

MAKING SENSE OF THE FOURTH OF JULY



SPRIT OF '76

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MAKING SENSE OF THE FOURTH OF JULY

By Pauline Maier

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John Adams thought Americans would commemorate their Independence Day on the second of July. Future generations, he confidently predicted, would remember July 2, 1776, as “the most memorable Epocha, in the History of America” and celebrate it as their “Day of Deliverance by solemn Acts of Devotion to God Almighty. It ought to be solemnized with Pomp and Parade, with Shews, Games, Sports, Guns, Bells, Bonfires and Illuminations from one End of this Continent to the other from this Time forward forever more.”

His proposal, however odd it seems today, was perfectly reasonable when he made it in a letter to his wife, Abigail. On the previous day, July 2, 1776, the Second Continental Congress had finally resolved “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.” The thought that Americans might instead commemorate July 4, the day Congress adopted a “declaration on Independency” that he had helped prepare, did not apparently occur to Adams in 1776. The Declaration of Independence was one of those congressional statements that he later described as “dress and ornament rather than Body, Soul, or Substance,” a way of announcing to the world the fact of American independence, which was for Adams the thing worth celebrating.

In fact, holding our great national festival on the Fourth makes no sense at all—unless we are actually celebrating not just independence but the Declaration of Independence.

And the declaration we celebrate, what Abraham Lincoln called “the charter of our liberties,” is a document whose meaning and function today are different from what they were in 1776. In short, during the nineteenth century the Declaration of Independence became not just a way of announcing and justifying the end of Britain’s power over the Thirteen Colonies and the emergence of the United States as an independent nation but a statement of principles to guide stable, established governments. Indeed, it came to usurp in fact if not in law a role that Americans normally delegated to bills of rights. How did that happen? And why?

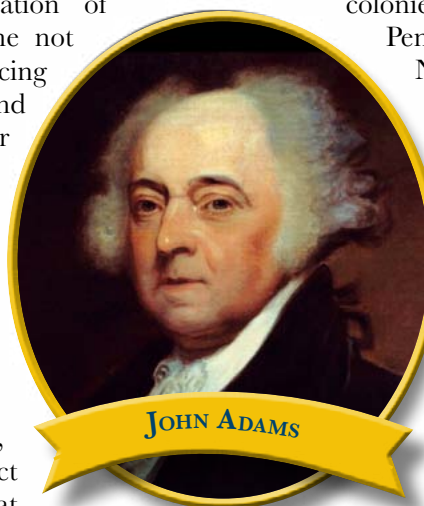
According to notes kept by Thomas Jefferson, the Second Continental Congress did not discuss the resolution on independence when it was first proposed by Virginia’s Richard Henry Lee, on Friday, June 7, 1776, because it was “obliged to attend at that time to some other business.” However, on the eighth, Congress resolved itself into a Committee of the Whole and “passed that day & Monday the 10th in debating on the subject.” By then all contenders admitted that it had become impossible for the colonies ever again to be united with Britain. The issue was one of timing.

John and Samuel Adams, along with others such as Virginia’s George Wythe, wanted Congress to declare independence right away and start negotiating foreign alliances and forming a more lasting confederation

(which Lee also proposed). Others, including Pennsylvania’s James Wilson, Edward Rutledge of South Carolina, and Robert R. Livingston of New York, argued for delay. They noted that the delegates of several colonies, including Maryland, Pennsylvania, Delaware, New Jersey, and New York, had not been “i m p o w e r e d” by their home governments to vote for independence. If a vote was taken immediately, those delegates would have to “retire” from Congress, and their states might secede from the union, which would seriously weaken the

Americans’ chance of realizing their independence. In the past, they said, members of Congress had followed the “wise & proper” policy of putting off major decisions “till the voice of the people drove us into it,” since “they were our power, & without them our declarations could not be carried into effect.” Moreover, opinion on independence in the critical middle colonies was “fast ripening & in a short time,” they predicted, the people there would “join in the general voice of America.”

Congress decided to give the laggard colonies time and so delayed its decision for three weeks. But it also appointed a Committee of Five to draft a declaration of independence so that such a document could be issued quickly once Lee’s motion passed. The committee’s members included Jefferson, Livingston, John Adams, Roger Sherman of Connecticut, and



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Pennsylvania's Benjamin Franklin. The drafting committee met, decided what the declaration should say and how it would be organized, then asked Jefferson to prepare a draft.

Meanwhile, Adams—who did more to win Congress's consent to independence than any other delegate—worked feverishly to bring popular pressure on the governments of recalcitrant colonies so they would change the instructions issued to their congressional delegates. By June 28, when the Committee of Five submitted to Congress a draft declaration, only Maryland and New York had failed to allow their delegates to vote for independence. That night Maryland fell into line.

Even so, when the Committee of the Whole again took up Lee's resolution, on July 1, only nine colonies voted in favor (the four New England states, New Jersey, Maryland, Virginia, North Carolina, and Georgia). South Carolina and Pennsylvania opposed the proposition, Delaware's two delegates split, and New York's abstained because their twelve-month-old instructions precluded them from approving anything that impeded reconciliation with the mother country. Edward Rutledge now asked that Congress put off its decision until the next day, since he thought that the South Carolina delegation would then vote in favor "for the sake of unanimity." When Congress took its final tally on July 2, the nine affirmative votes of the day before had grown to twelve: Not only South Carolina voted in favor, but so did Delaware—the arrival of Caesar Rodney broke the tie in that delegation's vote—and Pennsylvania. Only New York held out. Then on July 9 it, too, allowed its delegates to add their approval to that of delegates from

the other twelve colonies, lamenting still the "cruel necessity" that made independence "unavoidable."

Once independence had been adopted, Congress again formed itself into a Committee of the Whole. It then spent the better part of two days editing the draft declaration submitted by its Committee of Five, rewriting or chopping off large sections of text.

One colonial newspaper dismissed the Declaration's extensive charges against the king.

Finally, on July 4, Congress approved the revised Declaration and ordered it to be printed and sent to the several states and to the commanding officers of the Continental Army. By formally announcing and justifying the end of British rule, that document, as letters from Congress's president, John Hancock, explained, laid "the Ground & Foundation" of American self-government. As a result, it had to be proclaimed not only before American troops in the hope that it would inspire them to fight more ardently for what was now the cause of both liberty and national independence but throughout the country, and "in such a Manner, that the People may be universally informed of it."

Not until four days later did a committee of Congress—not Congress itself—get around to sending a copy of

the Declaration to its emissary in Paris, Silas Deane, with orders to present it to the court of France and send copies to "the other Courts of Europe." Unfortunately the original letter was lost, and the next failed to reach Deane until November, when news of American independence had circulated for months. To make matters worse, it arrived with only a brief note from the committee and in an envelope that lacked a seal, an unfortunately slipshod way, complained Deane, to announce the arrival of the United States among the powers of the earth to "old and powerful! states." Despite the Declaration's reference to the "opinions of mankind," it was obviously meant first and foremost for a home audience.

As copies of the Declaration spread through the states and were publicly read at town meetings, religious services, court days, or wherever else people assembled, Americans marked the occasion with appropriate rituals. They lit great bonfires, "illuminated" their windows with candles, fired guns, rang bells, tore down and destroyed the symbols of monarchy on public buildings, churches, or tavern signs, and "fixed up" on the walls of their homes broadside or newspaper copies of the Declaration of Independence.

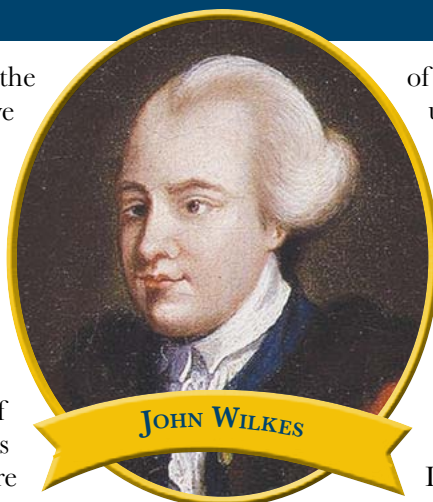
But what exactly were they celebrating? The news, not the vehicle that brought it; independence and the assumption of self-government, not the document that announced Congress's decision to break with Britain. Considering how revered a position the Declaration of Independence later won in the minds and hearts of the people, Americans' disregard for it in the first years of the new nation verges on the unbelievable. One colonial

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newspaper dismissed the Declaration's extensive charges against the king as just another "recapitulation of injuries," one, it seems, in a series, and not particularly remarkable compared with earlier "catalogues of grievances." Citations of the Declaration were usually drawn from its final paragraph, which said that the united colonies "are and of Right ought to be Free and Independent states" and were "Absolved of all Allegiance to the British Crown"—words from the Lee resolution that Congress had inserted into the committee draft. Independence was new; the rest of the Declaration seemed all too familiar to Americans, a restatement of what they and their representatives had already said time and again.

