel Hill: University of North Carolina Press, 1967.

Internet

- Annals of Congress*, 16th Congress, 2nd Session. <<http://memory.loc.gov/ammem/amlaw/lwac.html>>.
- “Charles Pinckney, South Carolina.” U.S. National Archives and Records Administration. <http://www.archives.gov/exhibit_hall/charters_of_freedom/constitution/south_carolina.html#Pinckney>.
- “The Debates in the Federal Convention of 1787 reported by James Madison: August 22.” The Avalon Project at Yale Law School. <<http://www.yale.edu/lawweb/avalon/debates/822.htm>>.
- “The Plan of Charles Pinckney (South Carolina), Presented to the Federal Convention, May 29, 1787.” The Avalon Project at Yale Law School. <<http://www.yale.edu/lawweb/avalon/const/pinckney.htm>>.

Selected Works by Charles Pinckney

- *The Plan Presented to the Federal Convention (1787)*

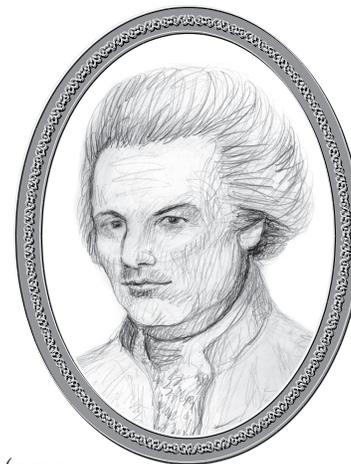
CHARLES PINCKNEY (1757–1824)

We may congratulate ourselves with living under the blessings of a mild and equal government, which knows no distinctions but those of merits or talents—under a government whose honors and offices are equally open to the exertions of all her citizens, and which adopts virtue and worth for her own, wheresoever she can find them.

—Charles Pinckney, May 14, 1788, at the South Carolina Ratifying Convention



The room fell silent as the president of the Constitutional Convention called the delegates to order. A new article was read. Almost immediately, a familiar voice filled the hall. Charles Pinckney was, once again, sharing his opinion. He had a view on everything, as the delegates knew well. Many at the Convention distrusted Pinckney, thinking he was too young, too proud, and too ambitious. No one, however, would deny his contributions to the Constitution or to the continuing debate about slavery.



Background

Charles Pinckney was born on October 26, 1757, near Charles Town (now Charleston), South Carolina. His father was a well-known lawyer and slaveholding planter whose wealth made it possible for young Pinckney to study languages and the law from local tutors. Pinckney had hoped to continue his studies in England, as his cousins Thomas and Charles Cotesworth Pinckney had, but the American Revolution changed his plans.

Forced to remain in South Carolina, Pinckney studied in his father's office and was admitted to the bar in 1779. Election to the South Carolina Assembly quickly followed. At the same time, he joined the militia and fought in losing battles against the British in Savannah and Charleston. When his city surrendered, he became a prisoner of war but was released in the summer of 1781, a few months prior to the great American victory at Yorktown.

Representative Pinckney

By 1784, Pinckney was back in Philadelphia. For the next two years, he sat as a representative of South Carolina in the new Confederation Congress. He soon became convinced that the Articles of Confederation were flawed. He saw firsthand their weaknesses and concluded that the growing nation needed a strong central government. Without one, he believed that established foreign powers would not give financial or political credit to the new country.

In May 1786, Pinckney suggested revising the Articles. He was named to a new committee for revision and drafted most of the amendments proposed. But Pinckney then went further and advocated a “general convention of the states for the purposes of increasing the powers of the federal government and rendering it more adequate for the ends for which it was ratified.” By the fall of 1787, however, he acknowledged the need to create a completely new form of government.

Constitution Charlie

When the Constitutional Convention was organized in Philadelphia in 1787, South Carolina sent Pinckney as one of her four delegates. Twenty-nine years of age, he was one of the youngest men there. Many considered him too vain and ambitious. Nevertheless, he was one of the most active participants in the proceedings, speaking more than one hundred times. Pinckney was eager to contribute and make a name for himself. In his later years, those who knew him playfully referred to him as “Constitution Charlie” because he often referred to his contributions at Philadelphia.

