



**Subject : Human Rights & Duties**

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**Paper :** Philosophical Foundations of Human Rights; Duties and Responsibilities

**Module :** American Declaration of Independence and the Bills of rights (Module 3)




**Pathshala**  
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## 1. Learning Outcomes

- To provide an analysis of the American Declaration of Independence and its importance in the evolution of the concept of human rights.
- By this module, students will examine the impact of the American Declaration on subsequent developments in the sphere of human rights.

## 2. Introduction

The American Declaration of Independence is considered as one of the most important milestones in the history of the evolution of human rights. The reason attributed for its significance is that it was perhaps the first time in the history of mankind that the expression-‘all men are created equal’ was accepted as the foundation of a modern democracy. The principle of equality before law is the first proposition mentioned in the declaration and is arguably marks the biggest contribution in the evolution of human rights. The declaration also highlighted that the principles like equality were not an artificial creation but were self-evident principles. It is regarded as the most significant document in the constitutional history of the United States of America as it affirmed the principle of self-determination as the foundation of a democratic nation. The document was approved on July 4, 1776, which is celebrated as the Independence Day in the United States. The declaration was a formal expression of independence from the control of the British Empire and was authenticated by the representatives from 13 former colonies. The Declaration of Independence was adopted in the Second Continental Congress after more than a year of the beginning of the American Revolutionary war. The document continues to be among the most discussed documents as it forwarded the idea of equality and self-determination not just for itself but for all times to come and for everyone. That is the reason why it continues to be relevant in present discourse in the domain of human rights. There are several important facets in the declaration which have continued to inspire democratic struggles around the world. While the declaration never acquired any legal force, it was a profound expression of the foundation of nation conceived on the idea of self-government. The Constitution of the United States came in the year 1789 and till then, the declaration formed the ground stone of the political tradition of the newly freed colonies and gave direction to future course of its constitutional destiny. The declaration is considered a historic moment in the history of United States as it validated the principles that united the people against the oppression of a foreign ruler.

It is interesting to note here that the text of the Declaration is not limited to the expression of human rights but also lays down the background of the struggle. The Declaration is comprised of three parts- the preamble, the list of grievances against the British King and a conclusion which reiterates the right of nation to determine its destiny.



The founding fathers of the United States were mindful of the fact that the declaration was not enough to determine the future course of governance of the states. Therefore, the necessity of a federal constitution was realised and hence, the Constitution of the United States was passed in 1789. However, the federal constitution did not elaborate the constitutional protection of individual rights. Hence, the growing demand for an express provision for individual rights was recognised in the Bill of Rights, which was adopted in the year 1791. The Bill of Rights is a collective term used for the first ten amendments to the US Constitution. The purpose behind these amendments was to guarantee certain fundamental rights to the citizens and also to limit the power of the government.

### 3. Historical Background

#### 3.1 American Declaration of Independence



The American Revolutionary War had begun more than a year before the adoption of the Declaration of Independence. The outbreak of the war was motivated by decades of imperialist policies of the British rule in all spheres of government. Initially, the opposition towards the oppressive policies was carried out with an objective to reconcile the differences. Overtime, the impact of those policies had started to unite the people to protest. The primary grievance of the people was against the taxation policy imposed by the King. However, the protest against the taxation policy did not succeed in influencing the stand of the British.

The crux of the issue was the objection by the American colonies about being taxed by a distant body situated thousands of miles away in which they had no representation. Thus they coined the slogan, “No taxation without representation” and launched their struggle. Each of the 13 colonies had a Legislative Assembly which could pass local acts but their aspiration was for their own assemblies to have powers on par with the British Parliament in matters relating to taxation and to decide their own expenses.

