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## Educational materials for Declaration of Independence

In this essay, James R. Stoner outlines the role of natural law in the [Declaration of Independence](#). In some respects, the Declaration conforms to the English tradition (exemplified by the [Magna Carta](#) and the [1689 Bill of Rights](#)) by accusing the British authorities of violating the English constitutional and common law tradition. However, to justify American independence, the Declaration makes a further appeal to the natural rights of man, thus transcending the traditional English system in favor of a higher, natural law. In so doing, Thomas Jefferson – the principal drafter of the Declaration – emphasizes the claim to equality. Though informed by the political thought of [Thomas Hobbes](#) and [John Locke](#), this claim to equal rights went beyond what was assumed by their social compact theory; indeed, the Declaration finds the source of the natural rights of life, liberty, and the pursuit of happiness in a Creator God. In our society today, natural law is often seen in opposition to freedom, but for those who wrote and signed the Declaration, freedom itself arose from the natural law.



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### THOMAS JEFFERSON

Thomas Jefferson was born in Shadwell, Virginia on April 13, 1743, the third of ten children. Jefferson's father was a surveyor and his mother the daughter of a ship's captain. At the age of nine, Jefferson entered school and began studying Latin, Greek, and French. In 1760 he entered the college of William and Mary, graduating two years later with highest honors. He was called to the bar in 1767.

In 1775, Jefferson served as a Virginia delegate to the Second Continental Congress, and was part of the five-person committee selected by the Congress to draft a declaration of independence from England. Jefferson went on to serve as governor of Virginia from 1779-81. During the French Revolution, he acted as George Washington's foreign minister to France. Jefferson sympathized strongly with the principles of the French Revolution, to the dismay of many of his fellow Americans. Jefferson served as Vice-President under John Adams, frequently working against the President behind his back. He was elected president in 1800, served two terms, and then retired from office. He died July 4, 1826, a few hours before John Adams and fifty years after the signing of the [Declaration of Independence](#).

*To read more about Thomas Jefferson, please click [here](#).*



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### equality principle:

the doctrine that all people are naturally and pre-politically equal and that governmental arrangements ought to respect this natural equality

### law of nations:

the legally binding principles that govern interaction between nations

### natural law:

the normative principles, discovered by rational reflection on human nature, that guide human action

### natural right:

a valid claim to some protection or benefit that is not bestowed by a government but arises necessarily

from the given state of human nature

### **social compact theory:**

the theory that citizens make a compact with one another such that they agree to give up some of their liberty by putting a government over them in exchange for receiving the benefits and protections that a government offers. According to [Locke](#), when the government ceases to benefit its citizens, but instead abuses or tyrannizes them, the citizens have a right to withhold their allegiance to the offending government and even to revolt

### **unalienable right:**

a valid claim to some protection or benefit that nobody – even the rights bearer himself – can give up



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I. The [Declaration of Independence](#) gives prominence to natural law and relies on it as a premise

II. Justifying American independence:

A. The Declaration of Independence marked the culmination of a series of declarations issued by Continental Congresses (associations of representatives of thirteen British colonies), which

B. catalogued grievances against Great Britain by appealing to liberties of English Constitution and common law

1. maintained continuity with the English constitutional tradition (e.g. Magna Carta, 1689 Bill of Rights); followed pattern in alleging constitutional violations

C. In July 1776, Congress decides upon independence from Britain; an appeal to the British Constitution therefore seen as insufficient justification

1. Congress addresses the “opinions of mankind” and makes an appeal based on “the law of nature and of nature’s God”

2. the powers belonging “of right” to “free and independent states” listed in the Declaration’s conclusion (e.g. “to levy war, conclude peace, contract alliances, establish commerce”) are best understood as natural

3. Americans needed international justification for separation from Britain and to gain European allies

III. Declaration’s central function is to justify the theory of God-given rights and man-made government

A. Analysis of the “We hold these truths to be self-evident” passage:

1. “self-evident truth” linked to natural law and functions as its definition

2. earlier drafts list rights as “inherent”

3. previous declarations and bills of rights refer to “immutable laws of nature,” and “inherent rights”

B. Implications of Jefferson’s words

1. natural equality as a standard against which to measure the government

- a) Lincoln used this against slavery, others against gender inequality
- 2. the “pursuit of happiness” rather than “property” bases rights on human nature, because property viewed as a conventional, rather than natural, right
- 3. Many interpret the passage according to the Lockean/Hobbesian view of a social compact based on autonomy
  - a) in fact, the Declaration’s view rooted in a deeper morality
  - b) more orthodox invocations of the deity than “nature’s God,” e.g. inalienable rights endowed by the Creator, a “firm reliance” on “Divine Providence,” submission to the verdict of the “Supreme Judge”
  - c) duty to establish a better government, not just the right to dissolve a bad one
  - d) continuity with old tradition
- i. a government aimed at “safety and happiness”
- ii. invokes classic political virtue of prudence
- iii. cataloguing of grievances suggests a violation of pre-existing constitutional order

#### IV. unity of natural law and freedom

A. today, we think political liberty is the right of men to rule themselves or to participate in management of common life

B. for the authors of the Declaration, political liberty is endorsed by natural law; this political freedom rests on transcendent, rational ground



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### Part I. Basic Interpretation

If you are interested, after reading James Stoner’s essay, in further studying the Declaration of Independence, please go to the [Primary Source Documents](#) to read connected works. As you go back to the primary sources, keep in mind the following questions:

- 1. Why might we consider the Declaration of Independence an illustration of natural law? In other words, what natural law principles seem to underlie the Declaration’s argument for independence?
- 2. Why would the Founders have chosen to use natural law principles in the Declaration of Independence?
- 3. What is the meaning of equality in the Declaration? Of liberty?
- 4. What can we grasp about the Founders’ concept of good government from the Declaration’s description of man’s unalienable rights and the list of grievances against the British king? How should a good government operate and what goals should it be capable of achieving?
- 5. Stoner tells us that “political liberty and natural law went together” for those who crafted and signed the Declaration. What does the Declaration suggest about the relationship between freedom and law?

