

# **Chapter Four**

## **The Declaration of Independence**

# Five Basic Notions

- ❖ **All Men are Created Equal**
- ❖ **Power is Derived from the Consent of the Governed**
- ❖ **The Duty to Throw off Despotic Governments**
- ❖ **The Meaning of Independence**
- ❖ **The Reference to the Protection of Divine Providence**

# All Men are Created Equal

“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”

# Power is Derived from the Consent of the Governed

"That to secure these rights,  
governments are instituted  
among Men, deriving their  
just powers from the  
consent of the governed;

The Declaration of Independence  
1776

"...that government of the  
people, by the people, and  
for the people, shall not  
vanish from this earth."

President Abraham Lincoln  
Gettysburg Address, 1863

# As a Result....

- By "government of the people, by the people, and for the people," Lincoln meant, the essentials of democratic government he so well described are applicable to all nations that aspire to a democratic society.
- Democracy is hard, perhaps the most complex and difficult of all forms of government. It is filled with tensions and contradictions, and requires that its members labor diligently to make it work.
- Democracy is not designed for efficiency, but for accountability; a democratic government may not be able to act as quickly as a dictatorship, but once committed to a course of action it can draw upon deep wellsprings of popular support.
- Democracy is never a finished product, but is always evolving.

# The Duty to Throw off Despotic Governments

“That whenever any Form of Government becomes destructive, *it is the Right of the People to alter or to abolish it,* and to institute new Governments...”

“When a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, *it is their duty to throw off such Government...*”

# The Meaning of Independence

“We... do, in the Name and by Authority of the good People of these Colonies, solemnly publish and declare, that these United Colonies are, and of Right ought to be FREE AND INDEPENDENT STATES; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; *and that as Free and Independent States, they have full Power to levy War, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do*”

# The Reference to the Protection of Divine Providence

“And for the support of this Declaration, with a firm reliance on *the protection of Divine Providence*, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor”

# For Further Reading

- In January 1776, Thomas Paine, a political theorist and writer who had come to America from England in 1774, published a 50-page pamphlet, *Common Sense*. Paine attacked the idea of hereditary monarchy. Circulated throughout the colonies, *Common Sense* helped to crystallize the desire for separation from Great Britain.
- There still remained the task, however, of gaining each colony's approval of a formal declaration. On May 10, 1776, a resolution was adopted calling for separation. Now only a formal declaration was needed. On June 7, Richard Henry Lee of Virginia introduced a resolution declaring "That these United Colonies are, and of right ought to be, free and independent states...." Immediately, a committee of five, headed by Thomas Jefferson of Virginia, was appointed to prepare a formal declaration.
- Largely Jefferson's work, the Declaration of Independence, adopted July 4, 1776, not only announced the birth of a new nation, but also set forth a philosophy of human freedom that would become a dynamic force throughout the entire world. The Declaration draws upon French and English Enlightenment political philosophy, but one influence in particular stands out: John Locke's *Second Treatise on Government*. Locke took conceptions of the traditional rights of Englishmen and universalized them into the natural rights of all humankind.
- In the Declaration, Jefferson linked Locke's principles directly to the situation in the colonies. To fight for American independence was to fight for a government based on popular consent in place of a government by a king who had "combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws...." Only a government based on popular consent could secure natural rights to life, liberty and the pursuit of happiness. Thus, to fight for American independence was to fight on behalf of one's own natural rights.

# For Further Reading

- Some colonists were loyal to England throughout the war. Others wanted the problems to be fixed. After much debate, they decided to declare their independence from England. The Congress asked Thomas Jefferson, a lawyer and farmer from Virginia, to write the 'Declaration of Independence'. What he wrote inspired the Americans fighting for freedom.
- Some of the most important ideas in the 'Declaration of Independence' form the very basis of the American Government. Perhaps, the most important is the belief that *all men are created equal*. This belief is crucial to a working democracy. And while all Americans have not always enjoyed equal rights, this stated belief has given inspiration to those working to extend rights to everyone.
- Jefferson based his claim to independence on two basic principles:
  - ❖ That all people have "certain unalienable rights", including "life, liberty and the pursuit of happiness";
  - ❖ That a government exists only by consent of the governed.

