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Perspectives of the Founders of the United States on Law and the State

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Annotation: *The Founders of the United States, drawing heavily from Enlightenment ideas, envisioned a government founded on principles of individual rights, liberty, and the consent of the governed. They believed in a system of governance with a division of powers and checks and balances to prevent tyranny and ensure accountability. The Founders emphasized the importance of a strong yet limited central government, derived from the people, and guided by a written constitution that would secure the nation's unity, stability, and the pursuit of happiness. This article examines the views of Thomas Jefferson, James Madison, and Alexander Hamilton on law and the state.*

Key words: *USA, constitution, colonialism, individual rights, natural law, federal government, federalist document.*

At the end of the 18th century, the American continent, which had been concerned by Europeans for several centuries and turned into a colony of ruling countries, was going through a difficult period. On the one hand, the policy of the colonial powers to transfer material wealth from their colonies, and on the other hand, the struggle of the indigenous peoples for the independence of their land was intensifying. The issue of building the future of America and forming an independent and legal state in this area has prompted the socially active layer of the American people, thinkers, and public and political figures to take serious action.

The most progressive representatives of the society, who took their place on the stage of history under the name of the founders of the United States of America, consider solving the issues of establishing an independent state, building a society where legality and law prevail, and ensuring human rights and freedom as their civic duty.

The views of the founders of the United States of America on law and the state were shaped by various factors, including the experience of living under British colonialism, the philosophy of the Enlightenment, and the political and economic realities of that time.

One of the major influences on the Founders' views of law and the state was the Enlightenment philosophy of natural law and the social contract. This philosophy held that all individuals have certain inherent rights, such as the right to life, liberty, and property, and that government should protect these rights. The Founders believed that the role of government was to serve as a neutral arbiter of disputes and protect the rights of citizens, rather than to actively promote the welfare of society. Another important influence on the founders' views on law and the state was the experience of living under British

colonialism. A socially active section of the American peoples believed that the British government had overstepped its bounds by taxing the colonies without their consent and refusing to represent them in the British Parliament. They saw the British government as a tyrant force oppressing the colonies and violating their civil rights.

The founders also had to take into account the political and economic realities of the time. They knew that a strong central government was needed to hold the new state together and protect it from foreign powers. But they also feared that a powerful central government could become corrupt and tyrannical, and they wanted to ensure that the government would limit its power and be accountable to the people.

To achieve this balance, the founders devised a system of divided government between different branches and levels of government. In this system, checks and balances are put in place to prevent any network from becoming too powerful. They also included the Bill of Rights in the Constitution, which guaranteed certain individual rights and protections against abuse of power by the government.

One of the most important founders of America and its legal system, **James Madison**, known as the "Father of the Constitution", advocated limited government with a system of separation of powers and checks and balances. He believed that the government should be divided into three branches - the executive, the legislature, and the judiciary - and that none of them should have more power than the other. He also advocated the principle of federalism, the separation of powers between the national government and the state governments. He believed that this would prevent the central government from becoming too powerful and allow for localized decision-making.

Madison believed that greater emphasis should be placed on personal freedom and personal responsibility. According to him, the main task of the state is to maintain order and protect the country. That's why he believed that the government should be given the necessary powers to maintain order and protect the country. **James Madison** saw the state as a necessary tool to maintain order and protect individual rights. In number 51 of the Federalist document, he wrote: "If men were angels, there would be no need for any government. If angels ruled over men, there would be no need for internal or external checks on government." Madison believed that the state was necessary to prevent abuse of power by individuals and to protect the rights of minority groups. [1]

Madison was a supporter of the federal government. In the newly formed state, he believed that the national government should have limited powers and the states should have more autonomy. The distinctive feature of James Madison's views on the form of government is that the essence of his ideas was focused on human rights and their protection. In The Federalist Papers (The Federalist Papers are 85 articles and essays written by Alexander Hamilton, James Madison, and John Jay to ratify the U.S. Constitution), he advocated a strong central government to protect individual rights and prevent abuse of power by the state. [2] that is necessary to get. He believed that a system of checks and balances was necessary to ensure that the government did not violate the rights of citizens. He helped draft the Constitution to include such guarantees.

Although America's founders had different views on law and the state, they all advocated a limited government that protected individual rights and was accountable to the people. They also set themselves the goal of creating a state based on the principle of federalism. It was thought that this would prevent the national government from becoming too powerful and allow the states to make localized decisions for themselves. They also favored the idea of republicanism, that government should be based on the consent of leaders. One of the founders who had such a view was Thomas Jefferson.

