



## Declaring Liberty As Eternal Law

It was, and perhaps still is, one of those trick questions used by kids to trip up their schoolmates: "Do they have fourth of July in England?" Well, of course, the English have a July 4th. Their calendars would look rather silly without it. But they probably don't celebrate American Independence on that or any other day, except, of course, at the U.S. embassy.



Do they celebrate the Fourth of July — Independence Day — in Iraq? Apparently so. Vice President Joseph Biden is in Iraq this weekend, meeting with the nation's political leaders who are negotiating among the various factions over who will hold what key posts in the new government. Perhaps while he is there, the Vice President will also issue one of those standard American warnings to other nations in the reason not to meddle in the internal affairs of Iraq. No doubt he can be counted on not to notice the irony.

Biden, according to the Cable News Network, will attend a naturalization ceremony for members of the armed forces and will attend a Fourth of July event for Iraqi officials. So I guess Iraq now does have a Fourth of July in the American meaning of that phrase and date. A few years ago, when the United States was working with Iraqi leaders to establish a new government, the need for a constitution arose. Why not give them ours, some suggested, since we're not using it? Apparently we've given them our Independence Day as well.

According to the Declaration unanimously adopted by England's American colonies on this date 234 years ago, it is the right of any people to claim their independence and to establish such forms of government "as to them shall seem most likely to effect their safety and happiness." It says nothing about the "right" of people to have a new form of government established for them with the help of invaders from across an ocean. Within a year after the U.S. invasion of Iraq, a poll taken in that troubled land showed only two percent of Iraqis viewed Americans as liberators. The remaining 98 percent saw as occupiers, White House and Pentagon press releases and obliging media coverage to the contrary notwithstanding.

But where did the colonists get this notion that it was among the natural rights of men to "alter or abolish" any government that has, through "a long train of abuses and usurpations, become destructive of their "life, liberty and pursuit of happiness"? Whence came the notion that men had been "endowed by their Creator" with those "unalienable rights" in the first place. Thomas Jefferson, the principal author of the Declaration, was happy to acknowledge that he had not come up with anything new in a document that struck many, then as now, as a radical break with the traditional relationship between



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king and subjects.

"I did not consider it as any part of my charge to invent new ideas altogether and to offer no sentiment which had ever been expressed before," Jefferson later wrote. His job, as he saw it, was to "place before mankind the common sense of the subject, in terms so plain and firm to command their assent.... Neither aiming at originality of principles, nor yet copied from any particular and previous writing, it was intended to be an expression of the American mind."

Historians and political scientists have long observed the similarity between the political theories and even the words and phrases employed by Jefferson and those of the Englishman John Locke, who wrote his treatises on government in the previous century. Locke's *First Treatise on Government* was written to refute Sir Robert Filmer's *Patriarcha*, a defense of the doctrine of the divine right of kings. "Kings," Filmer wrote, "are as absolute as Adam over the creatures." That would leave the rest of humanity, in its fallen state, as something less than human — more like cattle than men and women who bear, however disfigured, the image of God.

But monarchs, for all their pride of pedigree, are also part of that fallen, sinful humanity. Why, then, should they be entrusted with absolute power? In the Middle Ages, wrote Carl Becker in his 1922 book, *The Declaration of Independence*, "both kings and vassals "were manifestly vassals of God, who was the Lord of Lords and King of Kings. Thus mediaeval philosophers had conceived of the authority of princes as resting on a compact with their subjects, a contract on their part to rule righteously, failing which their subjects were absolved from allegiance..."

Becker went on to explain say it was commonly thought in the Middle Ages that an intervention of the pope was required to formally sever that allegiance. By the 17th Century, however, ties between the English crown and the Vatican had been broken and the British monarch was head of the Church of England. The pope's influence appeared to be waning in Catholic France as well, where Louis XIV held essentially the same view of the divine right of Kings as did Charles II. The scholars at Cambridge University confirmed for Charles that "Kings derive not their authority from the people but from God;...To Him only they are accountable."

But what if the king is a bad ruler and God does not hold him accountable in this life? What kind of a government is it, Locke asked, where one man "may do to all his subjects whatever he pleases without the least liberty to anyone to question or control those who execute his pleasure?" Such a government is a bad one, he concluded. Governments exist to serve men, not the other way around. The accountability, then, must be with the people and the powers of government must rest on the consent of the governed.

Jefferson, who was no doubt well versed in Locke's analysis, wrote into the Declaration that men are "endowed by their Creator with certain unalienable rights" and that to secure these rights governments are instituted, "deriving their just powers from the consent of the governed." And it would be the governed who would decide, by the "laws of nature and of nature's God," what powers were just and which were not.

Jefferson's invocation of the "laws of nature and of nature's God" might leave the impression that God is the junior partner in that alliance. Jefferson was, by all accounts, a Deist, one who believed the Creator, having made the world to His liking, left it to fend for itself, being governed by the laws, both physical and moral, that he established therein. He believed in the moral precepts and principles found in the Gospels, but in what has come to be known as *The Jefferson Bible*, he excised all accounts of miracles,



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including miraculous healings and the resurrection of Jesus. But the rejection of the supernatural, while not uncommon in the age of the Enlightenment, was far from universal, as Becker appeared to suggest in writing: "Having deified nature, the eighteenth century could conveniently dismiss the bible and drop the concept of Eternal Law altogether." If the concept of Eternal Law was dropped, it bounced back rather persuasively in the most enduring document of that decade — the one that speaks of a divine purpose of the Creator in endowing the human race with "unalienable rights."

John Locke, whose writings had greatly influenced the political thought of Jefferson and his contemporaries, believed the laws of nature to be another manifestation of the will of the God of the Bible. In *Defending the Declaration*, Gary T. Amos points to the first two chapters of Saint Paul's *Epistle to the Romans* as the starting point of Locke's belief in a law of nature discernable to all men.

"For the invisible things of him, from the creation of the world, are clearly seen," wrote the Apostle, being understood by the things that are made; his eternal power also and divinity; so that they (evil-doers) are inexcusable." While Locke distinguished between the "law of nature" and "the positive law of God," he gave primacy to the latter, "It being a part of the law of nature that man ought to obey every positive law of God."

There had developed, Becker wrote, "since the time of Copernicus, a strong presumption that the mind of God could be made out with greater precision by studying the mechanism of his created universe than by meditating on the words of his inspired prophets." If so, that presumption was not shared by Locke. "I shall immediately condemn and quit any opinion of mine," he wrote, "as soon as I am shown that it is contrary to any revelation in the holy scripture."

Far from resting only on a remote deity not engaged in the affairs of men, the Declaration invoked a "firm reliance on the protection of Divine Providence" for the cause to which the signers pledged "our lives, our fortunes and our sacred honor." The outcome suggests Divine Providence was not sleeping.



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