The adoption of independence was, however, from the beginning confused with its declaration. Differences in the meaning of the word declare contributed to the confusion. Before the Declaration of Independence was issued—while, in fact, Congress was still editing Jefferson's draft—Pennsylvania newspapers announced that on July 2 the Continental Congress had "declared the United Colonies Free and Independent States," by which it meant simply that it had officially accepted that status. Newspapers in other colonies repeated the story. In later years the "Anniversary of the United States of America" came to be celebrated on the date Congress had approved the Declaration of Independence. That began, it seems, by accident. In 1777 no member of Congress thought of marking the anniversary



of independence at all until July 3, when it was too late to honor July 2. As a result, the celebration took place on the Fourth, and that became the tradition. At least one delegate spoke of "celebrating the Anniversary of the Declaration of Independence," but over the next few years references to the anniversary of independence and of the Declaration seem to have been virtually interchangeable.

Accounts of the events at Philadelphia on July 4, 1777, say quite a bit about the music played by a band of Hessian soldiers who had been captured at the Battle of Trenton the previous December, and the "splendid illumination" of houses, but little about the Declaration. Thereafter, in the late 1770s and 1780s, the Fourth of July was not regularly celebrated; indeed, the holiday seems to have declined in popularity once the Revolutionary War ended. When it was remembered, however, festivities seldom, if ever—to judge by newspaper accounts—involved a public reading of the Declaration of Independence. It was as if that document had done its work in carrying news of independence to the people, and it neither needed nor deserved further commemoration. No mention was made of Thomas Jefferson's role in composing the document, since that was not yet public knowledge, and no suggestion appeared that the Declaration itself was, as posterity would have it, unusually eloquent or powerful.

In fact, one of the very few public comments on the document's literary

qualities came in a Virginia newspaper's account of a 1777 speech by John Wilkes, an English radical and a long-time supporter of the Americans, in the House of Commons. Wilkes set out to answer a fellow member of Parliament who had attacked the Declaration of Independence as "a wretched composition, very ill written, drawn up with a view to captivate the people." Curiously, Wilkes seemed to agree with that description. The purpose of the document, he said, was indeed to captivate the American people, who were not much impressed by "the polished periods, the harmonious, happy expressions, with all the grace, ease, and elegance of a beautiful diction" that Englishmen valued. What they liked was "manly, nervous sense... even in the most awkward and uncouth dress of language."

All that began to change in the 1790s, when, in the midst of bitter partisan conflict, the modern understanding and reputation of the Declaration of Independence first emerged. Until that time celebrations of the Fourth were controlled by nationalists who found a home in the Federalist Party, and their earlier inattention to the Declaration hardened into a rigid hostility after 1790. The document's anti-British character was an embarrassment to Federalists who sought economic and diplomatic rapprochement with Britain. The language of equality and rights in the Declaration was different from that of the Declaration of the Rights of Man issued by the French National Assembly in 1789, but it still seemed too "French" for the comfort of Federalists, who, after the execution of Louis XVI and the onset of the Terror, lost whatever sympathy for the French Revolution they had once felt. Moreover, they understandably found it best to say as little as possible about

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a fundamental American text that had been drafted by a leader of the opposing Republican Party.

It was, then, the Republicans who began to celebrate the Declaration of Independence as a “deathless instrument” written by “the immortal Jefferson.” The Republicans saw themselves as the defenders of the American Republic of 1776 against subversion by pro-British “monarchists,” and they hoped that by recalling the causes of independence, they would make their countrymen wary of further dealings with Great Britain. They were also delighted to identify the founding principles of the American Revolution with those of America’s sister republic in France. At their Fourth of July celebrations, Republicans read the Declaration of Independence, and their newspapers reprinted it. Moreover, in their hands the attention that had at first focused on the last part of the Declaration shifted toward its opening paragraphs and the “self-evident truths” they stated. The Declaration, as a Republican newspaper said on July 7, 1792, was not to be celebrated merely “as affecting the separation of one country from the jurisdiction of another”; it had an enduring significance for established governments because it provided a “definition of the rights of man, and the end of civil government.”

The Federalists responded that Jefferson had not written the Declaration alone. The drafting committee—including John Adams, a Federalist—had also contributed to its creation. And Jefferson’s role as “the scribe who penned the declaration” had not been so distinguished as his followers suggested. Federalists rediscovered similarities between the Declaration and Locke’s Second



Writing of the Declaration of Independence.

Treatise of Government that Richard Henry Lee had noticed long before and used them to argue that even the “small part of that memorable instrument” that could be attributed to Jefferson “he stole from Locke’s Essays.” But after the War of 1812, the Federalist Party slipped from sight, and with it, efforts to disparage the Declaration of Independence.

When a new party system formed in the late 1820s and 1830s, both Whigs and Jacksonians claimed descent from Jefferson and his party and so accepted the old Republican position on the Declaration and Jefferson’s glorious role in its creation. By then, too, a new generation of Americans had come of age and made preservation of the nation’s revolutionary history its particular mission. Its efforts, and its reverential attitude toward the revolutionaries and their works, also helped establish the Declaration of

Independence as an important icon of American identity.

The change came suddenly. As late as January 1817 John Adams said that his country had no interest in its past. “I see no disposition to celebrate or remember, or even Curiosity to enquire into the Characters, Actions, or Events of the Revolution,” he wrote the artist John Trumbull. But a little more than a month later Congress commissioned Trumbull to produce four large paintings commemorating the Revolution, which were to hang in the rotunda of the new American Capitol. For Trumbull, the most important of the series, and the one to which he first turned, was the Declaration of Independence. He based that work on a smaller painting he had done between 1786 and 1793 that showed the drafting committee presenting its work to Congress. When the new twelve-by-eighteen-foot canvas

was completed in 1818, Trumbull exhibited it to large crowds in Boston, Philadelphia, and Baltimore before delivering it to Washington; indeed, The Declaration of Independence was the most popular of all the paintings Trumbull did for the Capitol.

Soon copies of the document were being published and sold briskly, which perhaps was what inspired Secretary of State John Quincy Adams to have an exact facsimile of the Declaration, the only one ever produced, made in 1823. Congress had it distributed throughout the country. Books also started to appear: the collected biographies of those who signed the Declaration in nine volumes by Joseph M. Sanderson (1823–27) or one volume by Charles A. Goodrich (1831), full biographies of individual revolutionaries that were often written by descendants who used family papers, and collections

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of revolutionary documents edited by such notable figures as Hezekiah Niles, Jared Sparks, and Peter Force.

Postwar efforts to preserve the memories and records of the Revolution were undertaken in a mood of near panic. Many documents remained in private hands, where they were gradually separated from one another and lost. Even worse, many revolutionaries had died, taking with them precious memories that were gone forever. The presence of living remnants of the revolutionary generation seemed so important in preserving its tradition that Americans watched anxiously as their numbers declined. These attitudes first appeared in the decade before 1826, the fiftieth anniversary of independence, but they persisted on into the Civil War. In 1864 the Reverend Elias Brewster Hillard noted that only seven of those who had fought in the Revolutionary War still survived, and he hurried to interview and photograph those “venerable and now sacred men” for the benefit of posterity. “The present is the last generation that will be connected by living link with the great period in which our national independence was achieved,” he wrote in the introduction to his book *The Last Men of the Revolution*. “Our own are the last eyes that will look on men who looked on Washington; our ears the last that will hear the living voices of those who heard his words. Henceforth the American Revolution will be known among men by the silent record of history alone.”

