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### The American Revolutions of 1776

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Today, not everyone is eager to celebrate the Declaration of Independence and the political revolution it sparked. The political left has long been skeptical of 1776. Their critique is familiar: “All men are created equal” did not really mean all individuals, because the Constitution did not include African Americans or women, and the founders’ alleged commitment to the rights of man was really a cover to advance their own economic interests.

While most, if not all, of these arguments have been addressed, a different criticism has emerged in recent years from the “post-liberal” right. Liberalism has failed because liberalism has succeeded, the political theorist Patrick Deneen alleges.<sup>1</sup> About natural rights, the philosopher Alasdair MacIntyre writes, “The truth is plain: there are no such rights, and belief in them is one with belief in witches and unicorns.”<sup>2</sup> The political philosophy of the American founding, some on the right now claim, is untrue, erodes traditional morality, and undermines sound religious belief.

This chapter articulates an alternative interpretation of the Declaration of Independence, one that rejects the claims of both the progressive left and the post-liberal right. The American founding was indeed animated by a revolution in political thinking, but it was hostile to neither human equality nor religion. Moreover, the American founding’s political philosophy of natural rights places limits on political authority in recognition of, and out of deference to, legitimate religious authority.

America’s separation from Great Britain in 1776 set in motion three interrelated revolutions. In the Declaration of Independence and their writings on religious liberty, the Founding Fathers instituted a new

understanding of the foundations of political authority, advanced a new conception of government's purpose, and recognized the existence of religious truth and the legitimacy of religious authority. America's founding was animated by both the spirit of liberty and the spirit of religion—a philosophical and practical achievement worth understanding and attempting to recover today.

### **The Foundations of Political Authority**

America begins with the “self-evident” truth “that all men are created equal.” But equal in what respects? How do we know? And what is the significance of that equality?

Just days before he died, Thomas Jefferson himself explained the meaning of equality in a remarkable letter to Roger Weightman, the mayor of Washington, DC. Jefferson had been invited to Philadelphia to take part in the nation's celebration of the Declaration's 50th anniversary. Regretfully explaining that he could not make the journey, the elder statesman wrote of the Declaration,

May it be to the world, what I believe it will be, (to some parts sooner, to others later, but finally to all,) the signal of arousing men to burst the chains, . . . and to assume the blessings and security of self-government.<sup>3</sup>

Jefferson continued:

All eyes are opened, or opening to the rights of man.—The general spread of the light of science has already laid open to every view the palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favored few, booted and spurred, ready to ride them legitimately, by the grace of God.<sup>4</sup>

To understand Jefferson, we must work through his metaphor.<sup>5</sup> Horses, too, are not born with saddles on their backs, but common sense tells us that it is legitimate for us to break them, saddle them, and use them for our own purposes. We have reason and free will, which provide the capacity to deliberate about what is good, true, and just and then to make reflective choices informed by those deliberations. Animals do not. Animals' inferiority to human beings makes it legitimate for human beings to own horses.

If we follow Jefferson's metaphor, no human being stands in relation to another human being as human beings stand in relation to horses. One human's ownership of another or one person's subjection to another is contrary to how human beings have been created "by the grace of God." Thus, "all men are created equal" means that, by nature, no person is either a master or a slave. The capacity of all human beings—being naturally endowed with reason, free will, and moral judgment—to exercise dominion over their own lives makes us equal.<sup>6</sup> Given that men and women of all colors and all races equally share in the fundamental attributes of personhood, if we push Jefferson's metaphor to its logical conclusion, the Declaration's philosophical teaching about human equality necessarily includes the entire human race. As a deist who was suspicious of "monkish ignorance and superstition," Jefferson held that "the light of science" reveals this principle of human equality.<sup>7</sup>

Although perhaps only nominally Anglican, Founding Father James Wilson reached the same conclusion by further meditating on human nature in a manner shaped by a traditional understanding of natural law.<sup>8</sup> One of only six men to sign both the Declaration and the Constitution and one of the nation's first Supreme Court justices, Wilson is remembered today for his monumental *Lectures on Law*. Delivered at the College of Philadelphia between 1790 and 1792, Wilson's lectures established him as America's closest approximation to the English jurist William Blackstone.<sup>9</sup> Though the lectures cover an exhausting range of topics—a recently published two-volume edition comes in at well over 1,000 pages—Wilson conveys the essence of his teaching on human

equality in just a few paragraphs found in his 1791 lecture “Of Man, as a Member of Society”:

