

V. American History As a Story of Rights

A. The Story of Rights

1. Modern American culture is very divided in its views on rights. Many people consider the election of Barack Obama (an African-American) to the presidency as a milestone in the story of rights. However, Americans appeared to reject president Obama's legacy by next electing a president who explicitly rejected Obama's policies, Donald Trump.
2. On either side of any disagreement about rights, lies some completely *modern* notion, and its important to know the story of rights to understand why there are different modern views and how they came about.
3. Before modern times the only people that were considered to have any "rights" were kings. In European history, there was a complete theory that explained that kings had a "*divine right*" to rule other human beings. Normal people thus had no rights! (Other cultures had similar notions, and had no concept of individual rights either. In ancient Egypt, for instance, the pharaohs were believed to be gods; in Japan, the emperor was considered divine; in China, the emperor had the "mandate of heaven." Common people, by contrast, were almost never considered to have a moral right to their own life.)
4. Sadly, recorded history offers very few exceptions. Other than ancient Greece and Rome, the only country where real progress had been made in terms of rights for anyone other than kings was England. Starting in 1215, when the English had rebelled against a tyrannical king, forcing him to accept limits on his power known as *Magna Carta*, English culture had gradually evolved to more broadly recognize certain protections for the individual, which were proudly known as the "rights of Englishmen."
5. The original American theory that departed from the English view was that rights are part of human nature. They are "natural" rights, and that human beings possess them as an "inalienable" part of their existence. (The word "inalienable" means that rights cannot be taken away; they cannot be made "alien" to the person that possesses them.)
6. In addition to the American theory of natural rights from the American Revolution, another modern theory was announced in the French Revolution. This European theory says that human beings lose their "natural rights" when they join society and become "citizens." When they do that, this theory says, they get a new set of rights, which are granted by society. These are social or "civil" rights.
7. Modern thinking is typically divided between *natural* and *civil* rights. For instance, Americans argue about the right to free speech, the right to bear arms, the right to vote, the right to immigration/citizenship, the right to healthcare, and even the right to access the Internet! If your not sure which are "natural" and which are "socially determined," or even which supposed "rights" are indeed rights, you're not alone. Learning American history as a story of rights will at least help you to get oriented to this important topic.

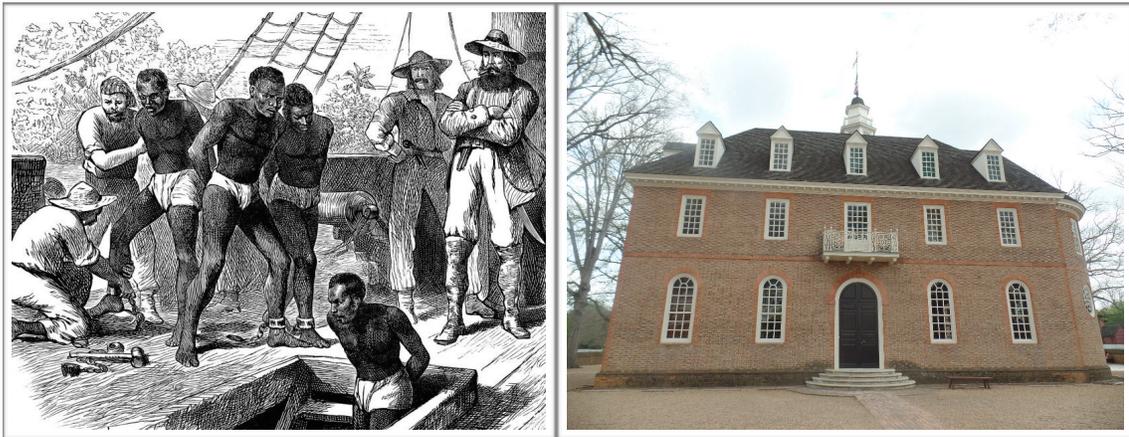


The differences between America's most recent presidents, Barack Obama and Donald Trump, illustrate the divisions and disagreements of Americans when it comes to their own government, including what rights it should defend and/or promote.

