



THE AMERICAN TESTAMENT

Mortimer J. Adler
and
William Gorman

for the Institute for Philosophical Research
and
the Aspen Institute for Humanistic Studies

Part 2 of 12

Analysis

All honor to Jefferson—to the man who, in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast, and capacity to introduce into a merely revolutionary document, an abstract truth, applicable to all men and all times, and so to embalm it there that today and in all coming days it shall be a rebuke . . . to the very harbingers of re-appearing tyranny.

ABRAHAM LINCOLN, 1859

THE four-part structure of the Declaration of Independence is lucid. In the first part, the Declaration sets forth broadly the nature and intent of the action taken in Congress on July 2 with the passage of a Resolution of Independence and the reason for addressing a universal audience concerning that action. The second part presents the theory that provides the basis for a right to revolution and delineates the kind of factual situation that would make the exercise of that right a duty. The third part affirms that such a factual situation exists. In the fourth part, it is solemnly declared that the right is being exercised.

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.

This one-sentence paragraph is complex. But the basic proposition asserted is this: *The causes of a revolutionary action should be declared.*

Why is this the case? To whom should the declaration be made? The phrases and clauses of the complex sentence answer

such questions. As they do so, they reveal some important points of doctrine.

A revolutionary act, dissolving prior political bonds, abolishing the prior form of government, can and should be a fully human act, an act of deliberative and prudent will, an act in the moral order. As such, it is of interest to the universal audience. It is of concern in the court of reason—of concern to the powers of the earth, constituted as a community of nations, however loosely, by respect for those opinions and judgments that are decisive for the life of that community. Decent respect, then, for the opinions of mankind requires that a candidate for separate and equal station among the powers of the earth should make a candid declaration to a candid world.

The Declaration was not to be made to Great Britain. The time for constitutional arguments and for petitions had passed. The Declaration had to be what Jefferson later called it, “an appeal to the tribunal of the world.” Evoking such a tribunal involves what might be called an aspirational affirmation. Jefferson and the signers were widely read students of human history, firmly aware of the play in history of irrational, arbitrary forces. Their affirmation that human history should be taken as something in the moral order was made despite, not in ignorance of, the general turgid course of that history.

Some diction in the first lines of the Declaration underlines the conviction that the Americans understood themselves as acting in the moral order, in which judgments of right and wrong are applicable. “When, in the course of human events, it becomes necessary for one people to . . .” In one form or another the term “necessity” recurs throughout the document: “the causes which *impel* them to separation”; “it is their *duty* to throw off such government”; “and such is now the *necessity* which *constrains* them”; “we *must*, therefore, acquiesce in the *necessity*.” Clearly, it is not physical necessity that is being spoken of. The “necessity” here is *moral* necessity—necessity in the order of freedom and obligation.

There had been a “course of human events,” eventuating in its *becoming* “*necessary* for . . .” The point of necessity was reached after stages of argument. The subject of the argument was blandly enough stated by Royal Governor Francis Bernard in November 1765: “It is my opinion that all the political evils in America arise from the want of ascertaining the relations between Great Britain and the American colonies.”

In 1768, Benjamin Franklin, not an avid theorist, wrote:

The more I have thought and read on the subject, the more I find myself confirmed in opinion, that no middle ground can be well maintained, I mean not

clearly with intelligible arguments. Something might be made of either of the extremes: that Parliament has a power to make *all laws* for us or a power to make *no laws* for us; and I think the arguments for the latter more numerous and weighty, than those for the former. Supposing that doctrine established, the colonies would then be so many separate states, only subject to the same King, as England and Scotland were before the union.

James Wilson, America's most learned and thoughtful lawyer, firmly argued for what Franklin had called the "more weighty" position in his *Considerations on the Nature and Extent of the Legislative Authority of the British Parliament*, written in 1770, though not published until 1774. In a speech before the Massachusetts Assembly on March 2, 1773, Royal Governor Thomas Hutchinson said, "I know of no line that can be drawn between the supreme authority of Parliament and the total independence of the colonies." Jefferson, in his *A Summary View of the Rights of British America* (1774), agreed with him that "no line could be drawn," found ludicrous the continued reaffirmation of the Declaratory Act that had proclaimed the "supreme authority of the British Parliament," and clearly enough implied that allegiance to the person of the King, to which Franklin had referred, was something voluntary—and revocable.