When we say, that all men are equal; we mean not to apply this equality to their virtues, their talents, their dispositions, or their acquirements. In all these respects, there is, and it is fit for the great purposes of society that there should be, great inequality among men.<sup>10</sup>

He continues:

But however great the variety and inequality of men may be with regard to virtue, talents, taste, and acquirements; there is still one aspect, in which all men in society, previous to civil government, are equal. With regard to all, there is an equality in rights and in obligations. . . . The natural rights and duties of man belong equally to all. . . . By these laws, rights, natural or acquired, are confirmed, in the same manner, to all; to the weak and artless, their small acquisitions, as well as to the strong and artful, their large ones. If much labour employed entitles the active to great possessions, the indolent have a right, equally sacred, to the little possessions, which they occupy and improve.

As in civil society, previous to civil government, all men are equal; so, in the same state, all men are free. In such a state, no one can claim, in preference to another, superiour right: in the same state, no one can claim over another superiour authority.<sup>11</sup>

All men are created equal, Wilson teaches, in their natural rights, which include the right to the fruits of one’s labor and the right to exercise dominion over one’s own life.

Equality in natural rights means equality in natural liberty. In his lecture “Of the Law of Nature,” Wilson explains that the grounds of our equal

natural liberty lie in our nature as endowed by the Creator.<sup>12</sup> Later in “Of Man, as a Member of Society,” he argues, “Nature has implanted in man the desire of his own happiness; she has inspired him with many tender affections towards others, especially in the near relations of life.” Wilson connects our desire for our own happiness and the happiness of our loved ones to our “natural impulse[s]” and our “intellectual and moral powers.” Given the constitution of human nature, he reasons,

the undeniable consequence is, that [man] has a right to exert those powers for the accomplishment of those purposes, in such a manner, and upon such objects, as his inclination and judgment shall direct; provided he does no injury to others; and provided some publick interests do not demand his labours. This right is natural liberty. Every man has a sense of this right. Every man has a sense of the impropriety of restraining or interrupting it.

Wilson derives the moral imperative of human freedom from not only what is “low”—especially our passion for our own self-interest—but also what is “high” in human nature. “The right of natural liberty,” Wilson continues,

is suggested to us not only by the selfish parts of our constitution, but by our generous affections; and especially by our moral sense, which intimates to us, that in our voluntary actions consist our dignity and perfection.<sup>13</sup>

Reflecting on human nature—our natural desires, affections, inclinations, and moral and intellectual capacities—leads Wilson, like Jefferson, to the conclusion that human beings are all equally meant to be free.

It is worth emphasizing that Wilson’s account of human nature and natural liberty is not Hobbesian. Unlike Thomas Hobbes, Wilson does not take natural liberty to mean we are free to do anything. Indeed,

immediately after articulating man's right of natural liberty, Wilson makes clear that this right does not include the freedom to commit moral wrongs. "The laws of nature are the measure and the rule," he writes, "they ascertain the limits and the extent of natural liberty."<sup>14</sup> Wilson articulates the framers' basic moral understanding of natural rights.<sup>15</sup>

Our natural desire for our own happiness and that of our friends and our capacity to pursue happiness in light of our ability to distinguish right from wrong mean that all human beings have a right to natural liberty. The right of natural liberty, like all natural rights, is bounded by the natural moral law. Indeed, our natural rights are part of the natural moral law, and thus the exercise of natural liberty does not include the right to act contrary to the natural moral law. Human beings by nature are both free and bounded: free to direct our own lives but bounded by a moral law we apprehend but do not create.

That all human beings by nature equally possess the right to exercise dominion over their own lives has a specific implication for the institution of legitimate political authority. Given that, by nature, no human being has a right to govern another, legitimate political authority arises only from consent. While it might be in every man's interest to be a citizen of a decent political order, given every individual's right of natural liberty, no man can be bounded to a specific political order except through his own consent.<sup>16</sup>