Early in the debates, Pinckney gave a celebrated speech in which he trumpeted the uniqueness of America. “Our true situation,” he declared, “appears to me to be this—a new extensive Country containing within itself the materials for forming a Government capable of extending to its citizens all the blessings of civil & religious liberty.” At the convention, Pinckney championed civil liberties, and though the safeguards he suggested were not incorporated into the new Constitution, many of them were later included in the Bill of Rights.

Some of Pinckney’s ideas did, however, make their way into the Constitution. He is credited, for example, for being the first to use the term *Senate*. He worked to prohibit religious qualifications for public office. He also pushed for a “vigorous Executive,” but with limitations. He feared that if the executive had too much power in the realms of war and peace, then the system “would render the Executive a Monarchy, of the worst kind, to wit an elective one.” Despite his fear of an overzealous ruler, he supported a single executive, with the title President, instead of a governing body. These ideas were part of the plan of government he introduced at Philadelphia—a plan similar to the Virginia Plan, which was offered the same day and which resembled closely the final version of the Constitution.

An advocate of elitist government, he proposed high property qualifications for federal office, arguing that “the Legislature, the Executive, and the judges should be possessed of competent property to make them independent and respectable.” He encouraged the selection of representatives by state legislatures and wanted the legislature, not the executive, to choose justices for the Supreme Court. Pinckney also favored a federal veto over state laws and backed an effort to establish a national university. But these two proposals failed to pass.

Pinckney did not back away from difficult issues. As a large slaveholder, he was steadfast in his support of the institution of black slavery and defended the slave trade, a practice that even many of his fellow southerners found revolting. He deemed the trade in human flesh to be “in the interest of the whole Union,” and he warned that “South Carolina can never receive the plan [of the new national government] if it prohibits the slave trade.” In the end, however, believing the Constitution to be on the whole a worthy document, he was ready to compromise on the issue, agreeing to the clause that prohibited Congress’s interference with the practice for twenty years. He reassured antislavery delegates by suggesting, “if the States be all left at liberty on this subject, South Carolina may perhaps by degrees do of herself what is wished [banning the importation of slaves], as Virginia and Maryland have already done.”

The debates at Philadelphia ended, compromises were made, the vote was taken, and the Constitution was sent to the states. Pinckney diligently pursued its ratification in South Carolina, making passionate speeches in support of the new government. He told his fellow South Carolinians that they should be “astonishingly pleased” that a government “so perfect could have been formed from such discordant and unpromising material.” On May 23, 1788, South Carolina became the eighth state to ratify the Constitution.

The Question of Slavery Continued

In the years that followed, Pinckney continued to be active in state and national politics, initially as an ally of those who formed the Federalist Party. He was elected governor of South Carolina four times, served as senator two terms, and sat as a member of the House of Representatives for one term. In the early 1800s, Pinckney, like most Southerners, became uncomfortable with Federalist policies and embraced the Jeffersonian Republicans instead. Pinckney served as ambassador to Spain for the Jefferson Administration.

Thereafter, Pinckney returned to the national arena only once before his death in 1824. To prevent the election of a Federalist, he ran for and was elected to the House of Representatives in 1819. In the House, he participated in the debates about the western expansion of slavery, opposing the Missouri Compromise, which proposed to ban slavery in the rest of the Louisiana Territory above 36°30' latitude. In the debate about the extension of slavery, "Constitution Charlie" relied heavily on his personal experience at the Philadelphia Convention, arguing that Congress was never "authorized to touch the question of slavery." Had Southerners known that Northerners intended to meddle with the institution, Pinckney declared, "no Constitution would have been achieved." But the Missouri Compromise passed, the balance between slave and free states in the Union was preserved, and the resolution of the slavery question was left for another day. For the nation, it was the beginning of heightened sectional discord. For Charles Pinckney, it was the end of an era.