The 'Declaration' was adopted on July 4, 1776. Americans celebrate this day as the birth of their country.

# For Further Reading

- The earliest Americans did not speak of "human rights." But they did speak of freedom and liberties, and they valued them highly. As British subjects, they were well familiar with the steady evolution of British political and constitutional rights. Many of the first colonists came to the New World seeking the religious freedom denied them in 17th-century Europe. Massachusetts was founded by Puritans, Pennsylvania by Quakers, Maryland by Catholics. French Calvinists -- Huguenots -- attempted an early colony in the Middle South, and later settled in important numbers in several colonies farther north.
- In addition to bringing their religious faith to the New World, American colonists brought a passion for self-government. Even before they landed on the coast of Massachusetts in 1620, America's early settlers, the Puritans, drew up the "Mayflower Compact," agreeing to abide by "just and equal laws" framed by leaders of their own choosing. Massachusetts was not a perfect democracy, but as more and more settlers filled the coastal towns and peopled the interior of the northeastern United States -- the area commonly known as New England -- the tendency was toward inclusion. By the 18th century, the democratic nature of the New England town meeting, at which inhabitants of a town come together as its legislative authority, was firmly established. Among America's founding fathers who emerged from this background were John and Samuel Adams, Benjamin Franklin, Alexander Hamilton, and many others.
- Thus, when the time came for the American colonists to dissolve the political bonds that connected them to Britain, they looked to an already well-established body of law and custom that recognized freedom of speech, of religious worship, and of assembly, as well as the right to petition, to a jury trial, and to have a say in governing their own affairs. In fact, it was the curtailment of these liberties that sparked America's revolution to gain independence from Britain.

# For Further Reading

## *The Principles of Freedom*

Although the first battles of the American Revolution occurred in 1775, the Declaration of Independence by the American colonies in 1776 formally announced the revolution. Its principal author was Thomas Jefferson, who later became the third president of the United States.

With the Declaration of Independence, Jefferson created a succinct yet eloquent affirmation of human rights and natural law. In the Declaration's second paragraph, Jefferson wrote: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable [inalienable] 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...."

As Abraham Lincoln, who led the United States during its fiercest battle over human rights -- the Civil War -- said of the Declaration more than a half-century later, its signers "meant simply to declare the right so that enforcement of it might follow as fast as circumstances might permit. They meant to set up a standard maxim for free society, which would be familiar to all and revered by all; constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence and augmenting the happiness and value of life to all people of all colors everywhere."

Although the Declaration of Independence did not provoke the American Revolution, it did clarify the rationale for the battle, which continued, with assistance from the French, until the British surrendered. On September 3, 1783, American and British representatives signed articles of peace -- the Treaty of Paris -- in which Britain acknowledged the independence, freedom, and sovereignty of the 13 former American colonies, soon to be states.

The success of the revolution gave Americans the opportunity to give legal form to their ideals as expressed in the Declaration of Independence and to remedy some of the grievances through state constitutions. As early as May of 1776, Congress had passed a resolution advising the colonies to form new governments "such as shall best conduce to the happiness and safety of their constituents." Within a year after the Declaration of Independence, all but three states had drawn up constitutions.

# For Further Reading

## What is Democracy?

- Despite its current vogue, "democracy" is a term that is often misunderstood and misused. Totalitarian and military regimes, for example, may call themselves democratic republics and showcase constitutions promising rights and freedoms that are, in reality, nonexistent. Furthermore, in countries emerging from totalitarianism, where oppression has been the norm for decades, there may be a tendency to view democracy simplistically, as a guarantee of individual freedom, even license, rather than as a complex interplay of ideas, institutions, obligations, rights, and actions.
- Democracy is a system of self-government where the citizens are equal and political decisions are made by majority rule, but always with the protection of minority rights. In its purest form, democracy affords citizens the opportunity to participate directly in the decision-making process. This is called direct democracy. But given the size and complexity of today's societies, it is generally more practical for citizens to elect representatives who will govern and make decisions on their behalf. Representative democracy relies on regular, free, fair, and competitive elections to hold the government accountable to the people.
- In a democracy, the government exists to serve the people, not the other way around. Since democratic government derives its authority from the consent of the governed, the people have the capacity to change the government peacefully when they lose confidence in it. And they need not fear a bullet if they try.
- While majority rule is the bedrock principle upon which democracy rests, simple majoritarianism has its own drawbacks. Hence it usually operates within a constitutional framework that limits the power of government and safeguards individual and minority rights. In such constitutional democracies, all citizens possess certain fundamental rights, and the exercise of those rights by minorities does not depend upon the goodwill of the majority.
- Such rights are guaranteed through mechanisms that are extremely difficult to alter. In the United States, for example, the Constitution lists freedom of speech, freedom of religion, freedom of assembly, and the right to a fair trial as inalienable rights of all citizens. The state and national governments are forbidden from passing any law that denies or erodes these rights.

