

The Jeffersonian Perspective

Commentary on Today's Social and Political Issues
Based on the Writings of Thomas Jefferson

Natural Rights

Natural rights are those rights that are indispensably necessary for man to fulfill his potential on this earth. They are "natural" because they derive from the nature of man and the nature of existence itself. As explained by Thomas Paine,

"Natural rights are those which appertain to man in right of his existence. Of this kind are all the intellectual rights, or rights of the mind, and also all those rights of acting as an individual for his own comfort and happiness, which are not injurious to the natural rights of others." --Thomas Paine, *Rights of Man*, 1791.

Natural rights are, in other words, the conditions that are necessary for a nation of people to realize their birthright. They were postulated in the Declaration of Independence as the foundation of man's existence upon which rightful government is built, and on which such a government must therefore be designed to accommodate.

"The principles on which we engaged, of which the charter of our independence is the record, were sanctioned by the laws of our being, and we but obeyed them in pursuing undeviatingly the course they called for. It issued finally in that inestimable state of freedom which alone can ensure to man the enjoyment of his equal rights." --Thomas Jefferson to Georgetown Republicans, 1809.

Therefore, the Natural Rights upon which this government is founded are not and were not thought to be a set of abstract theories, but rather a reasoned structure based on the observation of natural man in a natural universe. It was, perhaps, as 'scientific' as philosophy gets, relying as it did for its axioms on observable nature and its requirements, not on abstract ideals of what is the highest good. These foundational rights were identified in the Declaration of Independence in these immortal words:

"We hold these truths to be self-evident, that all men are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, and the pursuit of happiness."

The Declaration of Independence thus listed these rights as the first premise in an argument setting forth the rights of a people to a government that allowed them to live as human beings should live. This means a government that recognizes that the full development of human nature can only occur in a state of freedom enjoyed by all men equally. The very purpose of government was the protection of these rights.

"It is to secure our rights that we resort to government at all." --Thomas Jefferson to M. D'Ivernois, 1795.

Therefore, it must be recognized that these rights are not given by governments nor by magistrates nor by any other body of men.

"A free people [claim] their rights as derived from the laws of nature, and not as the gift of their chief magistrate." --Thomas Jefferson: *Rights of British America*, 1774.

They are spoken of as the gift of Nature or of God, since God is conceived as the **A**uthor of Nature and the Creator of man. Hence, all men are in their very essence "endowed by their Creator with inherent and inalienable rights." The word "inherent" was in Jefferson's original version of the Declaration, but was replaced by Congress with the word "certain."

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However, "inherent" is preferred by some, because it makes clearer the *natural* character of these rights, and that they come with our human nature and accompany life itself.

"The God who gave us life gave us liberty at the same time; the hand of force may destroy, but cannot disjoin them." --Thomas Jefferson: Rights of British America, 1774.

It should be understood that Natural Rights are *not* rights that have been determined to have actually been recognized or exercised at some early stage in the development of mankind, neither do they necessarily represent actual conditions that existed when man was in his prehistoric "natural" or uncivilized state. Rather, they are rights that are the heritage of man as can be reasonably determined by examining his nature and his potential for optimum existence in this world. They are his birthright regardless of whether mankind actually has enjoyed these rights at any previous stage of development, and it is that inherent entitlement that makes them "natural." Of course, every person born into this world can be said to be "born free," and mankind did possess these natural rights as an entitlement at every stage of his development, including the earliest; but primitive (and later) societies inevitably prevented the full enjoyment of these rights. It is only in the later stages of his development, in a highly developed civilization based on principles and laws, that mankind has had the opportunity for actually establishing and enjoying these rights in their fullness, and the story of mankind is the story of the struggle to establish government that recognized these natural rights.

"[Montesquieu wrote in *Spirit of the Laws*, VIII,c.3:] 'In the state of nature, indeed, all men are born equal; but they cannot continue in this equality. Society makes them lose it, and they recover it only by the protection of the laws.'" --Thomas Jefferson: copied into his Commonplace Book.

Later liberal philosophers abandoned the Natural Rights philosophy, and began postulating a system of individual rights based on philosophical ideals. In doing this, however, two things happened: (1) These ideals lost their 'scientific' foundation, and rested on the shifting sand of abstract thought, and (2) Because the resulting philosophy of rights was no longer tied to rational observations on reality, it could wander far afield and become the captive of whatever intellectual fad was currently in vogue. This loss of a natural foundation introduced differences and uncertainties, and left the mass of the people themselves unsure of the source of their rights. Jefferson, on the other hand, thought it important that a people realize that their rights were an intrinsic part of their being, hence a natural entitlement.

"Can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God?" --Thomas Jefferson: Notes on Virginia, 1782.

Deriving these natural rights from the very fact of existence is the result of a purely rational process.

"Questions of natural right are triable by their conformity with the moral sense and reason of man." --Thomas Jefferson: Opinion, 1793.

When Thomas Jefferson wrote the Declaration of Independence, he reached to the very foundation of man's existence on this earth in order to construct an argument to explain why the colonists found it necessary to declare their independence from Great Britain. In doing so, he also established the moral and rational foundation for American society. Without question, the Declaration of Independence is the greatest political document in the history of man. Later expositions on human rights are more speculative in philosophical terms, and lack the integrated connection with existence itself that is the foundation of the Declaration.

It should be noted that in referring to God, this view of the foundations of government cannot be said to be derived from sectarian religious dogma. These rights are not the result of an arbitrary divine fiat, with no other evidence for their existence than faith and belief; rather, man as created by God obviously has these rights, and the evidence therefor flows from a reasonable assessment of existence. It is the nature of man *as established by the Creator* and the self evident truths derived from that fact that form the basis of this political philosophy. There is no religious belief involved, other than, perhaps, the acknowledgment of God as the Creator of the way things are. From that given, everything else is rationally "self-evident."

"Man [is] a rational animal, endowed by nature with rights." --Thomas Jefferson to W. Johnson, 1823.