This had been a constitutional argument, intended by the American leaders to justify their resistance to a whole series of measures, and to disclose those measures as involving constitutional usurpations by the British Parliament, whose authority they came to deny totally. It also cited severe abuses of his prerogatives by the King, to whom they had freely given an allegiance that they could, in right, freely revoke. In the course of the argument, the Americans had conceived and proffered to the British the idea of the Commonwealth that the British belatedly came to in the twentieth century. However, the King closed the argument by ignoring their argued petitions for a redress of grievances, as well as by the military moves he made after declaring the Americans in a state of rebellion. Beyond question, it was only after a fervent effort at genuine argument, and because the argument was closed, that the point of necessity was reached.

The middle section of the Declaration's first complex sentence implicitly contains, as Carl Becker has stated, an important syllogism. The argument can be stated as follows:

Any people, coming, in the course of human events, into historical existence as such, is entitled, by the laws of nature and of nature's God, to assume,

among the powers of the earth, a separate and equal station.

The Americans are now a people.

They are, therefore, entitled to such a station.

The mediating term of that momentous syllogism is the term “a people.” This term has a complex past throughout Western history. Its applicability has sometimes seemed questionable, as in the cases of the Czechs, Slovaks, Slovenes, Croats, and other such ethnic groups. In recent times, we have seen many “new nations” petition for separate and equal station in the United Nations General Assembly, as if that many distinct “peoples” had suddenly emerged from previously undifferentiated aggregates of humanity.

These examples suggest that claims to the status of “people-hood” involve such things as a common language, a shared historical experience, and durable cultural traditions. Unquestionably, criteria of this kind are to be found in the American case. However, the definition involved in the Declaration is primarily a sociopolitical and juridical definition, not a historical or cultural one. Simplified, such a definition might read as follows: A people is a multitude of persons united in the intention of cooperatively pursuing a good human life for all, and large enough and varied enough in its resources to be competent in that associative pursuit.

In the Western tradition, a similar and enduring definition was proposed by Scipio in Cicero’s *De Republica*: “A people is not any collection of human beings brought together in any sort of way, but an assemblage of people in large numbers associated in an agreement with respect to justice and a partnership for the common good. [Res publica, res populi, populus autem non omnis hominum coetus quoquo modo congregatus, sed coetus multitudinis iuris consensu et utilitatis communione sociatus.]”

An association of that kind occurs because man is by nature a social animal, by nature in need of the benefits of a directed, orderly association for his pursuit of well-being. It was a traditional and prerevolutionary American doctrine that a people, in the sense defined, had an inherent right to self-rule, an inherent right “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.” When an assemblage of men attains the formality of “peoplehood,” they constitute a collective person, capable of having rights. A people’s right to self-rule was held to be a natural right, derived from the natural right of every individual person to self-rule, taken together with the natural need, implanted in human

nature by nature's God, for association as indispensable to the pursuit of happiness.

The second proposition of the syllogistic argument is this: *The Americans are a people*. Carl Becker says that this minor premise “is not explicitly stated in the Declaration.” However, it is surely implied, since Jefferson wrote: “When . . . it becomes necessary for *one people* to dissolve the political bands which have connected them with *another* [people]. . . .” Even while there were political bands that tied them together, the Americans were one people, the British another. Jefferson's first draft had read: “becomes necessary for a *people* to advance from the subordination in which they have hitherto remained.” In that original wording, corrected probably because the term “subordination” was judged inaccurate, the Americans are spoken of as “a people.”

Thomas Hutchinson, the much disliked Royal Governor of Massachusetts, certainly had no doubt that Jefferson intended to be referring to the existence of “a people.” After he had returned to England, the former governor, now a self-exiled Loyalist, wrote *Strictures upon the Declaration of the Congress at Philadelphia*. His first stricture read as follows: “They begin with a false hypothesis, that the Colonies are one distinct people, and the kingdom another, connected by political bands. The colonies, politically considered, never were a distinct people from the kingdom. There never has been but one political band and that was just the same before the first colonists emigrated as it has been ever since—the Supreme Legislative Authority, which bath essential right, and is indisputably bound to keep all parts of the Empire entire.” It was very late in the day for one more affirmation of the Supreme Parliamentary Authority. However, Hutchinson's denial that “the Colonies are one distinct people, and the kingdom another” reveals his understanding of what Jefferson certainly intended to be affirming.

Hutchinson's reference to “the emigration of the first colonists” also showed his acquaintance with a tract Jefferson had written just two years before—*A Summary View of the Rights of British America* (1774). Jefferson there suggested that the King be reminded

. . . that our ancestors, before their emigration to America, were the free inhabitants of the British dominions in Europe, and possessed a right, which nature has given to all men, of departing from the country in which chance, not choice has placed them; of going in quest of new habitations, and of there establishing new societies, under such laws

and regulations as to them seem most likely to promote public happiness.

