Limiting Government

Inquire: Where Did the American Ideas for Government Come From?

Overview

While the United States Constitution was written in 1788, the ideas go back further. The English began limiting government’s power with the Magna Carta in 1215 CE, and over the next 500 years, developed a democracy with a government of limited power.

As the U.S. broke away from England, they combined England’s ideas with their own to create a new government.

Big Question: How did the U.S. go from the Magna Carta to the U.S. Constitution?

Watch: Whose Power?

Do you believe in government “By The People, For The People, And Of The People”? Few Americans would say no, especially since these words spoken by Abraham Lincoln in his 1863 Gettysburg Address are firmly embedded in the American political system. Yet governments over the centuries have not always accepted this belief in popularly elected rule.

Even in the modern United States, many skeptics criticize government as being controlled by greedy, corrupt people who are only interested in lining their own pockets. So, which view is correct? Is government an instrument of its citizens, an entity that represents and protects a beloved country, or an oppressive, self-serving monster that deserves no one’s respect?

The conflict alive and well today is solidly based in the past. Governments are sometimes idealized and often criticized. Yet virtually every society in history has had some form of government, either as simple as the established leadership of a band of prehistoric people, or as complex as the government of the United States today.

As we look through history, governments have been, for the most part, unlimited controllers of a society’s structure. The king, the sultan, the Pharaoh, the emperor, the czar, or the council were often unfettered in their actions and unaccountable for their decisions. There have been exceptions — the democracy in Athens and to some extent the Roman Republic — but these were exceptions, not the rule.

While there have been good and even benevolent rulers in these systems, more often than not, the people were simply subjects — resources, even — all serving and existing to support the government and its leaders.
Across time, man has looked for ways to control power... to control the excess. Opinions as to the necessity and the morality of political power have been expressed in writings through the ages: The Prince by Machiavelli; Leviathan by Thomas Hobbes, to name a few.

Do varying opinions of political power rise from the fact that some governments are good and others are bad? Does power corrupt leaders, or is it possible for them to administer governments fairly? The American political system is rooted in the idea that a just government can exist, and that its citizens can experience a good measure of liberty and equality in their personal lives. The idea that power comes not from the ruler, but from the people, and that government’s power is essential.

But, these ideas did not begin with American political ideology. They began in England, around 1215 C.E.

Read: From Magna Carta to John Locke — Limiting Government

Overview

American political ideas regarding liberty and self-government did not suddenly emerge full-blown the moment the colonists declared their independence from Britain. The varied strands of what became the American republic had many roots, reaching far back in time and across the Atlantic Ocean to Europe. Indeed, it was not new ideas but old ones that led the colonists to revolt and form a new nation.

Political Thought in the American Colonies

The beliefs and attitudes that led to the call for independence had long been an important part of colonial life. Of all the political thinkers who influenced American beliefs about government, the most important is surely John Locke. The most significant contributions of Locke, 17th-century English philosopher, were his ideas regarding the relationship between government and natural rights, which were believed to be God-given rights to life, liberty, and property.

Locke was not the first Englishman to suggest that people had rights. The British government had recognized its duty to protect the lives, liberties, and property of English citizens long before the settling of its North American colonies. In 1215, King John signed the Magna Carta — a promise to his subjects that he and future monarchs would refrain from certain actions that harmed, or had the potential to harm, the people of England. Prominent in the Magna Carta’s many provisions are protections for life, liberty, and property. For example, one of the document’s most famous clauses promises, “No freemen shall be taken, imprisoned... or in any way destroyed... except by the lawful judgment of his peers or by the law of the land.” Although it took a long time for modern ideas regarding due process to form, this clause lays the foundation for the Fifth and Sixth Amendments to the U.S. Constitution. While the Magna Carta was intended to grant protections only to the English barons who were in revolt against King John in 1215, by the time of the American Revolution, English subjects both in England and in North America had come to regard the document as a cornerstone of liberty for men of all stations — a right that had been recognized by King John I in 1215, but the people had actually possessed long before then.

The rights protected by the Magna Carta had been granted by the king, and in theory, a future king or queen could take them away. The natural rights Locke described, however, had been granted by God and thus could never be abolished by human beings, even royal ones, or by the institutions they created.