Reading Comprehension Questions

1. What were Pinckney's contributions to the Constitution?
2. Which provisions supported by Pinckney never made it into the final version of the Constitution?

Critical Thinking Questions

3. Explain how Pinckney was consistent when he supported the slave trade at the Constitutional Convention and later opposed the Missouri Compromise.
4. You are young Charles Pinckney attending the first day of the Constitutional Convention. You have your plan for the government in hand and you are preparing to speak, when the Virginia Plan is introduced. You've been "beaten to the punch"! How do you deal with the situation?
5. Describe a time in your own life when someone beat you to the punch. How did you deal with it?

VOCABULARY AND CONTEXT QUESTIONS

Excerpt from *Notes of Debates in the Federal Convention of 1787*
(reported by James Madison)

1. **Vocabulary:** *Use context clues to determine the meaning or significance of each of these words and write their definitions:*
 - a. apportionment
 - b. apprehensive
 - c. insurrections
 - d. exempt
 - e. commodities
 - f. meddle
 - g. meddling
 - h. expedient
 - i. dispatching
 - j. render
 - k. provision
 - l. sanction
 - m. avail
 - n. assent
 - o. contend
 - p. consumption
 - q. revenue
 - r. impeded
 - s. sagacity
 - t. traffic

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

IN HIS OWN WORDS: CHARLES PINCKNEY AND THE ISSUE OF SLAVERY

**Excerpt from *Notes of Debates in the Federal Convention of 1787*
(reported by James Madison)**

Note: Before reading the following excerpt, please note that it is taken from the debate about Article I, Section 9, Clause 1, with two major changes. The dialogue is now conveyed in the **present** tense, and from the **first person point of view** (“I” rather than “he”). Also, capitalization, punctuation, and spelling have been modernized.

August 22, 1787

Luther Martin (Maryland): I propose . . . to allow a prohibition or tax on the importation of slaves as five slaves are to be counted as 3 free men in the apportionment of Representatives; such a clause would leave an encouragement to this traffic. Slaves weaken one part of the Union, which the other parts are bound to protect: the privilege of importing them is therefore unreasonable. It is inconsistent with the principles of the revolution and dishonorable to the American character to have such a feature in the Constitution.

John Rutledge (South Carolina): I am not apprehensive of insurrections and would readily exempt the other states from the obligation to protect the southern against them. Religion and humanity have nothing to do with this question. Interest alone is the governing principle with nations. The true question at present is whether the southern states shall or shall not be parties to the Union. If the northern states consult their interest, they will not oppose the increase of slaves, which will increase the commodities of which they will become the carriers.

Oliver Ellsworth (Connecticut): I believe we should leave the clause as it stands. Let every state import what it pleases. The morality or wisdom of slavery are considerations belonging to the states themselves. What enriches a part enriches the whole, and the states are the best judges of their particular interest. The old confederation did not meddle with this point, and I do not see any greater necessity for bringing it within the policy of the new one.

Charles Pinckney (South Carolina): South Carolina can never receive the plan [the Constitution] if it prohibits the slave trade. In every proposed extension of the powers of the Congress, that state has expressly and watchfully excepted that of meddling with the importation of negroes. If the states be all left at liberty on this subject, South Carolina may perhaps by degrees do of herself what is wished, as Virginia and Maryland have already done.

Roger Sherman (Connecticut): I disapprove of the slave trade; yet as the states were now possessed of the right to import slaves, as the public good did not require it to be taken from them, and as it was expedient to have as few objections as possible to the proposed scheme of government, I think it best to leave the matter as we find it. The abolition of slavery seems to be going on in the U.S., and the good sense of the several states will probably by degrees complete it. I urge on the Convention the necessity of dispatching its business.