Such a position, as Jefferson certainly knew, controverted Black-stone's express provision that no English subject could throw off his natural born allegiance. Jefferson was content to cite the great myth about the Saxon origins of Britain, and to state that "no circumstance has occurred to distinguish materially the British from the Saxon emigration."

As consequences of his view about the meaning of migration, Jefferson proffered these further major opinions in his *Summary View*: that these "new societies" had a right to self-rule; that the British Parliament never had any authority over them; that their adoption of the British common law was something voluntary; that their acts of allegiance to the King were voluntary and, as such, revocable.

Beyond the issues about the juridical meaning of the initial migration, there is a further question, a question that was to persist *in* a complex and fateful way for a hundred years—the question of "the Union." There were *thirteen* "new societies." Jefferson's argument from the natural right of emigration would apply to each of the thirteen, taken separately. Had these thirteen become "a people," *one* society? An affirmative answer is implicit in our taking July 4, 1776, as the birth date of a new nation. However, that memorial action assumes something to be true; it does not establish its truth.

The answer to the question doubtless must appeal to the course of human events in America from 1607 to 1763, and must rely on historical hypotheses about the seedtime and the gestation period.

In the short critical period from 1763 to 1776, the patriots often and eloquently adverted to their "ancestors," proclaiming that a spirit of liberty was a common thread in their great settlement, and that they shared a memory of the difficulty of settling a new land. Clinton Rossiter has presented two texts that illustrate the appeal to ancestors, the first from John Adams, the second from the Reverend William Smith, first Provost of the University of Pennsylvania:

Let us recollect and impress upon our souls the views and ends of our own more immediate forefathers, in exchanging their native country for a dreary, inhospitable wilderness. Let us examine into the nature of that power, and the cruelty of that oppression, which drove them from their homes. Recollect their amazing fortitude, their bitter sufferings,—the hunger, the nakedness, the cold, which they patiently endured,—the severe labors of

clearing their grounds, building their houses, raising their provisions, amidst dangers from wild beasts and savage men, before they had time or money or materials for commerce. Recollect the civil and religious principles and hopes and expectations which constantly supported and carried them through all hardships with patience and resignation. Let us recollect it was liberty, the hope of liberty for themselves and us and ours, which conquered all discouragements, dangers, and trials.

Look back, therefore, with reverence look back to the time of ancient virtue and renown. Look back to the mighty purposes which your fathers had in view, when they traversed a vast ocean, and planted this land. Recall to your minds their labors, their toils, their perseverance, and let their divine spirit animate you in all your actions.

The patriots also counted on something else that had been their common heritage: their very considerable common experience of local self-government, which had not, before 1763, been seriously hampered by the presence of royal governors and ministers. In addition, they were aware of and increasingly used a common stock of basic political ideas.

After the strongest case is made for the developing unitive tendencies from 1607 to 1765, there is no disagreement that the decisive unifying events came in the period of resistance. In that period, there were, first, astonishingly quick collective responses of outrage to local British offenses and, then, collective actions of protest. More important, a colonies-wide community of discourse came into being, involving an extraordinary use of all kinds of communications in the press, leading to all kinds of gatherings that the British governors called “unwarrantable assemblies.” As early as 1765, John Adams had noted the extent and intensity of the colonial response, which was to quicken sharply in the decade thereafter:

The people, even to the lowest ranks, have become more attentive to their liberties, more inquisitive about them, and more determined to defend them, than they were ever before known or had occasion to be; innumerable have been the monuments of wit, humor, sense, learning, spirit, patriotism, and heroism, erected in the several colonies and provinces, in the course of this year. Our presses have groaned, our pulpits have thundered, our

legislatures have resolved, our towns have voted, the crown officers have everywhere trembled, and all their little tools and creatures, been afraid to speak and ashamed to be seen.

Committees of correspondence grew up, first within one colony and then, very quickly, between colonies. From such committees of correspondence, and from the colonial assemblies, there issued the calls to the first and second Continental Congresses. The very existence of those Continental Congresses (the adjective was boldly prophetic) amounted to an initial affirmation that the Americans had become *one* people. The resort to arms in resistance occurred after such an all-colony-wide Congress. The Resolution of Independence, declared on July 2, 1776, came from such a Congress. The final confirmation came two days later in the Declaration of Independence, with the statement of the American “case” to “the tribunal of the world.”