So committed were the British to the protection of these natural rights that when the royal Stuart dynasty began to intrude upon them in the 17th century, Parliament removed King James II, already disliked
because he was Roman Catholic, in the Glorious Revolution and invited his Protestant daughter and her husband to rule the nation. Before offering the throne to William and Mary, however, Parliament passed the **English Bill of Rights** in 1689. A bill of rights is a list of the liberties and protections possessed by a nation’s citizens. The English Bill of Rights, heavily influenced by Locke’s ideas, enumerated the rights of English citizens and explicitly guaranteed rights to life, liberty, and property. This document would profoundly influence the U.S. Constitution and Bill of Rights.

American colonists also shared Locke’s concept of property rights. According to Locke, anyone who invested labor in the **commons** — the land, forests, water, animals, and other parts of nature that were free for the taking — might take as much of these as needed, by cutting trees, for example, or building a fence around a field. The only restriction was that no one could take so much that others were deprived of their right to take from the commons as well. In the colonists’ eyes, all free white males should have the right to acquire property, and once it had been acquired, government had the duty to protect it. (The rights of women remained greatly limited for many more years.)

Perhaps the most important of Locke’s ideas that influenced the British settlers of North America were those regarding the origins and purpose of government. Most Europeans of the time believed the institution of monarchy had been created by God, and kings and queens had been divinely appointed to rule. Locke, however, theorized that human beings, not God, had created government. People sacrificed a small portion of their freedom and consented to be ruled in exchange for the government’s protection of their lives, liberty, and property. Locke called this implicit agreement between a people and their government the **social contract**. Should government deprive people of their rights by abusing the power given to it, the contract was broken and the people were no longer bound by its terms. The people could thus withdraw their consent to obey and form another government for their protection.

The belief that government should not deprive people of their liberties and should be restricted in its power over citizens’ lives was an important factor in the controversial decision by the American colonies to declare independence from England in 1776. For Locke, withdrawing consent to be ruled by an established government and forming a new one meant replacing one monarch with another. For those colonists intent on rebelling, however, it meant establishing a new nation and creating a new government, one that would be greatly limited in the power it could exercise over the people.

The desire to limit the power of government is closely related to the belief that people should govern themselves. This core tenet of American political thought was rooted in a variety of traditions. First, the British government did allow for a degree of self-government. Laws were made by Parliament, and property-owning males were allowed to vote for representatives to Parliament. Thus, Americans were accustomed to the idea of representative government from the beginning. For instance, Virginia established its House of Burgesses in 1619. Upon their arrival in North America a year later, the English Separatists who settled the Plymouth Colony, commonly known as the Pilgrims, promptly authored the **Mayflower Compact**, an agreement to govern themselves according to the laws created by the male voters of the colony. By the 18th century, all the colonies had established legislatures to which men were elected to make the laws for their fellow colonists. When American colonists felt that this long-standing tradition of representative self-government was threatened by the actions of Parliament and the king, the American Revolution began.
Reflect: Government - Good or Bad?

Poll

History is replete with the sagas of evil men and abusive governments — Hitler and Nazi Germany, Nero in Rome, Stalin in Russia, and even modern-day despots who abuse their people and their power.

Is this inevitable? Will unlimited government power always lead to abuses?

- Yes
- No

Expand: The Colonial Experience

Discover

The American colonies grew and flourished under British supervision. Like many adolescents, the colonies rebelled against their parent country by declaring independence. But, the American democratic experiment did not begin in 1776. The colonies had been practicing limited forms of self-government since the early 1600s.

The great expanse of the Atlantic Ocean created a safe distance for American colonists to develop skills to govern themselves. Despite its efforts to control American trade, England could not possibly oversee the entire American coastline. Colonial merchants soon learned to operate outside British law. Finally, those who escaped religious persecution in England demanded the freedom to worship according to their faiths.

Colonial Governments

Each of the 13 colonies had a charter, or written agreement between the colony and the king of England or Parliament. Charters of royal colonies provided for direct rule by the king. A Colonial Legislature was elected by property holding males. But, governors were appointed by the king and had almost complete authority — in theory. The legislatures controlled the salary of the governor and often used this influence to keep the governors in line with colonial wishes. The first colonial legislature was the Virginian House Of Burgesses, established in 1619.