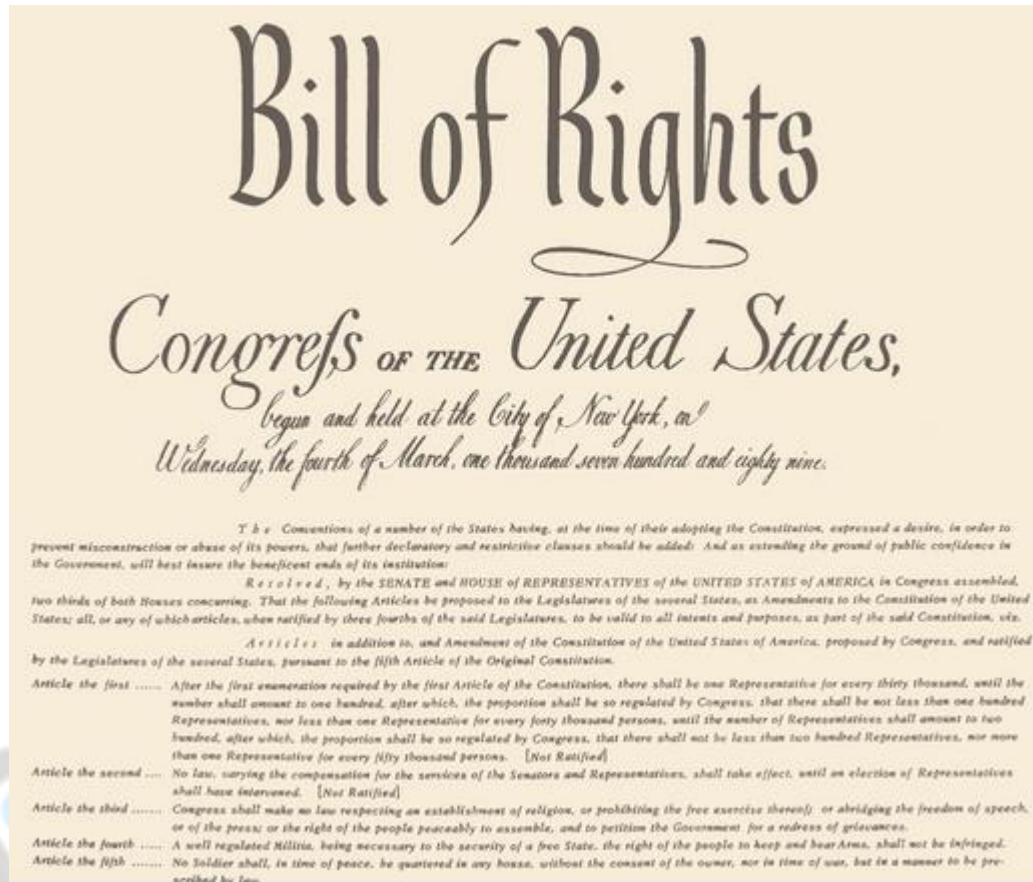
The hostility between the colonists and the Empire reached its maximum when the Boston port was closed down followed by the imposition of Martial law in the state of Massachusetts. This act of the British provoked further reaction and led to the outbreak of fight between the British forces and the colonists. In spite of display of hostility, there was a section of leaders which preferred the route of conciliation rather than fight for complete independence. Meanwhile, the oppressive rule of King George III was fueling resentment among the people against the foreign rule of their land. However, the discontent against the British rule did not rise to the demand of complete independence till the latter half of the year 1775 when the King gave the call to muzzle the dissent among the people. During the same time, Thomas Paine’s seminal work-Common Sense - had become very popular among the revolutionaries as it advocated their right of independence. Thereafter, the cause of complete independence started gaining momentum with the increasing support from the colonies. More and more states started joining the demand of complete independence after the British parliament voted for the prohibition of trade with the colonies. This act of the British parliament really intensified the revolution and strengthened the resolve of the leaders to declare their independence from the British Empire. This resolve resulted in the adoption of the American Declaration of Independence.