Thomas Jefferson is an important person who founded America and its legal system, the main author of the Declaration of Independence. The real views of **Thomas Jefferson** were close to the ideas of **James**

Madison. However, **Jefferson** advocated republican governance. **He taught the principles of natural rights, that is, that all individuals have certain inherent rights, such as the right to life, liberty, and property.** In his opinion, the government should protect these established rights, and at the same time, he believed that the role of the government should be limited. Although **Thomas Jefferson** advocated a form of government in which more powers were given to the central government, he noted the potential dangers of a powerful state. In a letter to James Madison, he wrote, "**A government big enough to give you everything you want is capable of taking everything you have.**" Jefferson believed that the state should have a limited role in the lives of individuals and that individuals should have the freedom to govern themselves. In addition, under the influence of Locke's ideas, Jefferson also put forward ideas about human rights and freedoms.[3] One of Jefferson's most famous statements in the Declaration of the Rights of Man is that all men are created equal and are endowed by their creator with certain "unalienable rights," including life, liberty, and the pursuit of happiness. He believes that these rights are fundamental, and no government can take them away. He further emphasizes that the government must protect these rights. Also, **Jefferson** put forward the idea that the government should be based on the principle of republicanism, that is, the consent of the governed. He believes that this prevents the government from becoming too powerful and ensures that the government is accountable to the people.

Alexander Hamilton was one of the United States Founding Fathers and a key figure in the drafting of the United States Constitution. He held strong opinions about government and law, which were shaped by his experiences and beliefs.

Hamilton advocated for a strong and centralized federal government. He believed that a strong central government was necessary to maintain order, stability, and security within the nation. He saw a powerful federal government as crucial for the economic development and overall success of the United States.

Hamilton was a proponent of a strong, interventionist government in economic affairs. He emphasized the importance of industrialization, a national bank, and a strong financial system to promote economic growth and stability.

Hamilton believed in the rule of law and the importance of a well-ordered society. He thought that a strong federal government was necessary to maintain law and order, protect property rights, and ensure the security of citizens. Because of this, Hamilton was somewhat skeptical of direct democracy and advocated representative government in which elected officials acted in the nation's best interests, bolstered by checks and balances.

In his Farmer's Rebuttal, "The sacred rights of mankind are not to be sought among old parchments or decayed writings. They are written by the divinity itself with the light of the sun and can never be erased or hidden by any power. The peoples of Turkey, Russia, France, Spain, and all other sovereign kingdoms of the world have an inalienable right to throw off the yoke of slavery at any time they wish", he said.[4]

His ideas about human rights are similar to those of James Madison. Hamilton argued that individual rights are important to a free and prosperous society and that the government must protect them. He believed that a strong federal government was necessary to protect individual rights from infringement by the states, and he helped draft the Constitution to include provisions for a federal judiciary to ensure the protection of individual rights.

America's founding fathers had different views on the concept of the state, with some emphasizing its importance as a necessary tool for maintaining order and protecting individual rights, while others viewed it as a potential threat to liberty.

The author of the most influential views on the form of government and its tasks is the English philosopher and founder of liberalism, John Locke. His ideas inspired the founders of America. Locke's

ideas greatly influenced the development of the American Declaration of Independence and the Constitution. Locke believed that the state exists to protect people's natural rights, such as life, liberty, and property. He argued that individuals enter into a social contract with the state in which they give up some of their natural rights in exchange for the protection and security provided by the state.

Thomas Paine, a well-known figure of the American Revolutionary Era and a major influence on the independence movement, was also inspired by the ideas of John Locke.

Thomas Paine was one of the supporters of limited government and republican form of government. He taught that government power should be limited.

Paine's pamphlet "Common Sense" strongly argued for the idea of popular sovereignty — that the government should be based on the will and consent of the people it governs. He believed that the people should have a significant role in shaping their government and that they should be able to alter or abolish it if it fails to protect their rights.[5]

Thomas Paine saw the state as a potential threat to individual freedom. In his *The Rights of Man*, Paine wrote, **“Government, even at its best, is a necessary evil, and at its worst, an intolerable evil.”** Paine believed that government power should be limited and that people should have the freedom to govern themselves. [6]

Paine believed in a democratic system where the voice of the people could be heard and respected. He championed the idea of regular elections, representation, and the ability of citizens to participate actively in their government.

Paine took an active part in the process of writing the Constitution. He said that the powers and limitations of the government should be clearly defined in the written constitution. He put forward a constitution that would serve as the basic law, preventing excessive government power and abuse of power.

Paine advocated for the separation of church and state and was a proponent of religious tolerance. He believed that government should not promote or favor any particular religion and that individuals should be free to practice their own beliefs without interference from the government.

Paine was strongly opposed to monarchy and aristocracy. He opposed hereditary rule and believed that political power should not be transferred based on birth or nobility.

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