George Mason (Virginia): The present question concerns not the importing states alone but the whole Union. . . . Maryland and Virginia have already prohibited the importation of slaves expressly. North Carolina has done the same in substance. All this will be in vain if South Carolina and Georgia are at liberty to import. The western people are already calling out for slaves for their new lands, and will fill that country with slaves if they can be got through South Carolina and Georgia. Slavery discourages arts and manufactures. The poor despise labor when performed by slaves. They prevent the immigration of whites, who really enrich and strengthen a country. They produce the most pernicious effect on manners. Every master of slaves is born a petty tyrant. They bring the judgment of heaven on a country. As nations cannot be rewarded or punished in the next world they must be in this. By an inevitable chain of causes and effects providence punishes national sins, by national calamities. I lament that some of our eastern brethren have from a lust of gain embarked in this nefarious traffic. As to the states being in possession of the right to import, this is the case with many other rights, now to be properly given up. I hold it essential in every point of view that the general government should have power to prevent the increase of slavery.

Oliver Ellsworth (Connecticut): Since I have never owned a slave, I cannot judge of the effects of slavery on character: However, if it is to be considered in a moral light we ought to go farther and free those already in the country. . . . As population increases, poor laborers will be so plenty as to render slaves useless. Slavery in time will not be a speck in our country. Provision is already made in Connecticut for abolishing it. And the abolition has already taken place in Massachusetts.

Charles Pinckney (South Carolina): If slavery be wrong, it is justified by the example of all the world. I cite the case of Greece, Rome, and other ancient states; the sanction given by France, England, Holland, and other modern states. In all ages one half of mankind have been slaves. If the southern states were let alone they will probably of themselves stop importations. I would myself as a citizen of South Carolina vote for it. An attempt to take away the right as proposed will produce serious objections to the Constitution which I wish to see adopted.

Charles Cotesworth Pinckney [second cousin of Charles Pinckney] (South Carolina): I declare it to be my firm opinion that if I and all my colleagues were to sign the Constitution and use our personal influence, it would be of no avail towards obtaining the assent of our constituents. South Carolina and Georgia cannot do without slaves. As to Virginia she will gain by stopping the importations. Her slaves will rise in value, and she has more than she wants. It would be unequal to require South Carolina and Georgia to confederate on such unequal terms. . . . I contend that the importation of slaves would be for the interest of the whole Union. The more slaves, the more produce to employ the carrying trade; the more consumption also, and the more of this, the more of revenue for the common treasury. I admit it to be reasonable that slaves should be dutied like other imports, but should consider a rejection of the clause as an exclusion of South Carolina from the Union.

John Dickinson (Delaware): I consider it inadmissible on every principle of honor and safety that the importation of slaves should be authorized to the states by the Constitution. The true question was whether the national happiness would be promoted or impeded by the importation, and this question ought to be left to the national government, not to the states particularly interested.

Rufus King (Massachusetts): I think the subject should be considered in a political light only. If two states will not agree to the Constitution as stated on one side, I can affirm with equal belief on the other, that great and equal opposition would be experienced from the other states. I believe that the exemption of slaves from duty whilst every other import was subjected to it, as an inequality that could not fail to strike the commercial sagacity of the northern and middle states.

John Langdon (New Hampshire): We must give this power to the general government. I cannot with a good conscience leave it with the states who could then go on with the traffic, without being restrained by the opinions here given that they will themselves cease to import slaves.

Charles Cotesworth Pinckney (South Carolina): I am bound to declare candidly that I do not think South Carolina will stop her importations of slaves in any short time, but only stop them occasionally as she now does.

Source: “The Debates in the Federal Convention of 1787 reported by James Madison: August 22.” The Avalon Project at Yale University Law School. <<http://www.yale.edu/lawweb/avalon/debates/822.htm>>.

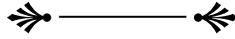
ANALYSIS: DEBATE ABOUT ARTICLE I, SECTION 9, CLAUSE 1

Directions: In each of the Statements columns, mark Y (Yes) if the statement applies; mark N (No) if it does not apply; mark X if you cannot determine the position from the document excerpt. In the appropriate columns labeled Moral, Economic, and Political, summarize or paraphrase the arguments of each speaker (not every speaker uses all three types of argument). Please remember that several of the speakers have more than one passage.

