**Influence of British Law**

Colonial government influenced by British common law

Common law

* Britain never adopted formal constitution
* Law based on judges' decisions, precedents
* Precedents defined legal system

Magna Carta (1215)

* Individuals treated according to law of land
* Limits on government power
* Recognition of basic rights
* Government obliged to protect rights
* Due process
* "No taxation without representation"

English Bill of Rights (1688)

* Result of Glorious Revolution
* Parliamentary privileges
* Individual liberties
* Free elections
* Petition for redress of grievances
* Taxing/spending powers in representative legislature
* Right to bear arms; jury trial; no cruel, unusual punishment

**Political Ideas for Revolution**

Primary goals of American Revolution in Declaration of Independence

* Rights from English common law, Magna Carta, English Bill of Rights
* People have say in government

Thomas Paine: *Common Sense* (1776)

* Links monarchy to war, oppression
* Questions hereditary succession
* Questions monarchy

Thomas Hobbes: Social contract

* People allow government power
* Government operates on people's behalf
* Colonists: British not protecting rights

John Locke

* Government maintains power if in best interests of people
* People consent to being governed
* Colonists: English government not acting in best interests
* Colonists: justified in overthrowing government

Declaration of Independence

* Emphasized equality of human rights
* Duty of government to protect life, liberty, pursuit of happiness
* Inalienable, natural rights

**Motivations for Independence**

Spring 1776: Tensions high between colonies, Great Britain

Second Continental Congress

* Decided to declare independence
* Justified break from Great Britain
* Set out ideas, grievances of colonists
* Tried compromise with Great Britain to avoid war
* King ignored petitions

John Locke

* Natural rights
* Consent of the governed

Thomas Paine's *Common Sense*

* Makes case for independence
* Connects British monarchy, oppression in colonies
* Questions hereditary succession

Thomas Jefferson

* Primary author
* Influenced by Locke, others

Key ideas of Declaration

* Natural rights
* Consent of the governed
* Government that fails to secure liberty can be overthrown

Grievances against king

* Failed to accept needed laws
* Dissolved colonial legislatures
* Denied due process
* Committed war atrocities

**An Enlightenment Document**

Declaration of Independence: 2 purposes

* Lay out proper role of government, individual liberties
* List grievances with king, Parliament

Enlightenment philosophy

* Developed in Europe, late 1600s–early 1700s
* Ideas popular with those in American Revolution

John Locke's social contract

* Government meant to protect lives, liberty, property
* Opposed divine right of kings
* Consent of the governed
* Government not protecting rights could be overthrown justly

**Accusations against the King**

Declaration of Independence

* Dual purpose
* Lay out ideological foundation of new government
* Specific grievances with King George III

Accusations of British abuses

* Dissolved colonial legislatures, removed charters
* Judiciary dependent on king
* Kept standing army in colonies, quartered soldiers
* Cut off trade
* Deprived colonists of trial by jury, due process
* Taxation without representation

Not in document

* King perpetuated slavery in colonies
* Jefferson initially included provision
* Southern states against it

**Creation of the Articles of Confederation**

Articles of Confederation

* Established first U.S. government
* Grew out of Second Continental Congress

Need for government structure

* Most colonies thought of themselves as individual states
* Needed document to bind colonies together
* National government would address national issues

Second Continental Congress

* Appointed committee in 1776 to draw up Confederation document
* Goal: bind colonies as one nation

Key debates

* State representation: equal or by wealth, population, or taxes contributed
* Congressional authority over western land claims
* Tax apportionment, counting slaves for apportionment

Articles of Confederation

* Ratified 1781
* Built around idea of limited national government
* States sovereign over national government
* True confederation: loose joining of states, not strong union
* Problems with Articles led to creation of U.S. Constitution

**States under the Articles**

Most power with states

* States saw themselves as independent governments
* States saw union primarily as necessary for defense
* Article II: states sovereign over national government
* Article III: states in "firm league of friendship"
* State government more powerful than national government

States' rights

* Had all power not expressly given to U.S.
* Could form own militias, appoint officers
* Not required to pay for defense expenditures

States could not

* Send foreign ambassadors, form foreign alliances
* Make agreements with each other without congressional consent
* Create tariffs, taxes interfering with national agreement
* Hoard war vessels, provisions for state militia
* Declare war without congressional consent

**Congress under the Articles**

Under Articles, Congress

* Had many powers it has today
* Had limitations later removed in U.S. Constitution

Powers

* Over war, peace, diplomacy
* Resolve boundary disputes between states
* Regulate value of coin
* Set standards for weights, measures, establish post offices
* Appoint officers in service of U.S.

Limits

* To pass laws, needed 2/3 approval: crippled authority
* Amendments to Articles had to be unanimous
* Set stage to write new Constitution

**Successes and Failures of the Articles**

Successes

* Helped oversee end of American Revolution
* Northwest Ordinance (1787): admission of western states, slavery compromise
* Established trade, diplomatic relations with other nations
* Resolution for constitution convention, sent new constitution to states

Failures

* Congress had no power to act directly on individuals
* States did not always meet obligations
* Congress had no power to regulate interstate commerce
* Congress's powers limited by supermajority requirement
* No protection of individual rights
* Amending Articles required state unanimity

Result

* State imposts (taxes) hurt commerce, trade, economy
* Shays' Rebellion: people discontented with government
* Europeans skeptical about new government
* British did not honor Treaty of Paris