



Constitutional Rights Foundation

Foundations of Our Constitution



The Declaration of Independence and Natural Rights

Thomas Jefferson, drawing on the current thinking of his time, used natural rights ideas to justify declaring independence from England.

Thomas Jefferson, age 33, arrived in Philadelphia on June 20, 1775, as a Virginia delegate to the Second Continental Congress. Fighting at Lexington, Concord, and Bunker Hill had already broken out between the colonists and British troops. Even so, most in Congress wanted to work out some mutual agreement with the mother country.

For more than a year, the Americans had sent petitions to England proclaiming their grievances against the British government. Colonists even appealed to the British people, pleading with them to elect different members of Parliament who would be more open to compromise. But the "British brethren" refused to do this.

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Soon after Jefferson arrived in Philadelphia, Congress assigned him to draft a document explaining why the colonists had taken up arms against England. Even at this late date, the Congress still blamed only Parliament and the king's government ministers, not King George himself, for the growing conflict. Jefferson's Declaration of the Causes and Necessity for Taking Up Arms stopped short of declaring independence, but pointed out the folly of governing the American colonies from England.

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Neither Parliament nor King George, however, were interested in negotiations to prevent all-out war. In August 1775, King George issued a proclamation charging that the Americans "had proceeded to open and avowed rebellion." A few months later, Parliament passed a significant act that placed the American colonies outside the king's protection. This act allowed the seizing of American ships, justified the burning of colonial towns, and led to sending war ships and troops, including foreign mercenaries, to put down the rebellion. Meanwhile, the royal governor of Virginia offered freedom to slaves who joined the British cause. These actions by the British king and government inflamed Americans who were undecided about independence and made war with England all but certain.

In May 1776, the Continental Congress took a fateful step and passed a resolution that attacked King George himself. This was not the first time in English history that such a thing had occurred. In 1688, Parliament had similarly denounced King James II. This led to the so-called Glorious Revolution, which drove James off the throne. Now, almost 100 years later, a formal declaration of independence by the Continental Congress was the only thing standing in the way of a complete break with King George.

The Declaration of Independence

Even before the Continental Congress declared independence, most colonies along with some towns, counties, and even private organizations had issued their own declarations. In most cases, these statements detailed British abuses of power and demanded the right of self-government.

On June 8, 1776, the Continental Congress voted to write a declaration of independence and quickly appointed a committee to draft a formal document. But the job of actually writing the draft fell to Thomas Jefferson, mainly because John Adams and other committee members were busy trying to manage the rapidly escalating war with England.

Working off and on while attending to other duties, Jefferson completed his draft of the declaration in a few days. He argued in his opening two paragraphs that a people had the right to overthrow their government when it abused their fundamental natural rights over a long period of time. Then in a direct attack on King George, Jefferson listed 20 instances when the king violated the rights of the American colonists. Having thoroughly laid out his proof that the king was a "tyrant" who was "unfit to be the ruler of a people," Jefferson continued on to condemn the British people. "These unfeeling brethren," he wrote, had reelected members of Parliament who had conspired with the king to destroy the rights of the colonists. Jefferson ended his draft by stating, "we do assert and declare these colonies to be free and independent states. . . ."

When Jefferson submitted his draft to the Congress on June 28, the delegates spent little time on his opening paragraphs, which today are the most famous parts of the Declaration of Independence. Instead, they concentrated on Jefferson's list of grievances against King George and the British people.

The delegates made some small changes to improve the Declaration's clarity and accuracy. But they also ripped apart the last sections of Jefferson's draft, deleting about 25 percent of it. They eliminated most of his harsh language directed against the British people and totally cut out Jefferson's passionate assault on slavery and the slave trade.

The removal of the section on slavery, Jefferson's last grievance against the king, probably resulted from objections by Southern slave-holding delegates. But Jefferson's argument was weakened when he blamed the king alone for continuing the slave trade and then condemned him for offering freedom to slaves who joined the British in fighting the American rebels.

Jefferson grew depressed as more and more of his words were cut or changed. He later wrote that the Congress had "mangled" his draft.

On July 2, 1776, the Continental Congress voted to declare the independence of the American colonies from English rule. On the Fourth of July, they approved the final edited version of the Declaration of Independence. There would be no turning back now.

Natural Rights

The members of the Continental Congress made only two minor changes in the opening paragraphs of Jefferson's draft declaration. In these two paragraphs, Jefferson developed some key ideas: "all men are created equal," "inalienable rights," "life, liberty, and the pursuit of happiness." Where did Jefferson get these ideas?

