

rights of the citizenry, recognitions acknowledged in the Petition of Right and the Bill of Rights.

Some of the protections from government, then, which are a part of individualism were already a part of the tradition of Englishmen when they came to America. Americans built upon these and added to them in their new surroundings. They transplanted and developed representative government which was frequently used as a means of protecting the individual from the arbitrary exercise of power by agents of the king. A court system was continued, and due process of law was accepted as one of their inherent rights. In the New World, colonists had few of the residues of feudalism to wrestle with: no class system of any rigidity ever gained hold, and the mercantilistic corporations soon lost their powers or had them greatly modified.

The great documents associated with the founding of the Republic carry the imprint of their basis in individualism. The Declaration of Independence declared that all men are "endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness." It maintained further that the reason for establishing governments was to assure these

natural rights. The constitutional period was rife with theorists pondering the limits of the common authority to be vested in governments and the extent of individual liberty. The constitutional prohibitions against bills of attainder and ex post facto laws were important protections of the individual in his rights. Prior to this, governments often seized the property of individuals by attainting it. If there was to be government by law, the laws must exist and be known prior to the offense. The Bill of Rights placed enumerated limitations upon the United States government, carving out an area for the individual beyond the reach, at least, of the central government.

Nineteenth Century Progress

For the first two-thirds of the nineteenth century the main tendency in the United States was to develop individualistic customs, folkways, and institutions. American life abounded with such developments. In law, the abolition of entail removed one of the last restraints upon individual control of property. The abolition of primogeniture, however, was more equalitarian than individualistic, but it did permit greater latitude in bequeathing and inheriting property. The individual was increasingly on his own: in joining

and supporting a church (with the disestablishment of churches), in making a living, in gaining position in a community. Americans usually lived in separate houses both in town and country, and the houses in rural areas were usually some distance from one another. Social relations were frequently more dependent upon proximity than upon class or caste.

American thinkers, too, presented ideas and theories to explain, justify, and uphold individualism. I have been trying to deal with individualism as a tradition, not as an ideology, and it is my intention to deal with the ideas within this framework. Ideas become a part of the tradition as they become beliefs by which people justify their practices and inform the institutions which are created in consequence of holding them. This is not to imply that they necessarily precede the tradition or that any particular articulation of ideas is essential to the tradition. There is no opportunity in so brief a survey to do justice to the breadth and richness of thought by Americans on individualism, but I can touch upon that of a few men to exemplify it.

Thomas Paine

Two names stand out in the revolutionary period — Thomas Paine

and Thomas Jefferson. Thomas Paine, itinerant revolutionist whose nimble mind could turn profound doctrines into flaming shibboleths, declared that all men had certain rights by nature. These rights are of two kinds: first, the right of thinking and acting in matters which concern only the individual; second, civil rights, which are natural rights which man possesses as a member of society. All those rights which the individual could exercise without society — thinking, owning and managing property, etc. — he keeps for himself inviolate when he enters society. Civil rights are those which he would be fitted to exercise but lacks the power to assure his right to do so. But the fact that the individual is impotent to enforce his rights against society does not mean that society has the right to deprive him of them. It is rather for the purpose of protecting these rights that individuals join together to form a government.⁴

The rights which Paine enumerated were: the right to equality with other men, to do what injures no one else, to participate in government, to be tried according to pre-established methods and rules, to free expression and thought,

⁴ Thomas Paine, *Rights of Man in Basic Writings* (New York: Willey Book Co., 1942), pp. 37-38.