In his 1775 essay, "The Farmer Refuted," the young Alexander Hamilton connects both natural rights to natural law and consent to equality, explicitly rejecting Hobbes's contention that right and wrong exist only by convention. Like Wilson, Hamilton begins with human nature. The "supreme being," Hamilton writes, "endowed [man] with rational faculties, by the help of which, to discern and pursue such things, as were consistent with his duty and interest, and invested him with an inviolable right to personal liberty, and personal safety." Given our ability to apprehend moral truths and distinguish right from wrong, he says, we are morally obliged to follow the precepts of the law of nature. Given our natural equality, moreover, no man possesses "the least authority to command,

or exact obedience” from any other man, “except that which [arises] from the ties of consanguinity.”<sup>17</sup>

The natural human condition is one of freedom, equality, and moral responsibility to the precepts of the natural law. Our equal natural liberty, Hamilton reasons, requires that

the origin of all civil government, justly established, must be a voluntary compact, between the rulers and the ruled; and must be liable to such limitations, as are necessary for the security of the absolute rights of the latter; for what original title can any man or set of men have, to govern others, except their own consent? To usurp dominion over a people, in their own despite, or to grasp at a more extensive power than they are willing to entrust, is to violate that law of nature, which gives every man a right to his personal liberty; and can, therefore, confer no obligation to obedience.<sup>18</sup>

The idea that legitimate political authority requires the consent of the governed was the first revolution of 1776. The necessity of consent follows from the self-evident truths that all men are created equal in their natural liberty and possess natural authority over—and responsibility for—their own lives.

The principle of consent means that divine right is not sufficient for legitimate political rule. The political philosophy of the American founding rejects the idea that, in the ordinary course of human affairs, God directly appoints particular political rulers. As I discuss below, this philosophy does not reject divine right or divine authority as such. God may ordain that political authority exists and that men and women of faith be loyal subjects to those who govern justly.<sup>19</sup> God’s providential design may even ordain that particular individuals govern in particular places and times in human history. But the order of creation knowable through human reason reveals that God created all human beings equally free and, therefore, that legitimate political authority arises through the consent of the governed.

The principle of consent also means that wisdom is an insufficient claim to rule legitimately. One may hope and pray that, once political authority is established, those who govern are wise. One may even design a constitution that attempts to distinguish wisdom and arrange a consensual path for the wise to rise to power. But the assertion of wisdom alone does not confer political authority. The claim “all men are created equal” means that every individual by nature, and thus by right, possesses equal title to govern himself.

While the recognition of human equality and the corresponding principle that legitimate government is instituted through consent are in some sense modern political ideas, the founders derived them from classical metaphysical premises. Both Wilson’s and Hamilton’s reasoning presumes that human beings ought to be treated in accordance with the kind of being they are, which is perceptible in our unique attributes and capacities. They adopt Thomas Aquinas’s ontology that being and goodness are convertible terms—that human excellence is found by uncovering what we truly are. The founders, in other words, derived an “ought”—human beings have a right to liberty—from an “is”—human nature has the capacity to exercise freedom. What most distinguishes the founders from classical thinkers is not a different approach to nature or natural law but rather the founders’ appreciation and embrace of equal human freedom as a central aspect of human nature.<sup>20</sup>

### **The Purpose of Political Authority**

As the right of natural liberty follows from our equal capacities to direct our own lives, the principle of consent follows from human equality. Consent alone, however, while necessary, is insufficient. Legitimate political authority also must be directed toward the ends proper to the political community.

The primary end of good government, according to the Declaration of Independence, is to secure the rights with which individuals have been



“endowed by their Creator.” Good government may do more than secure natural rights, but no government can be considered good if it fails to secure the natural rights of the people it governs. The conviction that governments are instituted, first and foremost, to secure natural rights was the second revolution of 1776.

Natural rights are natural in the sense that they inhere in human nature. The natural rights to acquire and possess property, for example, are derivative of every individual’s ownership of his or her own labor. Consider slavery: A slave is someone whose labor is owned by another; the slave labors, but the master owns the fruits. If all men are created equal, then human slavery violates natural justice, because the owner steals the slave’s labor from the slave. Ownership of one’s own labor, in fact, is one of the fundamental ways in which all men are created equal.

