

# Rights, Equality, and Citizenship

**Directions:** Keep these discussion questions in mind as you read the background essay, making marginal notes as desired. Respond to the reflection and analysis questions at the end of the essay.

## Discussion Questions

- Is suffrage a right or a privilege?
- Is suffrage necessary for a person to be considered a citizen?
- Is legal equality necessary for liberty?
- Can a person be free if not equal under the law?

## Introduction

What is equality? What is the connection between equality and citizenship? The principle of equality means that all individuals have the same status regarding their claim to natural rights and treatment before the law. Our definition of citizenship has expanded throughout American history, most often through claims to our natural equality. The story of women's **suffrage** is an example of the patience, determination, and sacrifice necessary to carry out long term change within a constitutional order. The word, suffrage, meaning "the right to vote," originated with the Latin *suffragium*, meaning "a vote cast in an assembly, or influence given in support of a candidate."

## Equality

The Declaration of Independence asserts as a self-evident truth that all people were created equal. Something "self-evident" is a plain truth that does not need to be proven through reasoned deduction from other principles. It is apparent

immediately (or self-evident) to any reasonable observer that there are no natural differences among people which give one person or group of people (such as kings and queens) the power to rule over others without their consent. All have equal rights and dignity.

In his *Second Treatise of Civil Government* (1690), as part of an argument against slavery, English philosopher John Locke theorized that all people are born free: "The natural liberty of man [human beings] is to be free from any superior power on earth, and not to be under the will or legislative authority of man [humans], but to have only the law of nature for his rule."

Almost a century later, Samuel Adams quoted Locke regarding the natural liberty of man, agreeing that all people are created equally free; there are no natural rulers.

## Equality and Natural Rights

Further, the Declaration asserts that it was "self-evident" that human beings were "endowed by their Creator" with certain rights. In the



▲ Painting depicting Thomas Jefferson and his fellow committee members presenting their draft of the Declaration of Independence to the Second Continental Congress. *Declaration of Independence* by John Trumbull, 1819. United States Capitol.

Founders' view, since rights come from God, the creator of our human nature, an individual's natural rights could be neither given nor taken away. They are, to use the Declaration's word, unalienable.

The term "natural" here refers to human nature. Natural rights are those rights humans have at birth, including life, liberty, freedom of conscience, freedom of speech, and others. No person or government can "give" an individual these rights; they are part of what it means to be human. One can know natural rights are natural because they can all be exercised without requiring anything from others. Natural rights are sometimes called negative rights for this reason. They are also called inherent rights because they inhere in humanity: they are an essential characteristic of human nature.

### **"Nobody Can Give More Power Than He Has Himself"**

The assertion of inherent rights remains the foundation for the principle of equality. In the same argument against slavery, Locke reasoned:

"This freedom from absolute, arbitrary power, is so necessary to, and closely joined with a man's preservation, that he cannot part with it...for a man, not having the power of his own life, cannot, by compact, or his own consent, enslave himself to any one, nor put himself under the absolute, arbitrary power of another, to take away his life, when he pleases. Nobody can give more power than he has himself; and he that cannot take away his own life, cannot give another power over it."

In other words, Locke maintained, individual lives and the rights that flow from human nature belong to the Creator.