SPEAKER	STATEMENTS			ARGUMENTS		
	1. He supports slavery.	2. He supports some federal regulation of slavery.	3. He supports taxation on slaves as imported property.	Moral	Economic	Political
Martin						
Rutledge						
Ellsworth						
Pinckney						
Sherman						
Mason						
Genl. Pinckney						
Dickinson						
King						
Langdon						

© The Bill of Rights Institute

SLAVERY



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Suggestions for Further Reading

Bailyn, Bernard. *The Ideological Origins of the American Revolution*. Cambridge, Mass.: Harvard University Press, reprint, 1992.

Freehling, William W. *The Road to Disunion: Secessionists at Bay, 1776–1754*. New York: Oxford University Press, 1990.

Jordan, Winthrop D. *White Over Black: American Attitudes toward the Negro, 1550–1812*. Chapel Hill, N.C.: University of North Carolina Press, 1968.

Miller, John Chester. *The Wolf by the Ears: Thomas Jefferson and Slavery*. Charlottesville: University of Virginia Press, reprint, 1991.

Morgan, Edmund S. *American Slavery—American Freedom: The Ordeal of Colonial Virginia*. New York: W.W. Norton, 1975.

Tise, Larry E. *Proslavery: A History of the Defense of Slavery in America, 1701–1840*. Athens: University of Georgia Press, 1987.

INTRODUCTORY ESSAY: EXPLAINING THE FOUNDING



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



THE COMMON LAW AND THE RIGHTS OF ENGLISHMEN

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

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

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

In Penn’s view, juries were an equally important means of limiting arbitrary power. By serving on juries, Penn argued, every freeman “has a share in the *Executive* part of the Law, no Causes being tried, nor any man adjudged to loose [*sic*] Life, member or Estate, but upon the *Verdict* of his Peers or Equals.” For Penn, “These two grand Pillars of English Liberty” were “the *Fundamental vital Priviledges* [*sic*]” of Englishmen.

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

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

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

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

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

NATURAL RIGHTS

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

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

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

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

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

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

The political theory of the American colonists in the seventeenth and eighteenth centuries was deeply influenced by English common law and its idea of rights.

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

This idea of natural rights also influenced the course of political events in the crucial years after 1776. All the state governments put this new political theory into practice, basing their authority on the people, and establishing written constitutions that protected natural rights. As George Mason, the principal author of the influential Virginia Bill of Rights (1776), stated in the document’s first section: “All men are by nature equally free and independent, and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.” The radical implications of this insistence on equal natural rights would slowly become apparent in postrevolutionary American society as previously downtrodden groups began to invoke these ideals to challenge slavery, argue for a wider franchise, end female legal inequality, and fully separate church and state.

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

RELIGIOUS TOLERATION AND THE SEPARATION OF CHURCH AND STATE

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

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

Once again the English philosopher John Locke

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

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

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

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

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

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

COLONIAL SELF-GOVERNMENT

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

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

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

CLASSICAL REPUBLICANISM

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

Antiquity shaped the Founders’ political thought in several important ways. First, it introduced them to the idea of republicanism, or government by the people. Ancient political thinkers from Aristotle to Cicero had praised republican self-government as the best political system. This classical political thought was important for the Founders as it gave them grounds to dissent from the heavily monarchical political culture of eighteenth-century England, where even the common law jurists who defended subjects’ rights against royal power believed strongly in monarchy. By reading the classics, the American Founders were introduced to an alternate political vision, one that legitimized republicanism.