Government is needed because our natural rights are not secure without it. In a state of nature—that is, the condition in which no commonly recognized governing authority exists—a natural moral law exists, as discussed above. It is wrong, for example, to take others’ property and steal others’ labor. But human beings do not always recognize or obey the natural precepts of right and wrong. “What is government itself,” James Madison asks in *Federalist* 51, “but the greatest of all reflections on human nature? If men were angels, no government would be necessary.”<sup>21</sup> Angels, presumably, would know and do what is right. But men are not angels; they do not always know what they should do, and they do not always do what they ought. It is worth noting that, despite deploring slavery in principle and powerfully articulating the natural law that underpinned human liberty and equality, Madison, Jefferson, and Wilson were all slaveowners<sup>22</sup>

While each individual and family may justly attempt to protect what rightfully belongs to them in the state of nature, such self-protection inevitably proves insufficient. Moreover, many other goods—art, education, and science—become possible only when human beings live in a community of sufficient size, scope, and learning to overcome necessity and make advances in the liberal arts. The requirements of both mere life and

the good life lead men into political communities. While political communities must be constructed and require consent to be instituted legitimately, the founders held that men are social and political beings whose nature leads them into political communities.<sup>23</sup>

In his 1792 essay "Property," Madison offers his clearest statement on the purposes of political authority: "Government is instituted to protect property of every sort." By property, Madison does not mean just land or material possessions. "In its larger and juster meaning," the concept of property "embraces every thing to which a man may attach a value and have a right; and *which leaves to every one else the like advantage.*" (Emphasis in original.) An individual thus can have property in land, merchandise, or money but also "in his opinions and the free communication of them" and "in the free use of his faculties and free choice of the objects on which to employ them." An individual, Madison says, "has a property of peculiar value in his religious opinions, and in the profession and practice dictated by them." "A *just* government," Madison teaches, is one "which *impartially* secures to every man, whatever is his *own.*"<sup>24</sup> (Emphasis in original.) One's natural rights are the property most fundamentally one's own.

Hamilton, quoting Blackstone, says the same thing:

The principal aim of society is to protect individuals, in the enjoyment of those absolute rights, which were vested in them by the immutable laws of nature. . . . The first and primary end of human laws, is to maintain and regulate these absolute rights of individuals.<sup>25</sup>

By regulate, Hamilton means "to make regular." The primary end of government is to make regular the enjoyment of our natural rights—to make each person's property secure in Madison's "larger and juster meaning."

The founders' conception of just government is thus different from that which took hold in America in the early 20th century. Unlike influential progressive thinkers such as Herbert Croly and political leaders such

as Franklin D. Roosevelt, the founders did not hold that a fundamental purpose of government is to provide directly for the people's material needs or to ameliorate all unfortunate conditions. They instead understood the role of government as securing the conditions, including the economic conditions, that would allow Americans to be responsible for themselves—to employ their natural rights to provide for themselves, their families, and those under their care. Responsibility for oneself, for one's loved ones, and for one's community is the American founding's quintessential virtue. Responsibility allows individuals who have been endowed with equal natural liberty to use their freedom well.

Respect for and recognition of individuals' responsibility for their own well-being—including their moral responsibility to their neighbors and, as I shall discuss, their religious duties to the Creator—led the founders to conclude that a legitimate political community is not and *cannot* be tasked with securing every element of the good life. Indeed, the founders held that we do not turn over our most fundamental responsibilities to the political community. Some rights are by their very nature “inalienable,” meaning that authority over them is not granted to government.<sup>26</sup>

As already noted, the establishment of limited ends or purposes of political authority was the second revolution of 1776. Today we take for granted that government is not tasked with saving citizens' souls, but this truly was a revolution in the understanding of the purposes of government. It corresponds to—and was developed from—the precept that God does not directly grant political authority to any one person or group of people. The Creator, by design, leaves us free to organize ourselves politically using the precepts of the natural moral law as guidance, including the natural rights of mankind.

The Creator endows human beings with reason and freedom, which entail both the ability to discern right from wrong and the capacity to organize their political life according to rationally knowable principles of justice. The Creator, however, does not ordain political governors, a legal code for political governance, or a divine constitution of government. In this sense, we truly are free: not free from the moral law or the demands

of justice, but rather free to apprehend and deliberately choose to live justly in political communities that we ourselves devise.

### **The Recognition of Legitimate Religious Authority**

Political freedom and proper limitations on the state's authority do not imply indifference to religion. Politics must remain limited, in part, because of the nature of religious truth and in recognition of religious authority's proper domain. Here the founders stand in stark contrast to those today who say our politics and laws must be neutral toward religion and comprehensive conceptions of the good. Such neutrality is often said to be a central tenet of liberalism and a prerequisite of any form of sensible church-state politics in our time of deep pluralism. The founders' natural rights republicanism instead starts with the "fundamental and undeniable truth" set forth in the 1776 Virginia Declaration of Rights: "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."

