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The Declaration of Independence at 250

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Principled Founders

Peter Cross

Review Essay: *The Declaration of America: Our Principles in Thought and Action* by Richard Ferrier (South Bend, Indiana: St. Augustine's Press, 2023). 206 pp. Paperback, $22.00.

> Those who know principles are philosophers; those who know particulars are experts; those who bring them together are statesmen. The wisdom of the philosopher is made potent and the knowledge of the expert is made beneficial through the sagacity of the statesman. Statesmanship recollects the past, acts with wisdom in the present, and so fosters better things in the days to come. It requires experience, but more than experience. It knows the loves and the character of the political community that it shepherds, and it keeps that community faithful to what is good in its founding (100).

With these words, Richard Ferrier offers what may be the guiding light for *The Declaration of America: Our Principles in Thought and Action*. They present Ferrier's image of the statesman, and the instances of "Declaration Statesmanship," that is, "American statesmanship, in its noblest moments" (100) frame the work. But these words also reflect Ferrier's own aspiration. Readers seeking groundbreaking new scholarship on the American Founding will not find any here. In place of new discoveries, Ferrier attempts to imitate the statesman by uniting the expertise of prior scholars with the great philosophic and theological principles of the West. The result is "a study of the meaning, truth, and power of the principles of the American Republic" (7) written for a "general audience" (1).[1] Yet the book's aim is not merely theoretical. At its core, Ferrier's work is statesmanlike: he seeks to persuade his reader to "take his principles and form his sentiments from those expressed in the Declaration of Independence" (1). This patriotic goal is formidable, requiring both a deep mind and rhetorical skill, especially when attempted in merely two hundred pages. Still, Ferrier's work is well-suited to inspire young Christians formed by a classical education to begin understanding—and remain faithful to—what is good in the American Founding.

[1] Ferrier himself acknowledges that the work uses much of the content of a high school textbook and curriculum he co-wrote 20 years previously (1).

Ferrier's principal claim is that "the Declaration founded America and gave it its fundamental principles" (6). Just as "you could say that the founding principle of the marriage ... is contained in those vows and the ceremony surrounding them on that special day in which the marriage was made," so too "the Declaration states that we are one people" and provides the principles of the Republic, to which the American people, through their representatives, pledged their lives, fortunes and sacred honor (4–5). It is a familiar Lincolnian thesis, developed most prominently by Harry Jaffa and his disciples.[2] Yet, in Chapters 1–6, Ferrier is at his best making the case in his own voice, focusing on the history and principles surrounding the Declaration and the governments that spring from it during the Founding era. Ferrier does not paint the Declaration as the radical assertion of the individual's right to be the moral arbiter of truth and justice, as many secular liberals would have us believe.[3] Rather, Ferrier consistently roots the Declaration's teaching in natural law, the source of "the three central ideas of the Declaration" (33): universal human equality, God-given inalienable rights, and the necessity of government by consent. Equality rests on a shared rational nature that gives every person "equal access to the natural law" (40), that is "the reasonable plan for human life" (28). Because of this access, men have a natural duty, owed to God, requiring that they live according to that plan. And because this access is common, all men have natural rights, that is, the moral claims, to the free exercise of their natural faculties for fulfilling those duties.[4] Thus, "all men are by nature equally free and independent,"[5] and just government arises only when they consent to unite for safety—"the defense of their natural rights to life, liberty, and the pursuit of happiness"—and happiness—the "blessings of liberty" including "fulfillment of duty, honor and justice" (74). In short, the Declaration's three chief ideas, according to Ferrier, paint an image of the goals that American society will seek to achieve in its political life. It is, in Jaffa's words, a statement of

[2] See Harry V. Jaffa, *Equality and Liberty: Theory and Practice in American Politics* (New York: Oxford University Press, 1965), vii. It is unlikely, therefore, that Ferrier will convince those already familiar with and critical of Jaffa's arguments. Disciples of Willmoore Kendall and George Carey, for example, are likely to criticize Ferrier for peddling "Lincolnian heresies" overemphasizing the importance of equality at the expense of the "basic symbols ... the representative assembly *deliberating* under God; the virtuous people, virtuous because deeply religious and thus committed to the *process* of searching for the transcendent truth" (Willmoore Kendall and George W. Carey, *The Basic Symbols of the American Political Tradition* (Baton Rouge: Louisiana State University Press, 1970), 88, 154).