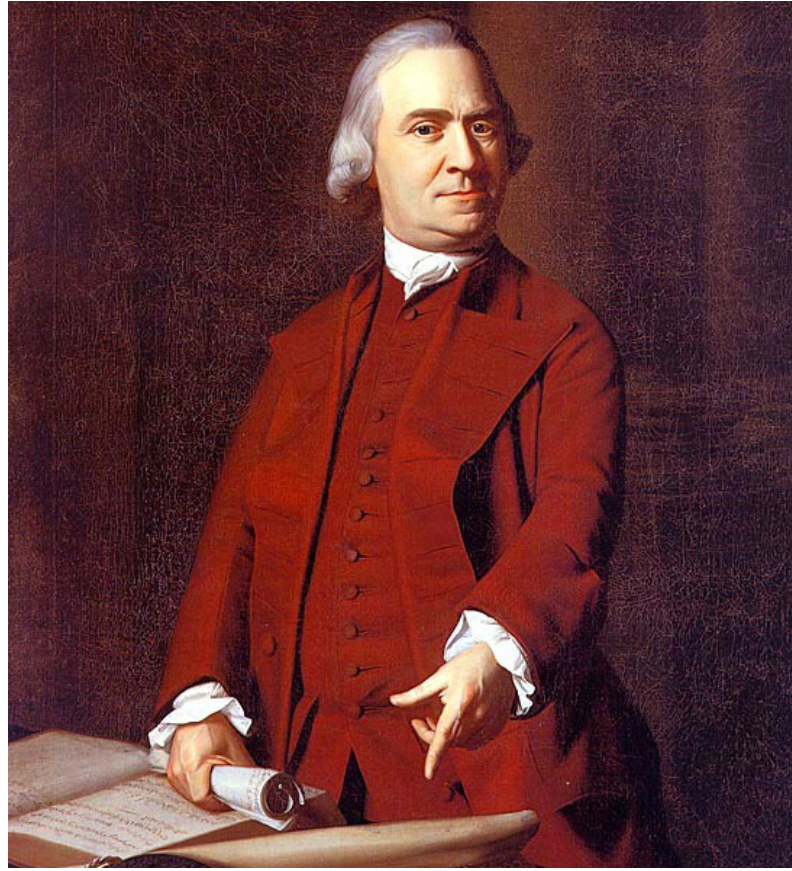


Again, Adams echoes Locke in *The Rights of the Colonists* (1772):

“It is the greatest absurdity to suppose it in the power of one, or any number of men, at the entering into society, to **renounce** their essential natural rights, or the means of preserving those rights; when the grand end of civil government, from the very nature of its institution, is for the support, protection, and defense of those very rights; the principal of which, as is before observed, are Life, Liberty, and Property. If men, through fear, fraud, or mistake, should in terms renounce or give up any essential natural right, the eternal law of reason and the grand end of society would absolutely vacate [make void] such renunciation. The right to freedom being the gift of God Almighty, it is not in the power of man to alienate this gift and voluntarily become a slave.”

Because humans are born with inherent rights, these rights are the same under any political system. An unjust government—including a tyrannical majority—may abuse or abridge the people’s inherent rights, but can never remove them, since these rights are essential to human nature.

But not all rights are inherent. Political rights, for example, may vary through times and places, because, unlike natural rights, they are given by government. Many political rights, including voting and serving on juries, have been expanded to more groups of people throughout American history through claims to natural and inherent equality. Although people use the term “rights” to refer to them, these rights conferred by civil society could more accurately be considered privileges—abilities that can be justly given or denied by government under certain conditions. For example, a driver’s license will be granted



▲ Samuel Adams by John Singleton Copley, about 1772; Museum of Fine Arts, Boston.

if a person passes a driving test, but can be revoked for drunk driving or too many accidents. A person can lose the ability to serve on a jury and to vote if convicted of a felony. People have inherent rights by nature, but must have permission in order to exercise a privilege.

## The U.S. Constitution

The Declaration asserted two more principles that were self-evident: that in order to secure our rights, “governments are instituted among men deriving their just powers from the consent of the governed,” and that when a government repeatedly abuses the peoples’ rights, the people have the power and the duty to “alter or abolish”

it and create a new government that will better protect their rights and ensure their safety and happiness.

After a time under the Articles of Confederation, many observers recognized the need for a more powerful central government, giving rise to a convention of the states in 1787. The resulting new Constitution's opening lines "We the people...ordain and establish this Constitution" outlined a government of limited powers, recognizing the sovereignty of the individual and protecting the natural right of the people to govern themselves.

With this right to self-government come many responsibilities. In fact, it could be argued that citizenship is more about responsibilities than about rights. Individuals are free to make choices about their government and direct their own lives within a system that guarantees the equal right (and responsibility) of others to do the same. The Constitution reflects the sovereignty of the individual, by limiting the national government to certain enumerated powers, leaving everything else to the states and to the people.