When the first Pilgrims came to the New World, a bizarre twist of fate created a spirit of self-government. These Pilgrims of the Mayflower were bound for Virginia in 1620, but they got lost and instead landed at Plymouth in present-day Massachusetts. Since Plymouth did not lie within the boundaries of the Virginia colony, the Pilgrims had no official charter to govern them. So they drafted the Mayflower Compact, which in essence, declared that they would rule themselves. Although Massachusetts eventually became a royal colony, the Pilgrims at Plymouth set a powerful precedent of making their own rules that later reflected itself in the town meetings that were held across colonial New England.

Trade and Taxation

Colonial economies operated under mercantilism, a system based on the belief that colonies existed in order to increase the mother country's wealth. England tried to regulate trade and forbid colonies from trading with other European countries. England also maintained the right to tax the colonies. Both trade and taxation were difficult for England to control, and so an informal agreement emerged. England
regulated trade but allowed colonists the right to levy their own taxes. Smugglers soon exploited the English inability to guard every port by secretly trading against Parliament's wishes.

This delicate agreement was put to test by the French and Indian War. The war was expensive, and from the British point of view, colonists should help pay for it, especially considering that England believed it was protecting the colonists from French and Indian threats. The new taxes levied by the Crown nevertheless horrified the colonists. British naval measures to arrest smugglers further incited American shippers. These actions served as stepping stones to the Revolution.

Religious Freedom

Religious freedom served as a major motivation for Europeans to venture to the American colonies. Puritans and Pilgrims in Massachusetts, Quakers in Pennsylvania, and Catholics in Maryland represented the growing religious diversity in the colonies. Rhode Island was founded as a colony of religious freedom in reaction to zealous Puritans. As a result, many different faiths coexisted in the colonies. This variety required an insistence on freedom of religion since the earliest days of British settlement.

So, the colonial experience was one of absorbing British models of government, the economy, and religion. Over the course of about 150 years, American colonists practiced these rudimentary forms of self-government that eventually led to their decision to revolt against British rule. The democratic experiment of American self-rule was therefore not a sudden change brought about by the Declaration of Independence. By 1776, Americans had plenty of practice.

Lesson Toolbox

Additional Resources and Readings

What is Magna Carta?
- A short video giving the entire history of the Magna Carta and its influence on today’s rights
- https://www.youtube.com/watch?v=7xo4tUMdAMw

Horrible Histories | Epic Magna Carta Rap Battle | CBBC
- A fun video about the Magna Carta
- https://www.youtube.com/watch?v=F_5My8XH-n0

Lesson Glossary

**Magna Carta**: a promise to the English subjects that monarchs would refrain from certain actions that harmed, or had the potential to harm, the people of England, with protections for life, liberty, and property

**English Bill of Rights**: enumerated the rights of English citizens and explicitly guaranteed rights to life, liberty, and property; influenced the U.S. Constitution and Bill of Rights

**social contract**: an implicit agreement among the members of a society to cooperate for social benefits, for example, by sacrificing some individual freedom for state protection

**Virginia House of Burgesses**: the first colonial legislature

**Mayflower Compact**: an agreement by the Separatists who founded Plymouth Colony to govern themselves according to the laws created by the male voters of the colony

**charters**: written agreements between the colonies and the king of England or Parliament; provided for direct rule by the king
Check Your Knowledge

1. True or False: The Social Contract was an agreement to govern the Pilgrims according to the laws created by the male voters of the colony.
   A. True
   B. False

2. True or False: The English Bill of Rights profoundly influence the U.S. Constitution and Bill of Rights.
   A. True
   B. False

3. Which of the following was the most important of Locke's ideas that influenced the British settlers of North America?
   A. That human beings created government and exchanged a small portion of their freedom to be ruled in exchange for government protection.
   B. Anyone who invested labor in the commons might take as much of these as needed.
   C. That human beings had their own personal rights.
   D. That forming a new government meant replacing one monarch with another.

Answer Key:

Citations

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