Most of the men Hillard interviewed had played modest roles in the Revolution. In the early 1820s, however, John Adams and Thomas Jefferson were still alive, and as the only surviving members of the committee that had drafted the Declaration

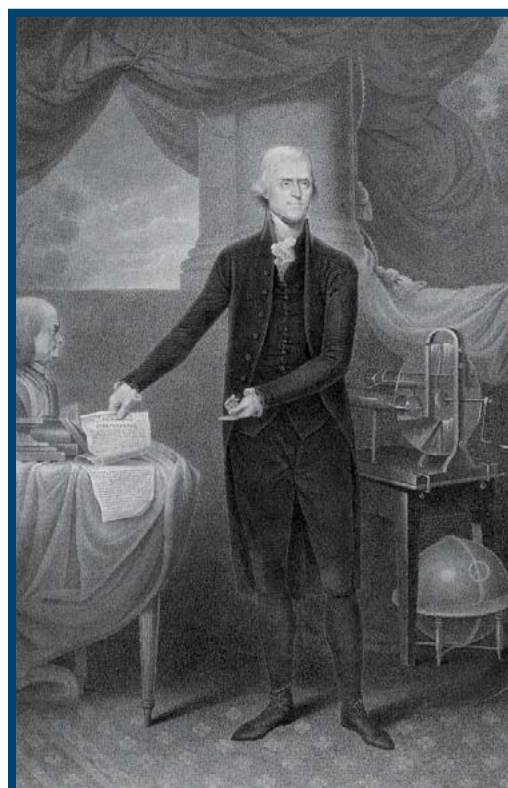
of Independence, they attracted an extraordinary outpouring of attention. Pilgrims, invited and uninvited, flocked particularly to Monticello, hoping to catch a glimpse of the author of the Declaration and making nuisances of themselves. One woman, it is said, even smashed a window to get a better view of the old man. As a eulogist noted after the deaths of both Adams and Jefferson on, miraculously, July 4, 1826, the world had not waited for death to “sanctify” their names. Even while they remained alive, their homes became “shrines” to which lovers of liberty and admirers of genius flocked “from every land.”

Adams, in truth, was miffed by Jefferson’s celebrity as the penman of Independence. The drafting of the Declaration of Independence, he thought, had assumed an exaggerated importance. Jefferson perhaps agreed; he, too, cautioned a correspondent against giving too much emphasis to “mere composition.” The Declaration, he said, had not been meant to be an original or novel creation; his assignment had been to produce “an expression of the American mind, and to give that expression the proper tone and spirit called for by the occasion.”

Jefferson, however, played an important role in rescuing the Declaration from obscurity and making it a defining event of the revolutionary “heroic age.” It was he who first suggested that the young John Trumbull paint *The Declaration of Independence*. And Trumbull’s first sketch of his famous painting shares a piece of drawing paper with a sketch by Jefferson, executed in Paris sometime in 1786, of the assembly room in the Old Pennsylvania State

House, now known as Independence Hall. Trumbull’s painting of the scene carefully followed Jefferson’s sketch, which unfortunately included architectural inaccuracies, as Trumbull later learned to his dismay.

Jefferson also spent hour after hour answering, in longhand, letters that he said numbered 1,267 in 1820, many of which asked questions about the Declaration and its creation. Unfortunately, his responses, like the sketch he made for Trumbull, were inaccurate in many details. Even his account of the drafting process, retold in an important letter to James Madison of 1823 that has been accepted by one authority after another, conflicts with a note he sent Benjamin Franklin in June 1776. Jefferson forgot, in short, how



Thomas Jefferson.

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substantial a role other members of the drafting committee had played in framing the Declaration and adjusting its text before it was submitted to Congress.

Indeed, in old age Jefferson found enormous consolation in the fact that he was, as he ordered inscribed on his tomb, “Author of the Declaration of American Independence.” More than anything else he had done, that role came to justify his life. It saved him from a despair that he suffered at the time of the Missouri crisis, when everything the Revolution had accomplished seemed to him in jeopardy, and that was later fed by problems at the University of Virginia, his own deteriorating health, and personal financial troubles so severe that he feared the loss of his beloved home, Monticello (those troubles, incidentally, virtually precluded him from freeing more than a handful of slaves at his death).

The Declaration, as he told Madison, was “the fundamental act of union of these States,” a document that should be recalled “to cherish the principles of the instrument in the bosoms of our own citizens.” Again in 1824 he interpreted the government’s republication of the Declaration as “a pledge of adhesion to its principles and of a sacred determination to maintain and perpetuate them,” which he described as a “holy purpose.”

But just which principles did he mean? Those in the Declaration’s second paragraph, which he understood exactly as they had been understood in 1776—as an assertion primarily of the right of revolution. Jefferson composed the long sentence beginning “We hold these truths to be self-evident” in a well-known eighteenth-century rhetorical style by which one phrase was piled

on another and the meaning of the whole became clear only at the end. The sequence ended with an assertion of the “Right of the People to alter or to abolish” any government that failed to secure their inalienable rights and to institute a new form of government more likely “to effect their Safety and Happiness.” That was the right Americans were exercising in July 1776,

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and it seemed no less relevant in the 1820s, when revolutionary movements were sweeping through Europe and Latin America. The American example would be, as Jefferson said in the last letter of his life, a “signal arousing men to burst the chains under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of self-government.”

Others, however, emphasized the opening phrases of the sentence that began the Declaration’s second paragraph, particularly “the memorable assertion, that ‘all men are created equal, that they are endowed by their Creator with certain unalienable rights, and that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed.’” That

passage, the eulogist John Sergeant said at Philadelphia in July 1826, was the “text of the revolution,” the “ruling vital principle” that had inspired the men of the 1770s, who “looked forward through succeeding generations, and saw stamped upon all their institutions, the great principles set forth in the Declaration of Independence.” In Hallowell, Maine, another eulogist, Peleg Sprague, similarly described the Declaration of Independence as an assertion “by a whole people, of... the native equality of the human race, as the true foundation of all political, of all human institutions.”

And so an interpretation of the declaration that had emerged in the 1790s became ever more widely repeated. The equality that Sergeant and Sprague emphasized was not, however, asserted for the first time in the Declaration of Independence.

Even before Congress published its Declaration, one revolutionary document after another had associated equality with a new American republic and suggested enough different meanings of that term—equal rights, equal access to office, equal voting power—to keep Americans busy sorting them out and fighting over egalitarian practices far into the future. Jefferson, in fact, adapted those most remembered opening lines of the Declaration’s second paragraph from a draft Declaration of Rights for Virginia, written by George Mason and revised by a committee of the Virginia convention, which appeared in the *Pennsylvania Gazette* on June 12, 1776, the day after the Committee of Five was appointed and perhaps the day it first met. Whether on his own inspiration or under instructions from the committee, Jefferson began with

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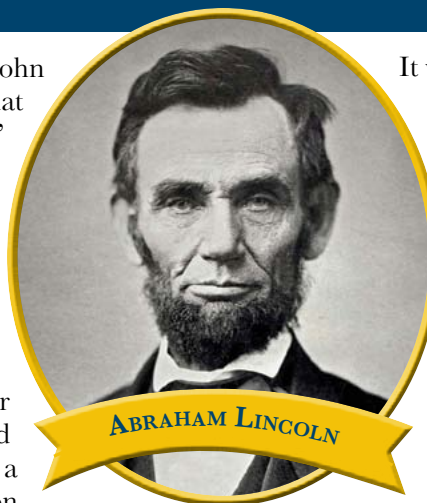
the Mason draft, which he gradually tightened into a more compressed and eloquent statement. He took, for example, Mason's statement that "all men are born equally free and independant," rewrote it to say they were "created equal & independent," and then cut out the "& independent."

Jefferson was not alone in adapting the Mason text for his purposes. The Virginia convention revised the Mason draft before enacting Virginia's Declaration of Rights, which said that all men were "by nature" equally free and independent. Several other states—including Pennsylvania (1776), Vermont (1777), Massachusetts (1780), and New Hampshire (1784)—remained closer to Mason's wording, including in their state bill of rights the assertions that men were "born free and equal" or "born equally free and independent." Unlike the Declaration of Independence, moreover, the state bills or "declarations" of rights became (after an initial period of confusion) legally binding. Americans' first efforts to work out the meaning of the equality written into their founding documents therefore occurred on the state level.

In Massachusetts, for example, several slaves won their freedom in the 1780s by arguing before the state's Supreme Judicial Court that the provision in the state's bill of rights that all men were born free and equal made slavery unlawful. Later, in the famous case of *Commonwealth v. Aves* (1836), Justice Lemuel Shaw ruled that those words were sufficient to end slavery in Massachusetts, indeed that it would be difficult to find others "more precisely adapted to the abolition of negro slavery." White Americans also found the equality provisions in their state bills of rights useful. In the Virginia constitutional convention of 1829–30, for example, a delegate from the trans-

Appalachian West, John R. Cooke, cited that "sacred instrument" the Virginia Declaration of Rights against the state's system of representing all counties equally in the legislature regardless of their populations and its imposition of a property qualification for the vote, both of which gave disproportional power to men in the eastern part of the state. The framers of Virginia's 1776 constitution allowed those practices to persist despite their violation of the equality affirmed in the Declaration of Rights, Cooke said, because there were limits on how much they dared change "in the midst of war." They therefore left it for posterity to resolve the inconsistency "as soon as leisure should be afforded them." In the hands of men like Cooke, the Virginia Declaration of Rights became a practical program of reform to be realized over time, as the Declaration of Independence would later be for Abraham Lincoln.