The founders grasped this truth through biblical revelation and philosophical reasoning. Their philosophical argument holds that an omniscient and all-powerful deity who created mankind with the capacities of reason and free will would find acceptable only worship that exercised those capacities.<sup>27</sup> Madison articulates this natural theology in his 1813 presidential proclamation calling for a national day of voluntary "public humiliation and prayer" to secure God's blessing during the War of 1812:

If the public homage of a people can ever be worthy [of] the favorable regard of the Holy and Omniscient Being to whom it is addressed, it must be that, in which those who join in it are guided only by their free choice, by the impulse of their hearts and the dictates of their consciences.<sup>28</sup>

While Madison and the founders did not quite put it this way, we might say that an omniscient God who created us with the capacity to adore Him, or even to love Him, would likely settle for nothing less than our full devotion. That full devotion, adoration, and love can only be given freely, and, thus, freedom is a necessary prerequisite of religious worship.

That true religious worship must be offered freely and cannot be coerced is the fundamental philosophical and theological insight that animated the American founding's position on religious liberty and matters of church and state. That worship must be one's own to be true means that the control and direction of one's religious beliefs and exercises, in a fundamental sense, must remain one's own. A state dedicated to securing religious liberty for its citizens, accordingly, is not indifferent or neutral toward religion, but rather one that restrains itself to its proper jurisdiction.

The state's absence of authority in matters of religion also enables parents and churches to exercise their respective authorities. Take the parental duty to care for every aspect of one's child's well-being, including nurturing his or her spiritual and religious development: It would be an abdication of parental authority and responsibility to turn that duty over to the state—to grant the state discretion to determine the religious upbringing of one's own child. Retaining authority over one's own religious beliefs and the religious formation of one's children lies at the core of the founders' assertion that the ability to worship according to conscience is an "unalienable right."

From the polity's perspective, church authority can be conceived similarly. The founders' natural rights philosophy means that church authorities cannot depend on the state's coercive power for their own integrity. Churches must be voluntary associations; they cannot use the state's authority to compel membership or enforce doctrine. At the same time, churches themselves remain free from state coercion in matters outside of the state's legitimate authority. The state lacks authority to appoint the church's hierarchy or leadership (or veto such appointments), impose religious doctrines on churches, or prescribe or proscribe forms of worship.

Heresy still exists, of course, but it is to be defined by church authorities and cannot be punished through the state's legal and coercive mechanisms. Limitations on the state's authority honor the rightful authority of churches to govern themselves internally and shepherd their flocks, free from state interference, in matters of religious doctrine and worship.

By restraining itself and recognizing the limits of legitimate governmental authority, the state implicitly recognizes religion's distinct and superior authority. The absence of laws mandating specific religious beliefs or exercises, dictating the religious education of the young, and regulating churches in their religious capacities does not constitute a commitment to secularism, at least not if secularism is understood to be atheism or to presume that religion is opposed to reason. The founders' constitutionalism is instead grounded in a commitment to religious liberty, which itself is grounded on the religious truth accessible to human reason that religious worship must be freely given.

Religious liberty and the separation of church and state also recognize that political authorities as such possess no special insight or access to divine revelation. As Madison emphasized in "Memorial and Remonstrance Against Religious Assessments," a 1785 petition against a proposed Virginia bill to create state-sponsored churches, we have no good reason to believe—and many reasons to doubt—that political authorities are competent to judge religious truth.<sup>29</sup> Those truths that lie beyond reason—matters above the natural law that pertain exclusively to the divine law—are the proper subject of church authority alone. The limits of human wisdom contain political authority to temporal matters accessible to our principled and prudential judgments.