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

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

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

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

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

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

CONCLUSION

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

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

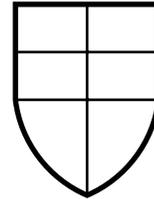
Suggestions for Further Reading

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

ADDITIONAL CLASSROOM ACTIVITIES

Visual Assessment

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



Performance Assessments

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

Web/Technology Assessments

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

presentation to give you the opportunity to combine all the presentations into an end-of-semester review.

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

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

Verbal Assessments

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

ADDITIONAL CLASSROOM ACTIVITIES

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

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

Review Activities

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

AN EIGHTEENTH-CENTURY GLOSSARY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ANSWER KEY

cooperate and give the money they owe to the Congress, then the United States will become powerful and great.

Paragraph Two:

I am enclosing in this letter a list of what you owe Congress. I also need to know the following information: all the laws passed in your state regarding how you will collect the money and supplies you owe the Congress; how your state is going to levy and collect taxes from your citizens; when your legislature is going to meet. I am not asking about these things because I am curious or nosy; I simply need to know these things, and I wish to ask you directly about them.

Paragraph Three:

I also need to know what types of money are used in your state.

Paragraph Four:

I know this is a lot of trouble, but I think that you will answer my questions happily because this is for the good of your country.

V. Wrap-Up Discussion

Tone of the Document

Morris' tone is one of supplication/persuasion/flattery. He has no power to force the governors to comply with his requests, so he must employ tactics of persuasion. The following words and phrases indicate this tone.

Paragraph One:

- “is beneath the wisdom”: Morris suggests that noncooperation with his requests would be unwise.
- “I shall never permit a doubt that the States will do what is right”: Morris flatters the states and simultaneously puts them on the spot.
- “that these States must expect to establish their independence and rise into power, consequence, and grandeur”: Morris suggests that the reward for cooperation with his request will be national power and glory.

Paragraph Two:

- Morris uses several verbs of supplication in this paragraph: “entreat,” “pray,” and “beg leave.”

Paragraph Three:

- Morris uses the verb “entreat” once again.

Paragraph Four:

- “I know that I give you a great deal of trouble but I also know it will be pleasing to you because the time and the labour will be expended in the service of your country”: Morris suggests that by complying with his requests, the governors will be doing their patriotic duty. The language is calculated to put the governors on the spot: Could it be possible, Morris implicitly asks, that they would be unwilling to devote time and labor in the service of their country?

CHARLES PINCKNEY

Handout A—Charles Pinckney (1757–1824)

1. Pinckney was the first to use the term *Senate*. He worked to prohibit religious qualifications for public office. He also pushed for a “vigorous Executive,” but with limitations. He feared if the executive had too much power in the realms of war and peace, then the system “would render the Executive a Monarchy, of the worst kind, to wit an elective one.” Despite his fear of an overzealous ruler, he supported a single executive, with the title President, instead of a governing body. These ideas were part of the plan of government he introduced at Philadelphia.
2. The following are Pinckney’s proposals that failed to pass: He supported an elitist government. He wanted high property qualifications for federal offices and said that “the Legislature, the Executive, and the judges should be possessed of competent property to make them independent and respectable.” He also

ANSWER KEY

encouraged the selection of representatives by state legislatures and increased Congressional power. He wanted the Legislature, not the Executive, to choose justices for the Supreme Court. He thought the federal government should have more power over state governments, suggesting a federal veto over state laws. He backed an effort to establish a national university.

3. Students should recognize that, as a Southern planter and representative, Pinckney had a vested political and economic interest in slavery. He wanted to make sure that the federal government was not given power to touch slavery in any way. Therefore, during the convention, he opposed federal interference with the slave trade, though he was willing to compromise and agreed to the clause prohibiting Congress from interfering with the slave trade for twenty years. In the debate on the Missouri Compromise, he continued to oppose the federal government's right to interfere with slavery.
4. Answers will vary.
5. Answers will vary.