But why, if the states had legally binding statements of men's equality, should anyone turn to the Declaration of Independence? Because not all states had bills of rights, and not all the bills of rights that did exist included statements on equality. Moreover, neither the federal Constitution nor the federal Bill of Rights asserted men's natural equality or their possession of inalienable rights or the right of the people to reject or change their government. As a result, contenders in national politics who found those old revolutionary principles useful had to cite the Declaration of Independence.



It was all they had.

The sacred stature given the declaration after 1815 made it extremely useful for causes attempting to seize the moral high ground in public debate. Beginning about 1820, workers, farmers, women's rights advocates, and other groups persistently used the Declaration of

Independence to justify their quest for equality and their opposition to the "tyranny" of factory owners or railroads or great corporations or the male power structure. It remained, however, especially easy for the opponents of slavery to cite the Declaration on behalf of their cause. Eighteenth-century statements of equality referred to men in a state of nature, before governments were created, and asserted that no persons acquired legitimate authority over others without their consent. If so, a system of slavery in which men were born the subjects and indeed the property of others was profoundly wrong. In short, the same principle that denied kings a right to rule by inheritance alone undercut the right of masters to own slaves whose status was determined by birth, not consent. The kinship of the Declaration of Independence with the cause of antislavery was understood from the beginning—which explains why gradual emancipation acts, such as those in New York and New Jersey, took effect on July 4 in 1799 and 1804 and why Nat Turner's rebellion was originally planned for July 4, 1831.

Even in the eighteenth century, however, assertions of men's equal birth provoked dissent. As slavery became an

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increasingly divisive issue, denials that men were naturally equal multiplied. Men were not created equal in Virginia, John Tyler insisted during the Missouri debates of 1820: “No, sir, the principle, although lovely and beautiful, cannot obliterate those distinctions in society which society itself engenders and gives birth to.” Six years later the acerbic, self-styled Virginia aristocrat John Randolph called the notion of man’s equal creation “a falsehood, and a most pernicious falsehood, even though I find it in the Declaration of Independence.” Man was born in a state of “perfect helplessness and ignorance” and so was from the start dependent on others. There was “not a word of truth” in the notion that men were created equal, repeated South Carolina’s John C. Calhoun in 1848. Men could not survive, much less develop their talents, alone; the political state, in which some exercised authority and others obeyed, was in fact man’s “natural state,” that in which he “is born, lives and dies.” For a long time the “false and dangerous” doctrine that men were created equal had lain “dormant,” but by the late 1840s Americans had begun “to experience the danger of admitting so great an error... in the declaration of independence,” where it had been inserted needlessly, Calhoun said, since separation from Britain could have been justified without it.

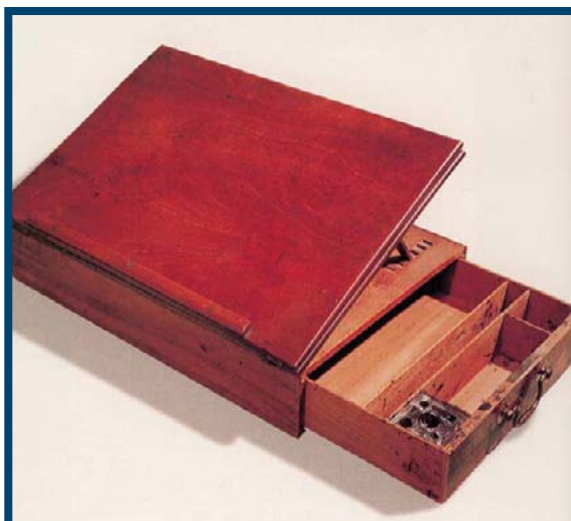
Five years later, in senate debates over the Kansas-Nebraska Act, Indiana’s John Pettit pronounced his widely quoted statement that the supposed “self-evident truth” of man’s equal creation was in fact “a self-evident lie.” Ohio’s senator Benjamin Franklin Wade, an outspoken opponent of slavery known for his vituperative style and intense patriotism, rose to

reply. Perhaps Wade’s first and middle names gave him a special bond with the Declaration and its creators. The “great declaration cost our forefathers too dear,” he said, to be so “lightly thrown away by their children.” Without its inspiring principles the Americans could not have won their independence; for the revolutionary generation the “great truths” in that “immortal instrument,” the Declaration of Independence, were “worth the sacrifice of all else on earth, even life itself.” How, then, were men equal? Not, surely, in physical power or intellect. The “good old Declaration” said “that all men are equal, and have inalienable rights; that is, [they are] equal in point of right; that no man has a right to trample on another.” Where those rights were wrested from men through force or fraud, justice demanded that they be “restored without delay.”

Abraham Lincoln, a little-known forty-four-year-old lawyer in Springfield, Illinois, who had served one term in Congress before being turned out of office, read these debates,

was aroused as by nothing before, and began to pick up the dropped threads of his political career. Like Wade, Lincoln idealized the men of the American Revolution, who were for him “a forest of giant oaks,” “a fortress of strength,” “iron men.” He also shared the deep concern of his contemporaries as the “silent artillery of time” removed them and the “living history” they embodied from this world. Before the 1850s, however, Lincoln seems to have had relatively little interest in the Declaration of Independence. Then, suddenly, that document and its assertion that all men were created equal became his “ancient faith,” the “father of all moral principles,” an “axiom” of free society. He was provoked by the attacks of men such as Pettit and Calhoun. And he made the arguments of those who defended the Declaration his own, much as Jefferson had done with Mason’s text, reworking the ideas from speech to speech, pushing their logic, and eventually, at Gettysburg in 1863, arriving at a simple statement of profound eloquence. In time his understanding of the Declaration of Independence would become that of the nation.

Lincoln’s position emerged fully and powerfully during his debates with Illinois’s senator Stephen Douglas, a Democrat who had proposed the Kansas-Nebraska Act and whose seat Lincoln sought in 1858. They were an odd couple, Douglas and Lincoln, as different physically—at full height Douglas came only to Lincoln’s shoulders—as they were in style. Douglas wore well-tailored clothes; Lincoln’s barely covered his limbs. Douglas was in general the more polished speaker; Lincoln sometimes rambled on, losing his point and his audience, although he could



Thomas Jefferson's Writing Case,
used to draft the Declaration.

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also, especially with a prepared text, be a powerful orator. The greatest difference between them was, however, in the positions they took on the future of slavery and the meaning of the Declaration of Independence.

Douglas defended the Kansas-Nebraska Act, which allowed the people of those states to permit slavery within their borders, as consistent with the revolutionary heritage. After all, in instructing their delegates to vote for independence, one state after another had explicitly retained the exclusive right of defining its domestic institutions. Moreover, the Declaration of Independence carried no implications for slavery, since its statement on equality referred to white men only. In fact, Douglas said, it simply meant that American colonists of European descent had equal rights with the King's subjects in Great Britain. The signers were not thinking of "the negro or ... savage Indians, or the Feejee, or the Malay, or any other inferior or degraded race." Otherwise they would have been honor bound to free their own slaves, which not even Thomas Jefferson did. The Declaration had only one purpose: to explain and justify American independence.

To Lincoln, Douglas's argument left only a "mangled ruin" of the Declaration of Independence, whose "plain, unmistakable language" said "all men" were created equal. In affirming that government derived its "just powers from the consent of the governed," the Declaration also said that no man could rightly govern others without their consent. If, then, "the negro is a man," was it not a "total destruction of self-government, to say that he too shall not govern himself?" To govern a man without his consent

was "despotism." Moreover, to confine the Declaration's significance to the British peoples of 1776 denied its meaning, Lincoln charged, not only for Douglas's "inferior races" but for the French, Irish, German, Scandinavian, and other immigrants who had come to America after the Revolution. For them the promise of equality linked new Americans with the founding

Moreover, the Declaration of Independence carried no implications for slavery.

generation; it was an "electric cord" that bound them into the nation "as though they were blood of the blood, and flesh of the flesh of the men who wrote that Declaration," and so made one people out of many. Lincoln believed that the Declaration "contemplated the progressive improvement in the condition of all men everywhere." If instead it was only a justification of independence "without the germ, or even the suggestion of the individual rights of man in it," the document was "of no practical use now—mere rubbish—old wadding left to rot on the battlefield after the victory is won," an "interesting memorial of the dead past... shorn of its vitality, and practical value."