Proscribing state authority over religion, however, does not mean minimizing the political importance or influence of religion. As Madison and the founders understood, religion and religious authority do not need Caesar's sword to guide society. "We are teaching the world the great truth," Madison wrote in 1822, "that Govts. do better without Kings & Nobles than with them. The merit will be doubled by the other lesson that Religion flourishes in greater purity, without than with the aid of Govt."<sup>30</sup>

Later, Alexis de Tocqueville would more systematically develop this insight in *Democracy in America*. “The short space of sixty years,” Tocqueville suggests, “will never confine the whole imagination of man; the incomplete joys of this world will never suffice for his heart.” Given human mortality, “disbelief is an accident; faith alone is the permanent state of humanity.” Tocqueville perceived that religion could govern men and women by elevating their hopes, forming their beliefs, and shaping their moral lives as long as it grounded its force in the enduring “sentiments, instincts, and passions” of all men and women and not “the interests of this world” or its “ephemeral powers.” He counsels that “in uniting with different political powers, religion can therefore contract only an onerous alliance. It does not need their assistance to live, and in serving them it can die.”<sup>31</sup> Religious liberty and the separation of church and state, ironically, make it possible for religion to be the first of America’s political institutions.

### A Revolutionary Truth

The implications of the idea that true worship must be according to conviction and conscience were revolutionary for politics. When forming a political community and establishing sovereign political power, individuals retain authority over their religious exercises. The state’s authority does not extend to securing its citizens’ salvation, directing children’s spiritual education, or supervising churches in their religious functions. It is unintelligible to grant the state such authority since the coercive force of law cannot bring about true religious belief. Political authority must remain limited given the nature of true religious devotion; because individuals, with their churches, are responsible for their own souls and the souls of their children; and out of deference to and respect for church authority, which is distinct from and independent of political authority.

While the founders did not explicitly ground their political philosophy in the Bible, the American commitment to religious freedom and the separation of church and state are consistent with Jesus's teaching to "render . . . unto Caesar the things which are Caesar's; and unto God the things that are God's."<sup>32</sup> Both American constitutionalism and the Gospel acknowledge the separate and legitimate authorities of state and church.

Because political authority does not possess the mandate of divine authority, it must be founded on principles accessible to human reason—above all, the truth that all human beings are created equal and, therefore, that legitimate government is instituted through consent. These basic principles of political right—what I have called the revolutions of 1776—task politics with the protection of our natural and inalienable rights and recognize the authority of churches to do the divinely ordained work they are called to do.

This is the legacy for which the signers of the Declaration of Independence pledged their lives, their fortunes, and their sacred honor. We honor their legacy and accept our rightful patrimony by understanding these revolutionary principles—principles that still make America, in Lincoln's words, "the last best hope of earth."<sup>33</sup>

## Notes

1. Patrick J. Deneen, *Why Liberalism Failed* (Yale University Press, 2018).
2. Alasdair MacIntyre, *After Virtue*, 2nd ed. (University of Notre Dame Press, 1984), 69.
3. Thomas Jefferson to Roger Weightman, June 24, 1826, Library of Congress, <https://www.loc.gov/resource/rbpe.18600200/>.
4. Jefferson to Weightman.
5. This discussion of equality adopts the presentation I set forth in Vincent Philip Muñoz, *Religious Liberty and the American Founding: Natural Rights and the Original Meanings of the First Amendment Religion Clauses* (University of Chicago Press, 2022), 43–45. My interpretation in both this chapter and my book follows that of Harry V. Jaffa. See, for example, Harry V. Jaffa, "Thomas Aquinas Meets Thomas Jefferson," *Interpretation* 33, no. 2 (2006): 179.
6. The natural equality of all human beings is why, in his original draft of the



Declaration, Jefferson included in his indictment against the king that “he has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere or to incur miserable death in their transportation thither.”