Definitive decisions about the constitutional and juridical structure of the new nation would have to wait until after the revolutionary war. But the Americans had found and proclaimed their identity as “a people.” They had done so after skillful actions of resistance to oppression, but, even more so, after sustained, impassioned, widespread argument in support of those actions. It was the experience of that argument that led to the wholly unprecedented document of July 4. Never before had colonists, rebelling from an imperial power, judged that “a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.”

Before proceeding to the factual indictment of the King, and implicitly of Parliament, in support of the judgment that the Americans had been subjected to intolerable injustices, Jefferson first indicates, in the second paragraph of the Declaration, the fundamental principles—the political philosophy—underlying such a judgment.

We hold these truths . . .

This economical, forthright, double-edged assertion contains two important propositions: On the one hand, it asserts that there are truths regulative of deliberation and decision in a crisis of human events, and, on the other hand, it asserts that *we—the people—affirm* them.

It is often said that such boldness of statement was characteristic of the optimistic rationalism of the eighteenth-century Enlightenment. That is misleading. From the beginning, and increasingly throughout the tradition of the West, it was thought that truths about the nature of man, about natural rights,

and about the purpose of government could be discovered and affirmed—indeed, must be if the association of men in political communities or civil societies was to be both reasonable and just.

. . . to be self-evident, . . .

This, too, has been deemed overrationalistic, naïve, or an extravagant rhetorical flourish. However, we have no reason to suppose Jefferson ignorant of the traditional technical meaning of “self-evident” in the sciences of logic and mathematics. He was acquainted with the axioms of Euclid’s geometry, which; as distinguished from the theorems, are affirmable without demonstration and, therefore, are self-evident. This conception of the axiomatic or self-evident differs from the notion that the self-evident is simply the obvious. Many statements may be accepted by many persons as obvious that, upon examination, are not in the strict logical sense self-evident.

In that strict logical sense, a proposition is self-evident only if its truth cannot be demonstrated and only if its opposite is inconceivable. What makes it true in this special way? Consider, for example, one of Euclid’s axioms—that the whole is greater than the part. Our understanding of the two principal terms in this proposition—whole and *part*—is such that we immediately understand them to be related in a certain way, the one greater than the other, and we cannot conceive them to be related in the opposite way—the whole less than the part. If we could, the proposition would not be logically self-evident, nor would it be if we could somehow prove that whole and part must be related in this way by a process of reasoning in which we introduced other terms that enabled us to establish the stated relationship between whole and part.

That no other terms can be introduced as mediators between whole and part makes our understanding of their relationship immediate (that is, , without mediators) , and that immediacy is essential to a proposition’s being self-evident—known to be true from its own terms without appeal to any others. This is a logical, not a psychological, criterion, since the truth which can be immediately known in this way may not be obvious to someone who has not grasped the meaning of its terms. The meanings of the terms in some self-evident propositions may require prolonged reflection before they are adequately comprehended. The proposition here declared a self-evident truth—that all men are equal—is certainly less obvious than the axiom concerning the relation between a whole and its parts.

Two further observations are germane at this point. First, the statement about human equality held to be a self-evident truth is declarative or descriptive, not imperative or prescriptive. It is a statement of fact, not an injunction to action. Even if it is correct to say that each of us should treat his fellow men as equal, or that all

men ought to be so treated, it is, not self-evidently so; nor would it be possible to defend or support the soundness of the injunction if there were, as a matter of fact, no respect in which it is true that all men are equal.

Second, it must be acknowledged that the immediately following clauses in the Declaration state truths that are not self-evident in the strict logical sense. That men are endowed with certain inalienable rights, that these include the rights to life, liberty, and the pursuit of happiness, that governments derive their just powers from the consent of the governed—these propositions can be staunchly defended as true, but precisely because they need to be and can be defended by arguments, they are not self-evident. With regard to this logical blemish, some later words of Alexander Hamilton are germane. Hamilton opens *Federalist* #31 with a short disquisition on “primary truths or first principles.” After citing several “maxims in geometry,” such as “the whole is greater than its part,” and also “maxims in ethics and politics,” such as “the means ought to be proportioned to the end,” Hamilton makes the following statement:

And there are other truths in the two latter sciences which, if they cannot pretend to rank in the class of axioms, are yet such direct inferences from them . . . that they challenge the assent of a sound and unbiased mind, with a degree of force and conviction almost equally irresistible.

In Jefferson’s mind, the propositions that follow “all men are created equal” certainly had that kind of force.

. . . that all men are (created) equal; . . .