Like Wade, Lincoln denied that the signers meant that men were equal in "all respects," including "color, size,

intellect, moral developments, or social capacity." He, too, made sense of the Declaration's assertion of man's equal creation by eliding it with the next, separate statement on rights. The signers, he insisted, said men were equal in having "certain inalienable rights...." This they said, and this they meant." Like John Cooke in Virginia three decades before, Lincoln thought the Founders allowed the persistence of practices at odds with their principles for reasons of necessity: to establish the Constitution demanded that slavery continue in those original states that chose to keep it. "We could not secure the good we did if we grasped for more," but that did not "destroy the principle that is the charter of our liberties." Nor did it mean that slavery had to be allowed in states not yet organized in 1776, such as Kansas and Nebraska.

Again like Cooke, Lincoln claimed that the authors of the Declaration understood its second paragraph as setting a standard for free men whose principles should be realized "as fast as circumstances ... permit." They wanted that standard to be "familiar to all, and revered by all; constantly looked to, and 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." And if, as Calhoun said, American independence could have been declared without any assertion of human equality and inalienable rights, that made its inclusion all the more wonderful. "All honor to Jefferson," Lincoln said in a letter of 1859, "to the man who ... had the coolness,

MAKING SENSE OF THE FOURTH OF JULY

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forecast, and capacity to introduce into a merely revolutionary document, an abstract truth, applicable to all men and all times, and to embalm it there,” where it would remain “a rebuke and a stumbling-block to the very harbingers of re-appearing tyranny and oppression.”

Jefferson and the members of the second continental Congress did not understand what they were doing in quite that way on July 4, 1776. For them, it was enough for the Declaration to be “merely revolutionary.” But if Douglas’s history was more accurate, Lincoln’s reading of the Declaration was better suited to the needs of the Republic in the mid-nineteenth century, when the standard of revolution had passed to Southern secessionists and to radical abolitionists who also called for disunion. In his hands the Declaration became first and foremost a living document for an established society, a set of goals to be realized over time, the dream of “something better, than a mere change of masters” that explained why “our fathers” fought and endured until they won the Revolutionary War. In the Civil War, too, Lincoln told Congress on July 4, 1861, the North fought not only to save the Union but to preserve a form of government “whose leading object is to elevate the condition of men—to lift artificial weights from all shoulders—to clear the paths of laudable pursuit for all.” The rebellion it opposed was at base

an effort “to overthrow the principle that all men were created equal.” And so the Union victory at Gettysburg in 1863 became for him a vindication of that proposition, to which the nation’s fathers had committed it in 1776, and a challenge to complete the “unfinished work” of the Union dead and bring to “this nation, under God, a new birth of freedom.”

Lincoln’s Gettysburg Address stated briefly and eloquently convictions he had developed over the previous decade, convictions that on point after point echoed earlier Americans: Republicans of the 1790s, the eulogists Peleg Sprague and John Sergeant in 1826, John Cooke in the Virginia convention a few years later, Benjamin Wade in 1853. Some of those men he knew; others were unfamiliar to him, but they had also struggled to understand the practical implications of their revolutionary heritage and followed the same logic to the same conclusions. The Declaration of Independence Lincoln left was not Jefferson’s Declaration, although Jefferson and other revolutionaries shared the values Lincoln and others stressed: equality, human rights, government by consent. Nor was Lincoln’s Declaration of Independence solely his creation. It remained an “expression of the American mind,” not, of course, what all Americans thought but what many had come to accept. And its implications continued to evolve after Lincoln’s death. In 1858

he had written a correspondent that the language of the Declaration of Independence was at odds with slavery but did not require political and social equality for free black Americans. Few disagreed then. How many would agree today?

The Declaration of Independence is in fact a curious document. After the Civil War members of Lincoln’s party tried to write its principles into the Constitution by enacting the Thirteenth, Fourteenth, and Fifteenth Amendments, which is why issues of racial or age or gender equality are now so often fought out in the courts. But the Declaration of Independence itself is not and has never been legally binding. Its power comes from its capacity to inspire and move the hearts of living Americans, and its meaning lies in what they choose to make of it. It has been at once a cause of controversy, pushing as it does against established habits and conventions, and a unifying national icon, a legacy and a new creation that binds the revolutionaries to descendants who confronted and continue to confront issues the Founders did not know or failed to resolve. On Independence Day, then, Americans celebrate not simply the birth of their nation or the legacy of a few great men. They also commemorate a Declaration of Independence that is their own collective work now and through time. And that, finally, makes sense of the Fourth of July. ❖



MAKING SENSE OF THE FOURTH OF JULY

THE DECLARATION OF INDEPENDENCE

JULY 4, 1776

http://avalon.law.yale.edu/18th_century/vatexta.asp

DECLARATION OF INDEPENDENCE

IN CONGRESS | JULY 4, 1776

THE UNANIMOUS DECLARATION OF THE THIRTEEN UNITED STATES OF AMERICA.

When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

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, that whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.

But 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 right, it is their duty, to throw off such Government, and to provide new Guards for their future security. Such has been the patient sufferance of these Colonies; and such is now the necessity which constrains them to alter their former Systems of Government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute Tyranny over these States. To prove this, let Facts be submitted to a candid world.

He has refused his Assent to Laws, the most wholesome and necessary for the public good.

He has forbidden his Governors to pass Laws of immediate and pressing importance, unless suspended in their operation till his Assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.

He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public Records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved Representative Houses repeatedly, for opposing with manly firmness his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these States; for that purpose obstructing the Laws for Naturalization of Foreigners; refusing to pass others to encourage their migrations hither, and raising the conditions of new Appropriations of Lands.

He has obstructed the Administration of Justice, by refusing his Assent to Laws for establishing Judiciary powers.

He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of New Offices, and sent hither swarms of Officers to harrass our people, and eat out their substance.

He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.

He has affected to render the Military independent of and

We hold these
truths to be
self-evident, that
all men are
created equal.



MAKING SENSE OF THE FOURTH OF JULY

THE DECLARATION OF INDEPENDENCE

- CONTINUED -

superior to the Civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his Assent to their Acts of pretended Legislation:

For Quartering large bodies of armed troops among us:

For protecting them, by a mock Trial, from punishment for any Murders which they should commit on the Inhabitants of these States:

For cutting off our Trade with all parts of the world:

For imposing Taxes on us without our Consent:

For depriving us in many cases, of the benefits of Trial by Jury:

For transporting us beyond Seas to be tried for pretended offences:

For abolishing the free System of English Laws in a neighbouring Province, establishing therein an Arbitrary government, and enlarging its Boundaries so as to render it at once an example and fit instrument for introducing the same absolute rule into these Colonies:

For taking away our Charters, abolishing our most valuable Laws, and altering fundamentally the Forms of our Governments:

For suspending our own Legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated Government here, by declaring us out of his Protection and waging War against us.

He has plundered our seas, ravaged our Coasts, burnt our towns, and destroyed the lives of our people.

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.

He has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country, to become the executioners of their friends and Brethren, or to fall themselves by their Hands.

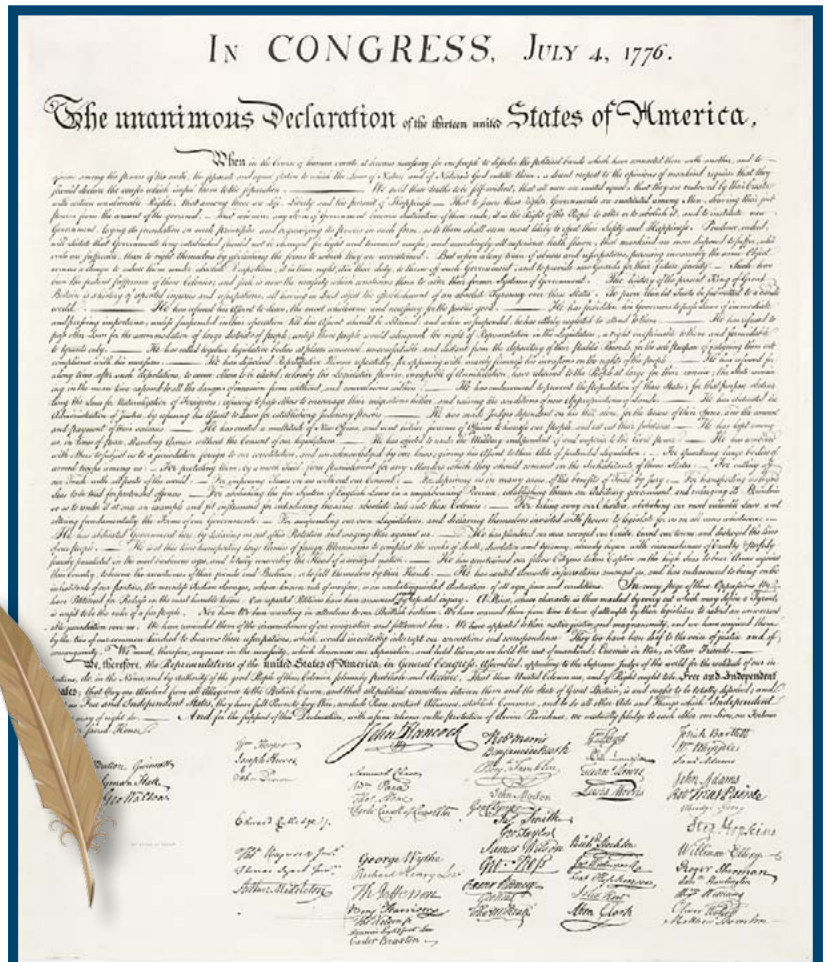
He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince whose character is thus marked by every act

which may define a Tyrant, is unfit to be the ruler of a free people.

