

DECLARATION OF INDEPENDENCE, U.S.

The Declaration of Independence, written in 1776, marked the birth of a new nation, the United States of America.

Drafted mainly by Thomas Jefferson, edited by a committee consisting of Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert R. Livingston, and then by the Second Continental Congress that had appointed the committee, the Declaration set forth not only the causes that led Americans to sever their political ties with England but also a moral and political vision that speaks to the ages. In a few brief lines, penned at the beginning of America's struggle for independence, the founders distilled their philosophy of government: individual liberty, defined by rights to life, liberty, and the pursuit of happiness, secured by a government instituted for that purpose, its powers grounded in the consent of the governed.

At the time, these were revolutionary ideas, because no people had instituted them as Americans would eventually do, first with the Constitution of 1787, then with the Bill of Rights, ratified in 1791, and finally with the amendments that followed the Civil War (1861–1865). Yet the ideas themselves grew from a history stretching back to antiquity. Two influences were seminal, however: the five-hundred-year evolution of judge-made common law in England, which fleshed out the rights individuals had against one another and, in time, against government itself; and John Locke's *Second Treatise of Government* (1690), which drew upon that tradition to fashion a theory of legitimate government, grounded in natural rights. Thus, by the time Jefferson sat down to draft the Declaration, these ideas were commonplace in the colonies, even if it remained to institute them securely. The document itself has three main parts. Invoking "the Laws of Nature and of Nature's God," it begins by stating the need, out of "a decent Respect to the Opinions of Mankind," to declare the causes of the separation, then sets forth the famous lines about liberty and limited government—the moral foundation that justifies those causes. There follow next the causes themselves, the "long Train of Abuses and Usurpations" the king of England had visited upon the colonies. Finally, appealing "to the Supreme Judge of the World for the Rectitude of [their] Intentions," the founders declare "That these United Colonies are, and of Right ought to be, Free and Independent States."

So important are the Declaration's famous lines setting forth the founders' moral and political vision that they bear statement and closer examination: "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." Note first that these truths are said to be "self-evident"—truths of reason. To be sure, the founders were men of faith, and of various faiths; but they were mindful also that they were setting forth universal truths, truths for all people, whatever their beliefs. Thus, they appeal

to reason, not to faith or mere will. Second, notice that they set forth the moral order first, then the political and legal order it entails.

Following Locke, they begin the business of justification by determining first, through reason, what rights and obligations individuals have respecting one another. They can then determine how legitimate government might arise through the exercise of those rights. Turning to the truths themselves, the founders begin with a simple premise, that all men are created equal, then define that equality as a matter of rights to life, liberty, and the pursuit of happiness. Three fundamental points emerge here. First, men are all equal only in having equal natural rights, not in any other sense. But that point is crucial because it means that no one has natural rights superior to those of anyone else; and yet it allows for the inequality that invariably arises when people exercise their liberties as they wish and may. Second, by grounding their vision in rights rather than values, virtues, or other moral notions, the founders paved the way for liberty through law. Rights define the acts that are permitted, prohibited, or required, whether or not those acts are valuable or virtuous. Finally, as a corollary, people are free to pursue happiness as they wish, by their own lights, provided only that they respect the equal rights of others in the process. Others are free to criticize these pursuits, but not to restrict them. People are free to be virtuous, however defined, but not compelled to be. That is the very essence of a free society.

To secure that freedom, however, government is the natural instrument. But one must be careful, because government itself can be tyrannical. Thus, when the founders turn at last in this passage to government, it is twice limited: by its ends—securing individual rights; and by its means—to be just, the governed must consent to its powers. Reason and consent, the two traditional sources of political legitimacy, are there joined for “a candid World “to see.

The Declaration’s principles have never been fully realized, of course. When the Constitution was drafted eleven years later it drew heavily on these principles; to ensure the union, however, it recognized slavery, albeit obliquely. The framers wrestled with the issue, hoping the institution would wither away over time. It did not. It took a civil war to end slavery, and the passage of the Civil War amendments to incorporate in the Constitution at last the grand principles of the Declaration. And in other ways too—not least, the growth of modern government—Americans have strayed from the Declaration’s vision of liberty through limited government. Nevertheless, that vision—the right of every individual to chart a course through life, free from the interference of others or of government—continues to inspire millions around the world who see in the Declaration of Independence the principles under which they themselves aspire to live.

SEE ALSO American Revolution; Congress, U.S.; Franklin, Benjamin; Jefferson, Thomas; Locke, John; Natural Rights

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