#### Timelines

Sl. no	Measures	Impact
1	Navigation Acts of 1660-1672	Trade between England and the colonies be conducted only English-owned or English built ships. It prohibited export of certain articles like tobacco, sugar and cotton to any country other than England.
2	Sugar Act, 1764	These stringent import restrictions affected the American merchants hard.
3	Stamp Act, 1765	The aim was to pass off a part of the financial burden of maintaining a English army for the security of the colonies. It was repealed in 1766 following severe

		opposition. The colonists held the Stamp Act Congress in New York and issued a Declaration of Rights which included, among other things, right of trial by jury and of self-taxation.
4	1767-Import duties on glass, lead, paper, paints, colours, tea imposed by Charles Townsend, then Chancellor of Exchequer which were later reversed by then PM, Lord North with the exception of import duty on tea.	This was not accepted by colonists. In 177, some citizens of Boston boarded a British Ship and threw away many chests of tea into the sea in what was known as 'Boston Tea Party'. The British Government closed the Boston port and deprived Massachusetts of self-government.
5	1774 – meet of the American Congress	Decision to stop trade with Britain
6	1775 – meet of the second American Congress	Decision to send a petition to the British King seeking constitutional concessions, which did not work
7	1775	US Congress appointed Col. George Washington as the Commander-in-Chief of the American Army and decided to wage a war

### 3.2 The Bill of Rights



**The Bill of Rights of the US Constitution protects basic freedoms of United States citizens.**

The adoption of Bill of Rights is one of the most important events in the American history. As mentioned earlier, the term-‘Bill of Rights’ is used to collectively refer to the first ten amendments to the Constitution and the need for the amendments started growing right after passing the federal Constitution in 1789. While the structure of the federal constitution was being debated, there was a difference of opinion among the drafters regarding the subject of fundamental rights. There were several states advocating provisions for protection of individual rights in the Constitution. However, when the Constitution was passed, it did not provide for constitutional protection for fundamental freedoms. Thereupon, after great persuasion by leaders like James Madison and George Mason, the Bill of Rights was ratified by the Congress.

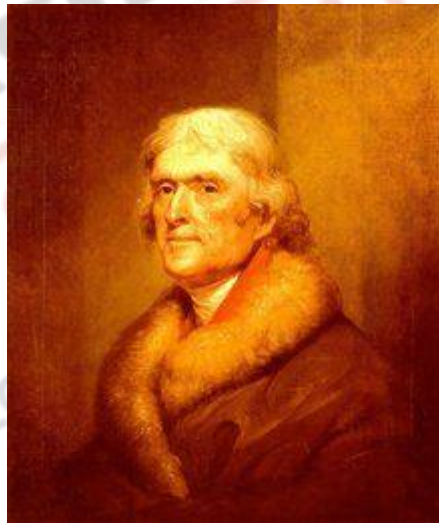
#### 4. Principles



#### 4.1 American Declaration of Independence

The American Declaration of Independence was adopted on 4 July 1776 at the third American Congress held at Philadelphia. The Declaration asserted that 'all men are created equal', besides stressing inalienable rights, popular sovereignty and the right of revolution. Based on these, the Declaration asserted that "*these United Colonies are, and of right ought to be, FREE AND INDEPENDENT STATES*". The American revolutionaries defeated the English army which led to the recognition of the independence of the United States of America by England in 1783.