Nor have We been wanting in attentions to our British brethren. We have warned them from time to time of attempts by their legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred to disavow these usurpations, which, would inevitably interrupt our connections and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

We, therefore, the Representatives of the united States of



US Declaration of Independence, July 4, 1776.

MAKING SENSE OF THE FOURTH OF JULY

THE DECLARATION OF INDEPENDENCE

– CONTINUED –

America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, 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. 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.

Georgia:

Button Gwinnett
Lyman Hall
George Walton

North Carolina:

William Hooper
Joseph Hewes
John Penn

South Carolina:

Edward Rutledge
Thomas Heyward, Jr.
Thomas Lynch, Jr.
Arthur Middleton

Maryland:

Samuel Chase
William Paca
Thomas Stone
Charles Carroll of Carrollton

Virginia:

George Wythe
Richard Henry Lee
Thomas Jefferson
Benjamin Harrison
Thomas Nelson, Jr.
Francis Lightfoot Lee
Carter Braxton

Pennsylvania:

Robert Morris
Benjamin Rush
Benjamin Franklin
John Morton
George Clymer
James Smith
George Taylor
James Wilson
George Ross

Delaware:

Caesar Rodney
George Read
Thomas McKean

New York:

William Floyd
Philip Livingston
Francis Lewis
Lewis Morris

New Jersey:

Richard Stockton
John Witherspoon
Francis Hopkinson
John Hart
Abraham Clark

New Hampshire:

Josiah Bartlett
William Whipple
Matthew Thornton

Massachusetts:

John Hancock
Samuel Adams
John Adams
Robert Treat Paine
Elbridge Gerry

Rhode Island:

Stephen Hopkins
William Ellery

Connecticut:

Roger Sherman
Samuel Huntington
William Williams
Oliver Wolcott

MAKING SENSE OF THE FOURTH OF JULY

CHAPTER 2 OF THE STATE OF NATURE

SECOND TREATISE OF GOVERNMENT

<http://teachingamericanhistory.org/library/document/second-treatise-chapters-01-03/>

BY JOHN LOCKE

4. To understand political power aright, and derive it from its original, we must consider what estate all men are naturally in, and that is, a state of perfect freedom to order their actions, and dispose of their possessions and persons as they think fit, within the bounds of the law of Nature, without asking leave or depending upon the will of any other man.

A state also of equality, wherein all the power and jurisdiction is reciprocal, no one having more than another, there being nothing more evident than that creatures of the same species and rank, promiscuously born to all the same advantages of Nature, and the use of the same faculties, should also be equal one amongst another, without subordination or subjection, unless the lord and master of them all should, by any manifest declaration of his will, set one above another, and confer on him, by an evident and clear appointment, an undoubted right to dominion and sovereignty.



5. This equality of men by Nature, the judicious Hooker looks upon as so evident in itself, and beyond all question, that he makes it the foundation of that obligation to mutual love amongst men on which he builds the duties they owe one another, and from whence he derives the great maxims of justice and charity. His words are:

“The like natural inducement hath brought men to know that it is no less their duty to love others than themselves, for seeing those things which are equal, must needs all have one measure; if I cannot but wish to receive good, even

as much at every man’s hands, as any man can wish unto his own soul, how should I look to have any part of my desire herein satisfied, unless myself be careful to satisfy the like desire, which is undoubtedly in other men weak, being of one and the same nature: to have anything offered them repugnant to this desire must needs, in all respects, grieve them as much as me; so that if I do harm, I must look to suffer, there being no reason that others should show greater measure of love to me than they have by me showed unto them; my desire, therefore, to be loved of my equals in Nature, as much as possible may be, imposeth upon me a natural duty of bearing to themward fully the like affection. From which relation of equality between ourselves and them that are as ourselves, what several rules and canons natural reason hath drawn for direction of life no man is ignorant.” (Eccl. Pol. i.)*



6. But though this be a state of licence; though man in that state have an uncontrollable liberty to dispose of his person or possessions, yet he has not liberty to destroy himself, or so much as any creature in his possession, but where some nobler use than its bare preservation calls for it. The state of Nature has a law of Nature to govern it, which obliges every one,

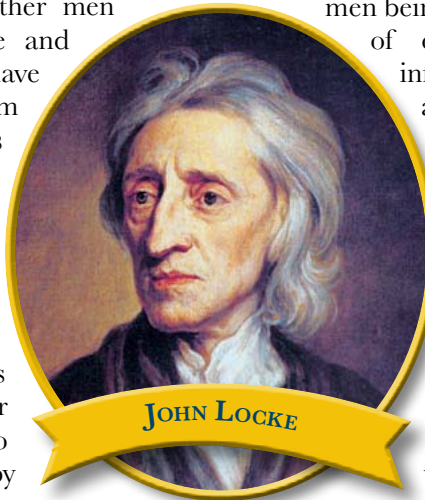
and reason, which is that law, teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty or possessions; for

men being all the workmanship of one omnipotent and infinitely wise Maker; all the servants of one sovereign Master, sent into the world by His order and about His business; they are His property, whose workmanship they are made to last during His, not one another’s pleasure. And, being furnished with like faculties, sharing all in one

community of Nature, there cannot be supposed any such subordination among us that may authorise us to destroy one another, as if we were made for one another’s uses, as the inferior ranks of creatures are for ours. Every one as he is bound to preserve himself, and not to quit his station wilfully, so by the like reason, when his own preservation comes not in competition, ought he as much as he can to preserve the rest of mankind, and not unless it be to do justice on an offender, take away or impair the life, or what tends to the preservation of the life, the liberty, health, limb, or goods of another.



7. And that all men may be restrained from invading others’ rights, and from doing hurt to one another, and the law of Nature be observed, which



MAKING SENSE OF THE FOURTH OF JULY

CHAPTER 2 OF THE STATE OF NATURE

SECOND TREATISE OF GOVERNMENT

– CONTINUED –

willeth the peace and preservation of all mankind, the execution of the law of Nature is in that state put into every man's hands, whereby every one has a right to punish the transgressors of that law to such a degree as may hinder its violation. For the law of Nature would, as all other laws that concern men in this world, be in vain if there were nobody that in the state of Nature had a power to execute that law, and thereby preserve the innocent and restrain offenders; and if any one in the state of Nature may punish another for any evil he has done, every one may do so. For in that state of perfect equality, where naturally there is no superiority or jurisdiction of one over another, what any may do in prosecution of that law, every one must needs have a right to do.

8. And thus, in the state of Nature, one man comes by a power over another, but yet no absolute or arbitrary power to use a criminal, when he has got him in his hands, according to the passionate heats or boundless extravagancy of his own will, but only to retribute to him so far as calm reason and conscience dictate, what is proportionate to his transgression, which is so much as may serve for reparation and restraint. For these two are the only reasons why one man may lawfully do harm to another, which is that we call punishment. In transgressing the law of Nature, the offender declares himself to live by another rule than that of reason and common equity, which is that measure God has set to the actions of men for their mutual security, and so he becomes dangerous to mankind; the tie which is to secure them from injury and violence being slighted and broken by him, which being a trespass against

the whole species, and the peace and safety of it, provided for by the law of Nature, every man upon this score, by the right he hath to preserve mankind in general, may restrain, or where it is necessary, destroy things noxious to them, and so may bring such evil on any one who hath transgressed that law, as may make him repent the doing of it, and thereby deter him, and, by his example, others from doing the like mischief. And in this case, and upon this ground, every man hath a right to punish the offender, and be executioner of the law of Nature.