B. Colonization and the American Inheritance from Europe

1. As we have already seen, America became the country that it is because it was colonized by the English starting in **1607**, and because the English defeated the French in the Seven Years' War (**1756-63**) for control of North America.
2. If we look at the same part of the story from the perspective of rights, we see how English culture (and more broadly, European civilization) passed on two kinds of inheritance to American culture.
3. The baseline feature of America's cultural traits was the acceptance of slavery as normal.
 - a) After Columbus had discovered America in **1492**, increased contact between the Spanish (and the Portuguese) and native people had a very destructive impact on the native peoples. The Europeans were conquerors who did not respect the primitive natives, and their violent conquest brought about many deaths. In addition, diseases from Europe also caused many deaths among the natives.
 - b) Finding that the local population was dropping so quickly and thus its people could not be forced to work for them, the Spanish and Portuguese began to replace the natives as laborers with slaves from Africa. This *Atlantic Slave Trade* — so named because it involved bringing slaves across the Atlantic Ocean, began in **1526**, long before the English had developed any serious interest in America.
 - c) The importance of this milestone is that it helps us understand the *normalcy* of slavery in pre-modern times. Indeed most Europeans were “serfs,” a kind of slave who labored on land he did not and could not own, to produce crops he did not and could not own, for powerful lords who controlled the lives of the peasants almost completely. When the European lords and kings who controlled exploration arrived in America, they simply attempted to copy the life they knew in Europe in America. Slavery was a part of that life, and had basically gone unquestioned.
4. When the English began to colonize America at Jamestown they did not yet have slaves, but many of the colonists lived lives very similar to slaves.
 - a) Most *colonists* could not afford to come to America themselves. They were coming to America precisely because they were poor and believed their best chance at a better life was to leave their home country.
 - b) *Colonizers*, looking for people to “plant” in their colonies, agreed to pay for the passage of *colonists* in exchange for a kind of contract that we would think is very harsh today. To be taken to America, such colonists had to agree to become “indentured servants.”
 - c) Indentured servitude meant accepting the legal requirement to work for someone else for as many as seven years. As we have seen, *death* was a very normal outcome during the early years of settlement. Very few colonists survived their early years to become free men. Once they did, they were given their own land, so “indentured servitude” was not slavery, but in many practical regards, and especially for those who lived the first years of it in America, it was almost the same thing!

5. As English colonization succeeded, and colonial life slowly began to resemble life back in Europe, the need to organize colonial society in an English way was reflected in the creation of a government modeled after the English government.
 - a) After the rebellion of 1215 that had produced the Magna Carta, this had meant the creation of a “parliament,” where representatives of the people could “parley” (talk) with the king.
 - b) In the English tradition of rights, a parliament was considered essential, because it was a sign of the king’s willingness to respect Englishmen and their rights that he would be willing to sit down and hear their voice.
 - c) The Virginia colony had a charter from the king that granted permission to create a parliament, which was established in **1619**, and known as the “House of Burgesses.” (The word “burgess” means a city-dweller, like the word “burger” in German.)
6. **1619** proved to be an anchor fact of colonial American history in two regards—both related to rights. It was the year of the establishment of the first parliament in the Americas, and so a milestone in the transmission of the rights of Englishmen to America. *It was also the first year that a shipment of slaves from Africa was brought to North America.* Thus **1619** marks the beginning of the challenging parallel history of both rights and slavery in America.



The *Atlantic Slave Trade*, begun by the Portuguese in **1526** resulted in the inheritance of slavery being passed on to America by Europe, starting in **1619**, with the first African slave shipment to North America. In **1619**, fortunately, the tradition of the rights of Englishmen also helped transmit the idea of individual rights to America at the same, with the founding of the *House of Burgesses*.