# For Further Reading

## What is Democracy?

- Also fundamental to democratic government are the checks and balances that block any institution, group, or individual from becoming too powerful. It is important, for example, to have an independent judiciary that can prevent the executive and legislative branches from overstepping their bounds. In the United States, the executive and the Congress operate separately to provide further checks on each other. In this way, no one person or even a single branch of government can amass enough power to threaten or violate citizens' rights. Although parliamentary and presidential systems differ in how they divide the powers of government, they all provide some mechanisms to limit the power of any branch.
- But just as democracy can fail if the government has too much power, it can also fail if government does not have enough power. The democratic process is a formula for fairness, not passivity or anarchy. Leadership is accordingly necessary for the success of democratic government, and citizens must abide by decisions of their elected leaders and obey the laws of the society (provided they do not violate any fundamental rights).
- Contrary to some perceptions, a healthy democratic society is not simply an arena where individuals pursue their private agendas. It may be the promise of freedom and opportunity that makes democracy so attractive, but just as important to its success--and all too often ignored--are the responsibilities and habits of mind that must accompany life in a democratic society.
- Democratic citizens are, for example, expected to participate in the political life of their society and to lend their influence to the public debate. They may do this in many ways, including: by choosing representatives to the government; joining political parties, labor unions, and other voluntary organizations; serving on juries in civil or criminal trials; even running for public office themselves. To participate effectively, people must inform themselves about the issues affecting society and be able to weigh self-interest and factional interest against concern for the public good. They must be tolerant of dissenting views and able to cooperate and compromise. They must exhibit respect for law and legitimate authority as well as for privacy and property.
- Democracy is thus more than a system of government. It is a way of living and working together. And it is only when the manifold responsibilities of democratic life are taken seriously by citizens that its rights and rewards will be meaningful.

# "The Star-Spangled Banner" Official National Anthem of the U.S.

Oh, say can you see, by the dawn's early light,  
What so proudly we hailed at the twilight's last  
gleaming?  
Whose broad stripes and bright stars, through the  
perilous fight,  
O'er the ramparts we watched, were so gallantly  
streaming?  
And the rockets' red glare, the bombs bursting in air,  
Gave proof through the night that our flag was still  
there.  
O say, does that star-spangled banner yet wave  
O'er the land of the free and the home of the brave?

On the shore, dimly seen through the mists of the  
deep,  
Where the foe's haughty host in dread silence reposes,  
What is that which the breeze, o'er the towering steep,  
As it fitfully blows, now conceals, now discloses?  
Now it catches the gleam of the morning's first beam,  
In full glory reflected now shines on the stream:  
'Tis the star-spangled banner! O long may it wave  
O'er the land of the free and the home of the brave.

- And where is that band who so vauntingly swore  
That the havoc of war and the battle's confusion  
A home and a country should leave us no more?  
Their blood has wiped out their foul footsteps'  
pollution.  
No refuge could save the hireling and slave  
From the terror of flight, or the gloom of the  
grave:  
And the star-spangled banner in triumph doth  
wave  
O'er the land of the free and the home of the  
brave.
- Oh! thus be it ever, when freemen shall stand  
Between their loved homes and the war's  
desolation!  
Blest with victory and peace, may the heaven-  
rescued land  
Praise the Power that hath made and preserved  
us a nation.  
Then conquer we must, for our cause it is just,  
And this be our motto: "In God is our trust."  
And the star-spangled banner forever shall wave  
O'er the land of the free and the home of the  
brave!

**Francis Scott Key (1779 - 1843)**