Handout B—Vocabulary and Context Questions

1. Vocabulary
 - a. distribution
 - b. concerned about
 - c. rebellions
 - d. free
 - e. products
 - f. interfere
 - g. make
 - h. arrangement
 - i. interfering
 - j. approval
 - k. useful
 - l. taking care of
 - m. use
 - n. agreement
 - o. believe
 - p. purchases
 - q. money

- r. restricted
- s. perception
- t. slave trade

2. Context

- a. The document was written in 1787.
- b. It was written in Philadelphia.
- c. James Madison wrote the document.
- d. The document is a primary source—a journal.
- e. The journal was written to record the debates.
- f. Madison said that he wrote his notes for “the people of the United States” and “all those who take an interest in the progress of political science and the cause of true liberty.”

Handout D—Analysis: Debate about Article I, Section 9, Clause 1

Martin: *N, Y, Y*; Slavery is dishonorable. / No Argument / Slavery weakens the Union.

Rutledge: *Y, N, X*; No Argument / Slavery produces goods for Northern consumption. / The South will only join the Union if slavery is allowed.

Ellsworth: *X, N, N*; Slavery is a moral question that should be decided by each state. / If the South benefits economically from slavery, the North also benefits. / The South may not join the Union if slavery is regulated by the federal government.

Pinckney: *Y, N, N*; History provides a moral justification for slavery. / No Argument / South Carolina will not accept the Constitution if it prohibits slavery.

Sherman: *N, N, N*; Abolition is already happening in the states. / There is no economic benefit to removing slaves. / Slavery is a divisive issue; we should minimize objections.

Mason: *N, Y, X*; Slavery is pernicious and sinful; it creates tyrants; and the slave

ANSWER KEY

trade is nefarious. / Slavery discourages manufacturing and white immigration. / All states should surrender the right to regulate slavery.

General Pinckney: Y, Y, Y; No Argument / More slaves results in more goods, which results in more revenue. / South Carolina will not join the Union if the clause is rejected.

Dickinson: N, Y, X; No Argument / No Argument / The question of slavery should be decided by the federal government.

King: X, X, Y; No Argument / Not taxing slaves would be an unfair economic burden on the North. / The North and the South disagree on this issue.

Langdon: N, Y, X; No Argument / No Argument / The question of slavery should be decided by the federal government.

ROGER SHERMAN

Handout A—Roger Sherman (1721–1793)

1. Sherman had a hand in the creation of the Declaration of Independence, the Articles of Confederation, and the Constitution.
2. He worked to guard the power of the states against the national government. He believed that the authority of the national government should be carefully restricted to a few areas. In order to protect the people's liberty, Sherman also argued for placing the balance of the national government's power in the legislature.
3. He proposed the Great Compromise, which decided the method of representation in the Congress. By this agreement, the Congress would be divided into two houses. In the Senate, each state would have an equal vote. In the House of Representatives, each state would be represented according to its population.

4. Answers will vary. Some students could argue that Sherman was a dedicated public servant but far from extraordinary. He was not a great speaker or deep thinker; he was not a leader; he did not change the course of history in a significant way. Other students will say that Sherman was extraordinary. He had a hand in creating the Declaration of Independence, Articles of Confederation, and United States Constitution. At the Philadelphia Convention, he spoke 138 times and proposed the Great Compromise, which solved the issue of representation in the national legislature. He helped to persuade the Connecticut Ratifying Convention to approve the Constitution, and he served in the first Congress. Few Americans of the time were as involved in public affairs for as long as Sherman was.
5. Answers will vary. Some students will say that this is not possible: in order to be a successful politician, one must be dishonest at times. These students may name as examples people who have served in public office during the last few years. Others will say that there are many examples of people who were skilled at politics but who also led good moral lives. George Washington, Abraham Lincoln, and Jimmy Carter are three examples.

Handout B—Context Questions

- a. The document was written in 1787.
- b. It was written in Philadelphia.
- c. Roger Sherman wrote the document.
- d. The document is an excerpt from a speech.
- e. Sherman wrote the speech to persuade the delegates that the central government should not be too strong.
- f. The audience for the document was the delegates to the Federal Convention of 1787.