7. Jefferson to Weightman.
8. Mark David Hall, “James Wilson: Presbyterian, Anglican, Thomist, or Deist? Does It Matter?,” in *The Founders on God and Government*, ed. Daniel L. Dreisbach et al. (Rowman & Littlefield, 2004), 187–88, [https://digitalcommons.georgefox.edu/cgi/viewcontent.cgi?article=1079&context=hist\\_fac](https://digitalcommons.georgefox.edu/cgi/viewcontent.cgi?article=1079&context=hist_fac).
9. Mark David Hall, “Notes and Documents: James Wilson’s Law Lectures,” *The Pennsylvania Magazine of History and Biography* 128, no. 1 (2004): 63, <https://www.jstor.org/stable/20093679>.
10. James Wilson, “Of Man, as a Member of Society,” in *Collected Works of James Wilson*, eds. Kermit L. Hall and Mark David Hall (Liberty Fund, 2007), 1:636–37.
11. Wilson, “Of Man, as a Member of Society,” 1:638.
12. Wilson, “Of the Law of Nature,” in *Collected Works of James Wilson*, eds. Hall and Hall, 1:501.
13. Wilson, “Of Man, as a Member of Society.”
14. Wilson, “Of Man, as a Member of Society,” 1:639.
15. For a more in-depth discussion of this point, see Muñoz, *Religious Liberty and the American Founding*, 59–66.
16. I speak here not of the natural authority of parents over children but of adult individuals vis-à-vis one another. What constitutes consent and this possibility of tacit consent are vexing questions that I bypass here.
17. Alexander Hamilton, “The Farmer Refuted,” in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (Columbia University Press, 1961–79), <https://press-pubs.uchicago.edu/founders/documents/v1ch3s5.html>.
18. Hamilton, “The Farmer Refuted.” The same rationale is employed in Papers of James Madison, “James Madison: Essay on Sovereignty, December 1835,” Founders Online, December 1835, <https://founders.archives.gov/documents/Madison/99-02-02-3188>.
19. Romans 13:1–8; and Acts 5:27–29.
20. In this light, one might consider the following statement in Alexis de Tocqueville, *Democracy in America*, trans. Henry C. Mansfield and Delba Winthrop (University of Chicago Press, 2000), 413.

The most profound and vast geniuses of Rome and Greece were never able to arrive at the idea, so general but at the same time so simple, of the similarity of men and of the equal right to freedom that each one of them bears from birth; and they did their utmost to prove that slavery was natural and that it would always exist. Even more, everything indicates that even those of the ancients who were slaves before becoming free, several

of whom have left us beautiful writings, themselves viewed servitude in the same light.

All of the great writers of antiquity were part of the aristocracy of masters, or at least they saw that aristocracy established without dispute before their eyes; their minds, after expanding in several directions, were therefore found limited in this one, and it was necessary that Jesus Christ come to earth to make it understood that all members of the human species are naturally alike and equal.

21. *Federalist*, no. 51 (James Madison).

22. Wilson freed the single slave he owned in 1793. See Mark David Hall, *The Political and Legal Philosophy of James Wilson, 1742–1798* (University of Missouri Press, 1997), 30.

23. On this point, consider Wilson, “Of Man, as a Member of Society.”

24. Papers of James Madison, “For the National Gazette, 27 March 1792,” Founders Online, March 27, 1792, <https://founders.archives.gov/documents/Madison/01-14-02-0238>.

25. Hamilton, “The Farmer Refuted.”

26. In this light consider the following passage from Founders’ Constitution, “The Essex Result,” University of Chicago Press, April 29, 1778, <https://press-pubs.uchicago.edu/founders/documents/v1ch4s8.html>: “All men are born equally free. The rights they possess at their births are equal, and of the same kind. Some of those rights are alienable, and may be parted with for an equivalent. Others are unalienable and inherent, and of that importance, that no equivalent can be received in exchange. Sometimes we shall mention the surrendering of a power to controul our natural rights, which perhaps is speaking with more precision, than when we use the expression of parting with natural rights—but the same thing is intended.” The right to revolution is perhaps the clearest example of an inalienable natural right. The people’s right to revolution could never be secured by the government or through the government; the very idea is nonsensical. By its nature, the right to revolution is a non-alienated right.

27. See Muñoz, *Religious Liberty and the American Founding*, 74–82.

28. James Madison, “Presidential Proclamation, July 23, 1813,” in *The Papers of James Madison: Presidential Series*, ed. J. C. A. Stagg et al. (University of Virginia Press, 2008), 6:458–59.

29. See Article 5 in Papers of James Madison, “Memorial and Remonstrance Against Religious Assessments, [ca. 20 June] 1785,” Founders Online, June 20, 1785, <https://founders.archives.gov/documents/Madison/01-08-02-0163>.

30. James Madison to Edward Livingston, July 10, 1822, Founders’ Constitution, [https://press-pubs.uchicago.edu/founders/documents/amendI\\_religions66.html](https://press-pubs.uchicago.edu/founders/documents/amendI_religions66.html).

31. Tocqueville, *Democracy in America*, 283–85.

32. Matthew 22:21.

33. Abraham Lincoln, “Second Annual Message,” speech, Washington, DC, December 1, 1862, <https://www.presidency.ucsb.edu/node/202180>.