Jefferson was a man of the Enlightenment. This was the period during the 17th and 18th centuries when thinkers turned to reason and science to explain both the physical universe and human behavior. Those like Jefferson thought that by discovering the "laws of nature" humanity could be improved.

Jefferson did not invent the ideas that he used to justify the American Revolution. He himself said that he had adopted the "harmonizing sentiments of the day." These ideas were, so to speak, "in the air" at the time.

As a man of the Enlightenment, Jefferson was well acquainted with British history and political philosophy. He also had read the statements of independence drafted by Virginia and other colonies as well as the writings of fellow revolutionaries like Tom Paine and George Mason. In composing the declaration, Jefferson followed the format of the English Declaration of Rights, written after the Glorious Revolution of 1689.

Most scholars today believe that Jefferson derived the most famous ideas in the Declaration of Independence from the writings of English philosopher John Locke. Locke wrote his Second Treatise of Government in 1689 at the time of England's Glorious Revolution, which overthrew the rule of James II.

Locke wrote that all individuals are equal in the sense that they are born with certain "inalienable" natural rights. That is, rights that are God-given and can never be taken or even given away. Among these fundamental natural rights, Locke said, are "life, liberty, and property."

Locke believed that the most basic human law of nature is the preservation of mankind. To serve that purpose, he reasoned, individuals have both a right and a duty to preserve their own lives. Murderers, however, forfeit their right to life since they act outside the law of reason.

Locke also argued that individuals should be free to make choices about how to conduct their own lives as long as they do not interfere with the liberty of others. Locke therefore believed liberty should be far-reaching.

By "property," Locke meant more than land and goods that could be sold, given away, or even confiscated by the government under certain circumstances. Property also referred to ownership of one's self, which included a right to personal well being. Jefferson, however, substituted the phrase, "pursuit of happiness," which Locke and others had used to describe freedom of opportunity as well as the duty to help those in want.

The purpose of government, Locke wrote, is to secure and protect the God-given inalienable natural rights of the people. For their part, the people must obey the

laws of their rulers. Thus, a sort of contract exists between the rulers and the ruled. But, Locke concluded, if a government persecutes its people with "a long train of abuses" over an extended period, the people have the right to resist that government, alter or abolish it, and create a new political system.

Jefferson adopted John Locke's theory of natural rights to provide a reason for revolution. He then went on to offer proof that revolution was necessary in 1776 to end King George's tyranny over the colonists.

"All Men Are Created Equal"

Since 1776, no words in the Declaration of Independence have received more attention than Jefferson's phrase, "All men are created equal." But how could Jefferson and the other signers of the declaration believe this when slavery existed in the colonies? Some slave owners argued that slaves would become equal and worthy of natural rights only when they became civilized. For Jefferson, a life-long owner of slaves, this was a much more complex issue.

At an early age, Jefferson concluded that slavery was wrong. To his credit, he attempted to denounce slavery, or at least the slave trade, in the Declaration of Independence. Some scholars believe that Jefferson agreed with the Scottish philosopher, Francis Hutcheson, that all men are born morally equal to one another and that "Nature makes none masters, none slaves." But, how does this explain that Jefferson kept most of his slaves throughout his lifetime?

It appears that while Jefferson opposed slavery in principle, he saw no obvious way to end it once it became established. If the slaves were freed all at once, Jefferson feared that white prejudice and black bitterness would result in a war of extermination that the whites would win. He fretted that if slaves were individually emancipated they would have nowhere to go and no means to survive on their own. Of course, Jefferson along with most other Southern plantation owners were also economically dependent on slave labor.

The best Jefferson could come up with was a plan to take slave children from their parents and put them in schools to be educated and taught a trade at public expense. Upon becoming adults, they would be transported to a colony somewhere and given tools and work animals to start a new life as a "free and independent people."

Nothing ever came of Jefferson's fanciful plan. Slavery in the new United States of America would last another 89 years until the end of the Civil War. But even then, the equality promised in the Declaration of Independence was denied not only to African Americans, but also to other minorities and women. Even today, Americans are still not certain what equality means in such areas as affirmative action, sex discrimination, and gay rights.

The Declaration of Independence has no legal authority. It is not part of the basic law of the United States like the Constitution and the Bill of Rights. But its words have resonated as the ideals of the United States. Abolitionists in the 19th century asked Americans to live up to the ideal of equality and eliminate slavery. The civil