*"When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.*

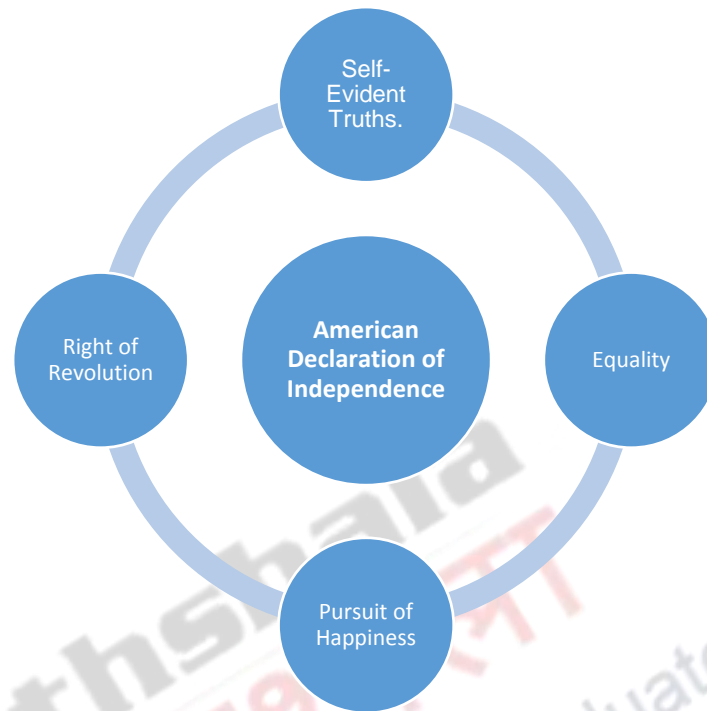


**In 1776, Thomas Jefferson penned the American Declaration of Independence.**

*We hold these 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 to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and*

*happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and accordingly all experience hath shown that mankind are more disposed to suffer, while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed. **But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security.** Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to alter their former systems of government.*

*WE, THEREFORE, the REPRESENTATIVES of the UNITED STATES OF AMERICA, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies solemnly publish and declare, That these United Colonies are, and of right ought to be, FREE AND INDEPENDENT STATES; that they are absolved from all allegiance to the British crown and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other our Lives, our Fortunes, and our sacred Honor.”*



### Self-Evident Truths

The above excerpt includes the Preamble and conclusion of the Declaration which highlight the principles for which the American Revolutionary war was fought. The declaration begins with an expression-‘*self-evident truths*’ and it signifies the principles that there are certain rights which are inherently there in the understanding of human civilization at all points of time. In case of the Declaration, these self-evident truths were equality before law and certain unalienable rights such as life, liberty and pursuit of happiness. This phrase was included to declare that there are certain human rights that are inalienable as they emanate from natural law and some specific body of law.

### Equality

The principle of “equality before law” was made the bedrock of the American society by this Declaration. The document mentions the concept of equality to enforce the idea of democracy in the United States in the sense that each individual had the right to participate in the lending legitimacy to the government. The Declaration sought to make way for a American government with the ‘consent of the governed’. It was nowhere said that equality of result as mentioned in the communist theory rather it ventured to establish a republic where there is equality of opportunity for all.

## Life, Liberty and Pursuit of Happiness

The declaration clearly states that there are certain rights available to an individual such as the right to life, liberty and pursuit of happiness. The purpose behind this expression was to guarantee the right to determine its future to each individual. The declaration makes it an obligation for the government to secure the protection of these rights.

## Self-Determination

The right of self-government has evolved from the American Declaration and today, is universally recognised as the right of self-determination. The Declaration was on the idea of freedom of the people to choose their government and remove it from power if it becomes an instrument of their oppression. The idea of self-determination has been the inspiration of freedom struggles around the world.

## 4.2 The Bill of Rights

First	• Freedom of speech, press, religion, peaceable assembly, and to petition the government
Second	• Right for the people to keep and bear arms, as well as to maintain a militia
Third	• Protection from quartering of troops
Fourth	• Protection from unreasonable search and seizure
Fifth	• Due process, double jeopardy, self-incrimination, private property
Sixth	• Trial by jury and other rights of the accused
Seventh	• Civil trial by jury
Eighth	• Prohibition of excessive bail, as well as cruel and unusual punishment
Ninth	• Protection of rights not specifically enumerated in the Bill of Rights
Tenth	• Powers of states and people

The Bill of Rights was adopted so as to guarantee certain fundamental rights to the people which were absent in the federal Constitution before. Another major purpose of the document was to curtail the power of the government in the exercise of its authority. The Bill of Rights was a result of the compromise between the federalists and the anti-federalists who differed on the issue of inclusion of fundamental rights.