9. I doubt not but this will seem a very strange doctrine to some men; but before they condemn it, I desire them to resolve me by what right any prince or state can put to death or punish an alien for any crime he commits in their country? It is certain their laws, by virtue of any sanction

a power to punish offences against it, as he soberly judges the case to require, I see not how the magistrates of any community can punish an alien of another country, since, in reference to him, they can have no more power than what every man naturally may have over another.

10. Besides the crime which consists in violating the laws, and varying from the right rule of reason, whereby a man so far becomes degenerate, and declares himself to quit the principles of human nature and to be a noxious creature, there is commonly injury done, and some person or other, some other man, receives damage by his transgression; in which case, he who hath received any damage has (besides the right of punishment common to him, with other men) a particular right to seek reparation from him that hath done it. And any other person who

...Nature is in that state put into every man's hands...

they receive from the promulgated will of the legislature, reach not a stranger. They speak not to him, nor, if they did, is he bound to hearken to them. The legislative authority by which they are in force over the subjects of that commonwealth hath no power over him. Those who have the supreme power of making laws in England, France, or Holland are, to an Indian, but like the rest of the world men without authority. And therefore, if by the law of Nature every man hath not

finds it just may also join with him that is injured, and assist him in recovering from the offender so much as may make satisfaction for the harm he hath suffered.

11. From these two distinct rights (the one of punishing the crime, for restraint and preventing the like offence, which right of punishing is in everybody, the other of taking reparation, which belongs only to the injured party) comes it to pass that

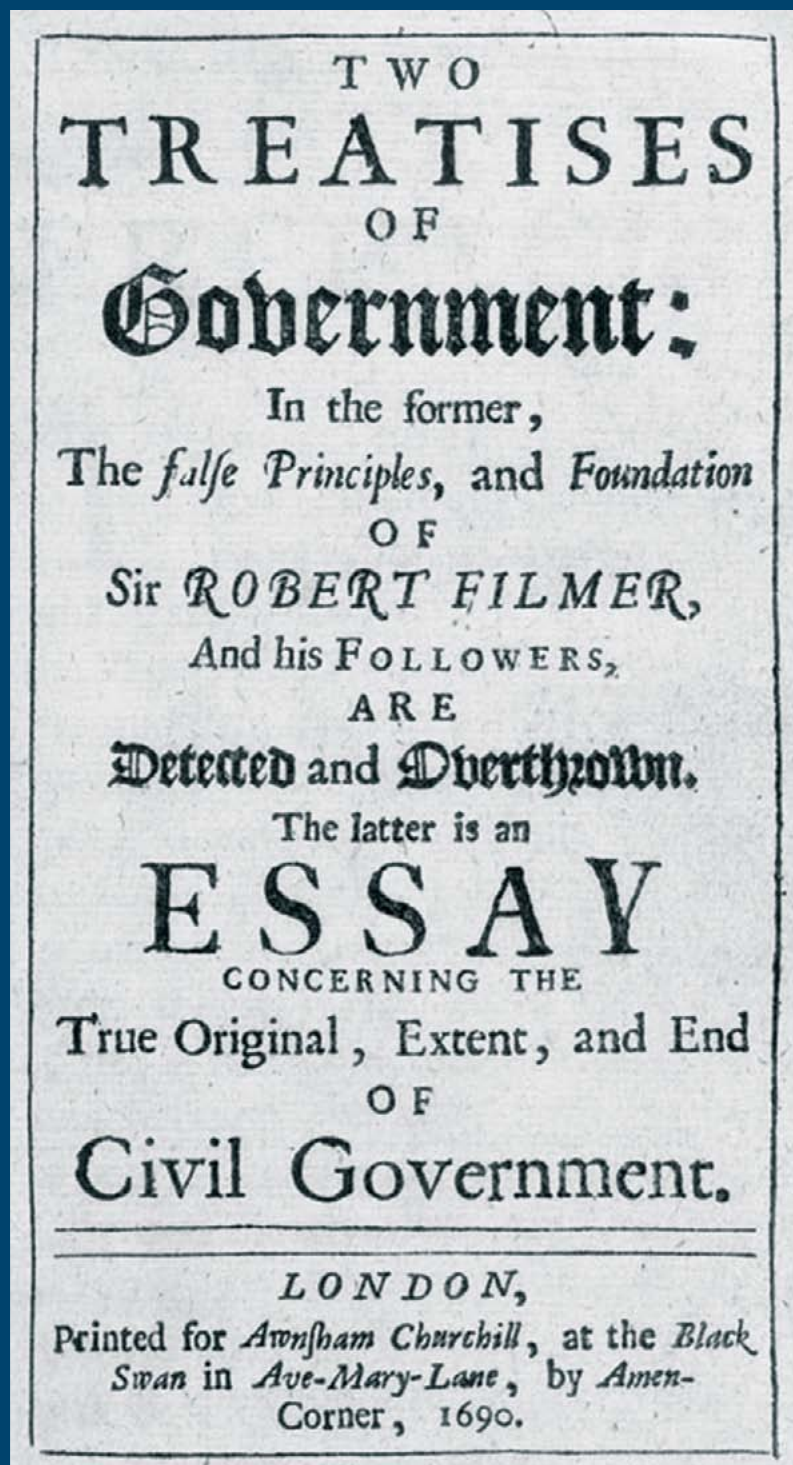
MAKING SENSE OF THE FOURTH OF JULY

CHAPTER 2 OF THE STATE OF NATURE

SECOND TREATISE OF GOVERNMENT

– CONTINUED –

the magistrate, who by being magistrate hath the common right of punishing put into his hands, can often, where the public good demands not the execution of the law, remit the punishment of criminal offences by his own authority, but yet cannot remit the satisfaction due to any private man for the damage he has received. That he who hath suffered the damage has a right to demand in his own name, and he alone can remit. The damnified person has this power of appropriating to himself the goods or service of the offender by right of self-preservation, as every man has a power to punish the crime to prevent its being committed again, by the right he has of preserving all mankind, and doing all reasonable things he can in order to that end. And thus it is that every man in the state of Nature has a power to kill a murderer, both to deter others from doing the like injury (which no reparation can compensate) by the example of the punishment



Two Treatises of Government title page.

that attends it from everybody, and also to secure men from the attempts of a criminal who, having renounced reason, the common rule and measure God hath given to mankind, hath, by the unjust violence and slaughter he hath committed upon one, declared war against all mankind, and therefore may be destroyed as a lion or a tiger, one of those wild savage beasts with whom men can have no society nor security. And upon this is grounded that great law of nature, "Whoso sheddeth man's blood, by man shall his blood be shed." And Cain was so fully convinced that every one had a right to destroy such a criminal, that, after the murder of his brother, he cries out, "Every one that findeth me shall slay me," so plain was it writ in the hearts of all mankind.

12. By the same reason may a man in the state of Nature punish the lesser breaches of that law, it will, perhaps, be demanded, with death? I answer: Each transgression may be punished to that degree,

MAKING SENSE OF THE FOURTH OF JULY

CHAPTER 2 OF THE STATE OF NATURE

SECOND TREATISE OF GOVERNMENT

– CONTINUED –

and with so much severity, as will suffice to make it an ill bargain to the offender, give him cause to repent, and terrify others from doing the like. Every offence that can be committed in the state of Nature may, in the state of Nature, be also punished equally, and as far forth, as it may, in a commonwealth. For though it would be beside my present purpose to enter here into the particulars of the law of Nature, or its measures of punishment, yet it is certain there is such a law, and that too as intelligible and plain to a rational creature and a studier of that law as the positive laws of commonwealths, nay, possibly plainer; as much as reason is easier to be understood than the fancies and intricate contrivances of men, following contrary and hidden interests put into words; for truly so are a great part of the municipal laws of countries, which are only so far right as they are founded on the law of Nature, by which they are to be regulated and interpreted.



13. To this strange doctrine, viz., That in the state of Nature every one has the executive power of the law of Nature, I doubt not but it will be objected that it is unreasonable for men to be judges in their own cases, that self love will make men partial to themselves and their friends; and, on the other side, ill nature, passion, and revenge will carry them too far in punishing others, and hence nothing but confusion and disorder will follow, and that therefore God hath certainly appointed government to restrain the partiality and violence of men. I easily grant that civil government is the proper remedy for the inconveniences of the state of Nature, which must

certainly be great where men may be judges in their own case, since it is easy to be imagined that he who was so unjust as to do his brother an injury will scarce be so just as to condemn himself for it. But I shall desire those who make this objection to remember that absolute monarchs are but men; and if government is to be the remedy of those evils which necessarily follow from men being judges in their own cases, and the state of Nature is therefore not to be endured, I desire to know what kind of government that is, and how much better it is than the state of Nature, where one man commanding a multitude has the liberty to be judge in his own case, and may do to all his subjects whatever he pleases without the least question or control of those who execute his pleasure? and in whatsoever he doth, whether led by reason, mistake, or passion, must be submitted to? which men in the state of Nature are not bound to do one to another. And if he that judges, judges amiss in his own or any other case, he is answerable for it to the rest of mankind.