## Theory vs. Practice

Despite the bold proclamation, the principle of equality was not meaningfully reflected in the lives of all people during the early republic. Enslaved persons and Native Americans were unable to exercise their inherent rights and were not afforded political rights. The Constitution sanctioned slavery both explicitly and implicitly: it gave Congress the power to ban the international slave trade, but mandated a 20-year waiting period before doing so. The Constitution also allowed slave states to count three-fifths of their enslaved population toward the calculation of those states' representation

in Congress. Though this compromise prevented slave states from having even greater power (they had wanted to count their entire slave populations), the policy tolerated the practice of owning and trading in human beings. Though many of the leading Founders were convinced of the evils and injustices of slavery, they did not end it in their lifetimes.

Women also lacked legal equality. Enslaved women and Native American women were denied all of their rights. Among white women, and depending on varying state laws, widows had some political rights and could own property, but married white women had no legal status at all under the traditional doctrine of **coverture**. The English jurist William Blackstone explained this doctrine in 1765. Through marriage, husband and wife become one person under the law: "the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband; under whose wing, protection, and cover, she performs everything."

The Constitution left voting requirements to the states, and so states could adopt different policies. Some states did away with property requirements but still required voters to be taxpayers. Some states required a tax to vote, or a **poll tax**. Vermont became the first state to grant universal male suffrage in 1777. New Jersey allowed property-owning white women and free African Americans to vote for a short time before that right was revoked in 1807.

## Extending Equality

The Founding generation did not perfectly live out its ideal of equality. However, it provided a foundation for greater expansion of liberty through time. Through sustained effort and commitment over time, Americans have

persistently appealed to Founding documents and their root principles to insist on changes that gradually recognized and protected both natural and civil rights.

The women's suffrage movement provides a model for implementing social and legal change to better align institutions with principles of liberty, justice, and equality. The pathway for change was long. Seventy-two years passed between the Declaration of Independence assertion of self-evident and equal natural rights and the 1848 Seneca Falls Convention, where women planned to "discuss the social, civil, and religious condition and rights of woman." In most parts of America in 1848 it was considered improper—even illegal—for women to speak in public meetings. Now they were convening one. It took another seventy-two years of struggle for women to achieve a constitutional amendment—the Nineteenth in 1920—protecting their right to vote, and guaranteeing their opportunity to participate more fully in the political process.

The Constitution contains the means to institute the meaningful changes required to bring it more in line with the governing principles on which it was founded. One of these methods is the amendment process, which is slow but effective. Reformers committed to equality and justice endured hardship and sacrifice to implement the amendment process to end slavery, and to grant the vote to black men, women, and people ages 18-21. Other methods of aligning the law with these principles, particularly equality, result from the system of checks and balances. The Supreme Court in 1954 checked the power of majorities in states when it ruled segregation in public schools was unconstitutional. Congress has also invoked its enumerated powers to protect legal equality with laws such as the Civil Rights Act of 1964 and the Voting Rights Act of 1965. Appeals to equality continue today as Americans debate the meaning of the principle as it applies to undocumented immigrants, the unborn, LGBTQ community members, disabled people, and many others.

## REFLECTION AND ANALYSIS QUESTIONS

1. On what basis did John Locke and Samuel Adams claim that slavery was unjust?
2. List four truths the Declaration of Independence asserts are self-evident.
3. What is a natural right?
4. Should voting be considered a right or a privilege? Explain your choice.
5. Do you agree with Locke that there are limits to what we can consent to? Does consent make any action good? Explain why or why not.
6. Some say that natural rights do not exist because so many governments have abused them throughout history. (Indeed, the Founders argued that the British King and Parliament were abusing theirs.) They say that if a right cannot be exercised effectively, it does not exist. Evaluate this assertion.
7. The Founding generation did not fully live out its ideal of equality. Which ideals do people fail to live up to in modern times?

8. Certain principles shape the United States system of government and society. Using the **Principles and Virtues Glossary** at the front of this book, give examples of ways the United States Founding documents reflect any three of the constitutional principles below. Maintaining and advancing these principles requires that individuals apply such virtues as vigilance and deliberate action. Give examples of ways in which any three of the virtues listed below can help maintain the constitutional principles.

- **Principles:** equality, **republican**/representative government, popular sovereignty, federalism, inalienable rights
- **Virtues:** perseverance, contribution, moderation, resourcefulness, courage, respect, justice

Principle	Example & Explanation

Virtue	Example & Explanation

### A Pathway for Change



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