### **Freedom of speech, press, religion, peaceable assembly, and to petition the government**

The First amendment laid down the foundation of constitutional protection of human rights in the American Constitution. It is perhaps the most comprehensive statement of human rights in any constitution around the world. While the federal Constitution has gone through several amendments, the Bill of Rights, especially the first amendment is considered to be sacred in the political tradition of the United States. Therefore, a citizen enjoys the freedom of speech without any unreasonable interference from the government. Also, the first amendment prohibits the Congress from making any law with deference to a particular religion. Moreover, the first amendment guarantees the right of peaceful assembly and the right to petition the government. The rights that followed from the first amendment have become the cornerstone of American legal system and have been regarded as the model of a modern legal system.

### **Due process, double jeopardy, self-incrimination, private property**

The Bill of Rights has drawn inspiration from the Magna Carta in the sense that the Fifth Amendment seeks to uphold the principles of natural justice and ensure fair trial for the people. This amendment is particularly important for fairness of judicial system in the United States. Today, when countries around the world are still going through violent struggles to secure justice, the rights emanating from this amendment made sure that the American citizen had the right to secure justice for himself or herself.

## **5. Significance**

### **5.1 American Declaration of Independence**

The American Declaration of Independence was a revolutionary milestone in history of mankind as it affirmed the idea of universality of human rights, calling them to be self-evident truths. It laid down fundamental principles which have been reiterated again and again in different forms and have been transformed into the constitutional structures and international instruments throughout the world. Like every other historical event, the adoption of the declaration has not been immune from criticism. It is said that the writers of the declaration were slave-owners themselves. However, such critiques have never been able



to undermine the contribution of this document in the progress of humankind. The present international framework on human rights is a result of the progress made over time with events like the American Revolution. The Universal Declaration of Human Rights, 1948 has borrowed a great deal from the American Declaration as it was a landmark moment which carried forward the evolution of the concept of human rights.

Apart from being regarded as the basis of the present framework of international human rights, the Declaration of Independence has influenced democratic struggles around the world. The French Revolution was tremendously inspired by the ideals of the American Declaration. Interestingly, the French Revolution was also followed by a similar declaration called-‘Declaration of the Rights of Man and of the Citizen’. It is evident from the outcome of the French Declaration of Rights of the Man that the idea of human rights was now a universal idea shared by the global community. It was a step forward in direction of creating an international instrument on human rights. The ever-continuing process of international human rights, which began with Magna Carta and then, the American Declaration and several other such documents, culminated in 1948 with Universal Declaration of Human Rights.

### **5.2 The Bill of Rights**

The Bill of Rights holds a significant place in the history of the United States as it elaborated the ideals set forth by the American Declaration. The civil and political rights that emanated from the Bill of Rights were emulated by different nations in their legal system. However, the most profound contribution of the Bill of Rights was towards the Universal Declaration of Human Rights. It is clear from the Universal Declaration that there are several rights which first found mention in the Bill of Rights and were subsequently adopted universally. The Bill of Rights guaranteed constitutional protection to the fundamental rights in the American Constitution. The Bill of Rights is considered as a profound statement about a democratically elected government.

## **6. Summary**

We have learnt in this module about two significant events in the history which contributed to the progress of human rights. It is evident from the above discussion that western articulation of human rights has had a great impact on the concept of human rights as we know today. The description about the two events clearly shows as to how the historic events in the west have shaped our understanding of human rights. The American Declaration of Independence can be certainly regarded as a watershed moment in the progress of the concept of human rights. The fact that ideals of equality continue to resonate in the modern era is a testimony the impact of the American Revolution. Also, the concept of human rights as a set of unalienable rights was first

mentioned in the American Declaration. Hence, the notion of universality of human rights was strengthened with the adoption of the Declaration of Independence.