14. It is often asked as a mighty objection, where are, or ever were, there any men in such a state of Nature? To which it may suffice as an answer at present, that since all princes and rulers of “independent” governments all through the world are in a state of Nature, it is plain the world never was, nor never will be, without numbers of men in that state. I have named all governors of “independent” communities, whether they are, or are not, in league with others; for it is not every compact that puts an end to the

state of Nature between men, but only this one of agreeing together mutually to enter into one community, and make one body politic; other promises and compacts men may make one with another, and yet still be in the state of Nature. The promises and bargains for truck, etc., between the two men in Soldania, in or between a Swiss and an Indian, in the woods of America, are binding to them, though they are perfectly in a state of Nature in reference to one another for truth, and keeping of faith belongs to men as men, and not as members of society.



15. To those that say there were never any men in the state of Nature, I will not oppose the authority of the judicious Hooker (Eccl. Pol. i. 10), where he says, “the laws which have been hitherto mentioned” i.e., the laws of Nature, “do bind men absolutely, even as they are men, although they have never any settled fellowship, never any solemn agreement amongst themselves what to do or not to do; but for as much as we are not by ourselves sufficient to furnish ourselves with competent store of things needful for such a life as our Nature doth desire, a life fit for the dignity of man, therefore to supply those defects and imperfections which are in us, as living single and solely by ourselves, we are naturally induced to seek communion and fellowship with others; this was the cause of men uniting themselves as first in politic societies.” But I, moreover, affirm that all men are naturally in that state, and remain so till, by their own consents, they make themselves members of some politic society, and I doubt not, in the sequel of this discourse, to make it very clear. ❖



MAKING SENSE OF THE FOURTH OF JULY

THE VIRGINIA DECLARATION OF RIGHTS

GEORGE MASON, PRIMARY AUTHOR

http://www.constitution.org/bcp/virg_dor.htm

THE VIRGINIA DECLARATION OF RIGHTS

A declaration of rights made by the representatives of the good people of Virginia, assembled in full and free convention; which rights do pertain to them and their posterity, as the basis and foundation of government.

SECTION I. That all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.

SEC. 2. That all power is vested in, and consequently derived from, the people; that magistrates are their trustees and servants and at all times amenable to them.

SEC. 3. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community; of all the various modes and forms of government, that is best which is capable of producing the greatest degree of happiness and safety and is most effectually secured against the danger of maladministration; and that, when any government shall be found inadequate or contrary to these purposes, a majority of the community hath an indubitable, inalienable, and indefeasible right to reform, alter, or abolish it, in such manner as shall be judged most conducive to the public weal.

SEC. 4. That no man, or set of men, are entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services; which, not being descendible, neither ought the offices of magistrate, legislator, or judge to be hereditary.

SEC. 5. That the legislative and executive powers of the state should be separate and distinct from the judiciary; and that the members of the two first may be restrained from oppression, by feeling and participating the burdens of the people, they should, at fixed periods, be reduced to a private station, return into that body from which they were originally taken, and the vacancies be supplied by frequent, certain, and regular elections, in which all, or any part, of the former members, to be again eligible, or ineligible, as the laws shall direct.

SEC. 6. That elections of members to serve as representatives of the people, in assembly, ought to be free; and that all men, having sufficient evidence of permanent common interest with, and attachment to, the community, have the right of suffrage and cannot be taxed or deprived of their property for public uses without their own consent, or that of their representatives so elected, nor bound by any law to which they have not, in like manner, assented for the public good.

SEC. 7. That all power of suspending laws, or the execution of laws,

by any authority, without consent of the representatives of the people, is injurious to their rights and ought not to be exercised.

SEC. 8. That in all capital or criminal prosecutions a man hath a right to demand the cause and nature of his accusation, to be confronted with the accusers and witnesses, to call for evidence in his favor, and to a speedy trial by an impartial jury of twelve men of his vicinage, without whose unanimous consent he cannot be found guilty; nor can he be compelled to give evidence against himself; that no man be deprived of his liberty, except by the law of the land or the judgment of his peers.

SEC. 9. That excessive bail ought not to be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

SEC. 10. That general warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offense is not particularly described and supported by evidence, are grievous and oppressive and ought not to be granted.

SEC. 11. That in controversies respecting property, and in suits between man and man, the ancient trial by jury is preferable to any other and ought to be held sacred.

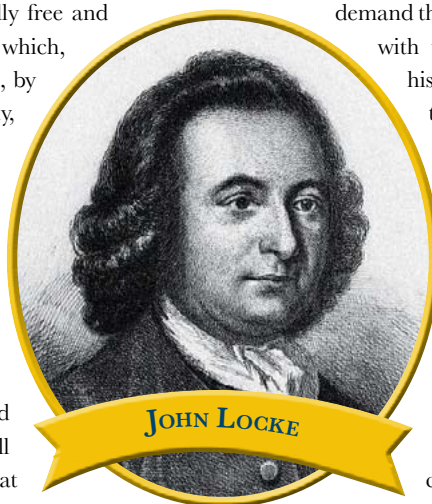
SEC. 12. That the freedom of the press is one of the great bulwarks of liberty and can never be restrained but by despotic governments.

SEC. 13. That a well-regulated militia, or composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free state; that standing armies, in time of peace, should be avoided as dangerous to liberty; and that in all cases the military should be under strict subordination to, and governed by, the civil power.

SEC. 14. That the people have a right to uniform government; and, therefore, that no government separate from or independent of the government of Virginia ought to be erected or established within the limits thereof.

SEC. 15. That no free government, or the blessings of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue, and by frequent recurrence to fundamental principles.

SEC. 16. That religion, or the duty which we owe to our Creator, and the manner of discharging it, can be directed only by reason and conviction, not by force or violence; and therefore all men are equally entitled to the free exercise of religion, according to the dictates of conscience; and that it is the mutual duty of all to practice Christian forbearance, love, and charity toward each other. ❖



MAKING SENSE OF THE FOURTH OF JULY GETTYSBURG ADDRESS

ABRAHAM LINCOLN | NOVEMBER 19, 1863

<http://teachingamericanhistory.org/library/document/gettysburg-address/>

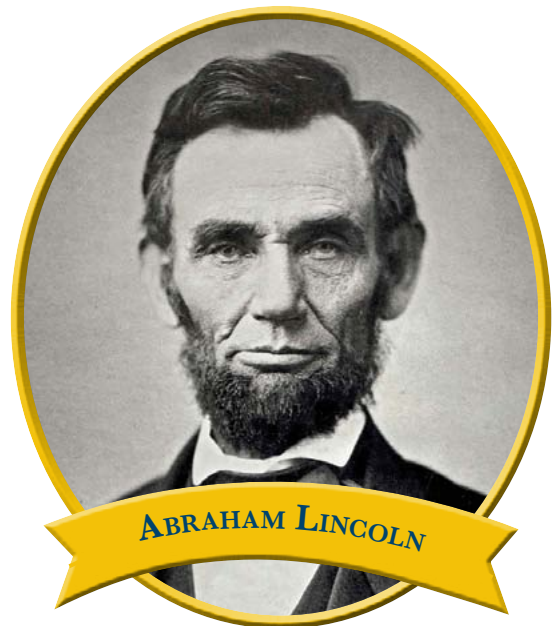
GETTYSBURG ADDRESS

Four score and seven years ago our fathers brought forth on this continent, a new nation, conceived in Liberty, and dedicated to the proposition that all men are created equal.

Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and dedicated, can long endure. We are met on a great battle-field of that war. We have come to dedicate a portion of that field, as a final resting place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this.

But, in a larger sense, we can not dedicate -- we can not consecrate -- we can not hallow -- this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note, nor long remember what we say here, but it can never forget what they did here. It is for us the living, rather, to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us -- that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion -- that we here highly resolve that these dead shall not have died in vain -- that this nation, under God, shall have a new birth of freedom -- and that government of the people, by the people, for the people, shall not perish from the earth.

—*Abraham Lincoln* ❖



Abraham Lincoln