Ignoring for the moment, the presence of the term “created,” the questions to be answered in an effort to construe this proposition as a self-evident truth concern the meaning of its two principal terms —”men” and “equal.”

It is not necessary to assume that the signers of the Declaration had a common verbal formula to express their understanding of what was meant by the term “man.” However, there is ample evidence that their concept of human nature, expressed in one or another form of words, reflected the traditional teaching that man is a person, not a thing—a rational being with free choice, aspiring to the fulfillment of his natural propensities or capacities and, because he is free, morally responsible for what he does or does not do to achieve that goal. Because the traditional doctrine also maintained that man is not only a rational, but also a social and political, animal, the signers would also have understood

that each individual depends upon his association with other human beings for an effective pursuit of that goal—sometimes called happiness, sometimes a good human life, and sometimes self-realization or self-perfection.

What was meant by the term “equal” in the Declaration’s statement that “all men are equal”? Since anyone can easily find in experience so many different respects in which individual men are clearly not equal, a special meaning must be assigned to this term in the statement about *all* men if the proposition is to be interpreted in a way that makes it self-evidently true. The only meaning which serves that purpose is the equality of all men *as men—their* sameness as human beings, a sameness which underlies their individual differences in all other respects. Though one human being may be more or less than another in every other respect, none is more or less human in consequence of that; and so they are equal as human beings even though they may be unequal, one with another, in every other respect.

This understanding of the equality of men as men also involves conceiving human beings as equal in their possession of the dignity which attaches to being human, a dignity not possessed by other things. It involves conceiving them as sharing in what is common to all members of the human species—the powers or properties that distinguish men from other animals, together with the natural aspirations rooted in their common nature, such as the aspirations for happiness.

If this is a correct interpretation of the self-evidence of the truth that all men are equal, it reflects a conviction on the part of the signers concerning the reality of the common human nature in which all men participate as members of the same species. They did not use the words “man” and “human” merely as verbal tags for an arbitrary grouping in some scheme of classification adopted for purely practical reasons.

Understood in this way, the equality of human beings as all possessing the same dignity has profound consequences. It imposes obligations of mutual respect on those who enter into association with one another in order to make good human lives for themselves. Acknowledging implicitly that all men may not in fact be treated as equal, it implies that all should be so treated.

. . . that all men are *created* equal; . . .

The proposition in the Declaration is not “all men are equal,” but rather “all men are created equal.”

It should not be supposed that Jefferson regarded the theological doctrine of creation as self-evident. That God exists, that God created the universe and all things in it, that man is a

creature of God—these are articles of religious faith; or, if their truth can be known by reason, such knowledge would result from long and difficult lines of reasoning in natural theology. In any case, they are not self-evident. Jefferson’s reference to creation must be construed as an implicit acknowledgment of the prevailing religious beliefs or philosophical convictions of his day. The clause could have been expanded to make that acknowledgment explicit and also separate from the affirmation of a self-evident truth: “All men, their nature having been created by God, are equal in their common nature as human beings.”

In its traditional formulation, the theory of natural law, with which the doctrine of natural rights is associated, rested on a theological foundation. The laws of nature were the laws of nature’s God. To regard them in this way gave them authority and sanctions they would not otherwise have. So, too, if human nature is created by God, then the natural moral law and the natural rights, which can be discovered by reflection on the natural propensities and natural needs of human beings, have a transcendental origin. Nevertheless, the discovery of the natural moral law, or of the rights inherently possessed by all men because of their common human nature, in no way depends on the belief that God is the creator of human nature and thus the ultimate source of natural law. Nor does disbelief in God as creator alter the consequences that flow from the affirmation that men are equal as men. In a famous passage in his Prolegomena to *On the Law of War and Peace*, which some of the founding fathers knew, Grotius, a believing Protestant, had written that the natural laws of right and wrong would still have great weight, “even if we were to grant, what we cannot grant without wickedness, that there is no God, or that he bestows no regard on human affairs.”

In his compressed five words, Jefferson recorded the prevailing American view that human equality and natural rights enjoyed both divine sanction and the sanction of right reason.



THE GREAT IDEAS ONLINE

is published weekly for its members by the

CENTER FOR THE STUDY OF THE GREAT IDEAS

Founded in 1990 by Mortimer J. Adler & Max Weismann

Max Weismann, Publisher Emeritus

Elaine Weismann, Publisher and Editor

Phone: 312-943-1076

Mobile: 312-280-1011

Ken Dzugan, Senior Fellow and Archivist

A not-for-profit (501) (c)(3) educational organization.

Donations are tax deductible as the law allows.