### Part II. Connections to Other Thinkers

In order to understand the Declaration of Independence, it is important to understand the ancient and contemporary thought that influenced it. As you look deeper into the Declaration of Independence, consider the following questions in light of the broader history of ideas.

1. We have seen that, for Aristotle and Aquinas, human reason is naturally inclined toward virtue as the source of temporal (and for Aquinas, eternal) happiness. The benefit of rationality is the ability to comprehend virtuous choices as good in themselves and good for you. Consider some of the primary sources accompanying Stoner's essay, especially the letters of Thomas Jefferson: What seems to be the scope and benefit of human reason in these early documents of the American constitutional tradition?
2. [Aquinas](#), following on [Aristotle](#), demonstrates that law's purpose is to cultivate virtue—some struggle harder to live a virtuous life than others, but law guides the process of becoming virtuous by prohibiting and punishing certain acts. Does law play a similar role in the Declaration of Independence and the other documents of the American founding? How do these documents characterize the individual as a member of the political community? Is there any emphasis given to a [Ciceronian](#) model of the virtuous citizen?
3. Stoner explains that the Declaration was shaped in part by the English constitutional tradition, exemplified by the Magna Charta and the English Bill of Rights. How does the Declaration depart from that tradition? Are there any similarities between these earlier documents and the Declaration of Independence?
4. Is the Declaration's concept of "unalienable right" the same as [Hobbes'](#) concept of "natural right"? What about the concept of "natural right" referenced in the other primary source documents (e.g. Virginia's Bill of Rights, the Declaration, and Resolves of the First Continental Congress)? Does Hobbes's theory that we live in the state of nature where every man is at war with every other man appear to influence the American founding documents?
5. Compare the American founding documents' expression of "unalienable rights" and "natural rights" with [Locke's](#) natural rights philosophy. Are these the same? Bear in mind that Hobbes's concept of natural right does not carry with it the same sense of duty to respect others' rights that we find in Locke.

### Part III. Critical Interpretations

With a basic understanding of the Declaration of Independence, let us examine it and the related documents more critically. Use the questions below as your guide:

1. As we compare Hobbes, Locke, and the American founding documents on natural rights, what are we to make of the Declaration's claim that rights are God-given? This move is not part of Hobbes' philosophy, nor Locke's. Does attributing rights to a Divine Creator make rights claims more legitimate?
2. In the essay, Stoner tells us that in the Declaration, "natural law appears to ground the law of nations; in the absence of an imperial suzerain or an international league, nature itself must be the standard and world opinion its court." In this sense, natural law for the Founders grounds the "rights" of independent states to start war, create peace treaties, establish commerce, and act on other "natural" powers. As regards individuals, Stoner also observes that natural law grounds the Founders' "theory of God-given rights and man-made government." Is the Founders' concept of natural law as we see it in the Declaration and other American founding documents a strong enough justification for saying that our rights to life, liberty, and the pursuit of happiness are "unalienable," and that we have a "right" to alter or abolish a government which jeopardizes the people's free consent to it?
3. The Declaration tells us not only that we have a right to alter or abolish an unjust government, but also that we have a duty to do so. Thus the rights theory presented here suggests that with rights come

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some responsibilities. But toward whom or what are these responsibilities directed? Is there any sense in which our unalienable or natural rights entail a duty to protect the happiness of human beings other than ourselves? Or is it “looking out for number one” that ought to direct our political actions?

4. Though the Declaration refers to rights frequently it only rarely mentions virtue. Can the exercise of natural rights exist sustainably without grounding in popular virtue?

5. What kind of precedence does the Declaration set? What is the threshold past which one is justified by natural right in overturning a government? How does natural law stop itself from dissolving into anarchy?

### Part IV. Contemporary Connections

As a seminal document of the American founding, the Declaration of Independence is still regularly called upon in modern debates. Therefore, let us now turn to some contemporary issues and see how the thought of the Declaration of Independence might be applied to them:

1. Does it still make sense to say that rights are God-given in America’s contemporary secular democracy?

2. How do the natural law concepts used by the founders differ from contemporary new natural law theory?

3. International law is today a developing and ever more powerful force based partly in contracts and treaties among nations. Yet before there was such a contractual basis for international law, natural law was the controlling force over international relations. How might natural law be used today to govern international policy? Is codified international law a necessary addition?

4. Stoner points out the important development of the equality principle in the Declaration and traces the way it has been used in political causes throughout America’s history. How is the equality principle evoked today? What causes is it used to support? Does the contemporary use of it cohere with the Declaration’s conception of equality?

5. What does the phrase “pursuit of happiness” mean? What responsibilities might it lay on contemporary government?

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