[3] See *Planned Parenthood of Southeastern Pa. v. Casey*, 505 U.S. 833, 851 (1992).

[4] See Theophilus Parsons, "The Essex Result," in *American Political Writing During the Founding Era, 1760–1805*, ed. Charles S. Hyneman and Donald S. Lutz, 2 vols. (Indianapolis: Liberty Fund, Inc., 1983), 1.487.

[5] Philip B. Kurland and Ralph Lerner, eds., "Virginia Declaration of Rights," in *The Founders' Constitution*, 5 vols. (Indianapolis: Liberty Fund, Inc., 1987), 1.6.

"the natural order of (natural) wants directed towards their corresponding natural ends, that constitutes the architectonic principles of a society arising out of compact, properly understood."[6]

This interpretation is reinforced by Ferrier's emphasis on "experience, reason, and religion" (18) as the primary influences inspiring the Declaration. Ferrier points out that, by the experience of "more than a century of local self-government" (18), the minuteman Captain Preston and others had the confidence to justify resistance, saying, "We always had governed ourselves, and we always meant to. They didn't mean we should" (14). But "to live as we've always done" is not a complete answer to the question "why declare independence?" Rather, Ferrier carefully shows that that "[roots] both Biblical and rational" grounded the political practices learned and loved on account of American experience (27). Drawing on the writings of Calvin Coolidge, colonial-era Protestant ministers, and Catholic scholastics, Ferrier argues that the American people found in Scripture "the seeds of a political teaching offering political happiness based on the free consent of the equal men who form their own government in accord with (God's) natural law" (36). But, while Scripture provided the seeds, reason cultivated them. Thus, Ferrier also leads his readers through selections from Aristotle, Cicero, Locke, and Sidney to manifest a steady, coherent development of the political ideas of equality, natural law, natural rights, and government by consent, all rooted in human nature and natural justice.[7] In doing so, Ferrier wisely avoids setting these influences against one another. For the Founding generation, experience, faith, and reason were complementary, not contradictory. Unlike French revolutionaries, who sought the "murder of God" and the construction of a political order devoid of organized Christian faith, John Adams and other American founders asserted unequivocally, "it is Religion and Morality alone, which can establish the principles upon which Freedom can securely stand."[8]

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[6] Jaffa, *A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War* (Lanham: Rowman & Littlefield Publishers, Inc., 2000), 50.

[7] Ferrier's inspiration for this section is Jefferson's famous claim that "(the Declaration's) authority rests on the harmonizing sentiments of the day, whether expressed in conversation, in letters, printed essays, or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney" (37). While Ferrier acknowledges that these four thinkers may not agree on all political philosophical principles, nor constitute an exhaustive list of the influences on the American Founding, he claims that the study of their thought helps to manifest how "our founders saw these authors, both philosophical and sacred, as pointing to a common teaching, of human rights and natural law, of the dignity of man and political life, and of the possibility of just, free, republican government, based upon the consent of the governed" (47).

[8] Marquis de Sade and John Adams, quoted in Robert R. Reilly, *America on Trial: A Defense of the Founding* (San Francisco: Ignatius Press, 2020), 277, 284.

America, like any marriage, has had its ups and downs, as her people have struggled to live out the ends pledged in the Declaration, and have often required reminders of their founding oath. For this reason, Ferrier structures the remainder of his book around "the greatest instances of Declaration statesmanship" (168) after the Founding, moments when statesmen defended the Declaration's chief ideas against grave threats. Given this framing, it is not surprising that most of the book's remaining pages focus on the trials of equality.

Ferrier begins with slavery, equality's first great threat. After providing the history of the institution from the Founding to the eve of the Civil War (Chapter 7), Ferrier's focus turns to Abraham Lincoln, who "faced the task of breathing new life into the founding principles when they were in danger of expiring" (168). In Chapter 8, the book's longest chapter, Ferrier argues that Lincoln met that challenge in word and deed, culminating in the Thirteenth Amendment's abolition of slavery. Lincoln's victory, however, was not complete according to Ferrier, until the former slaves and their posterity secured citizenship, with all its privileges and immunities. Chapter 9 focuses on this development, beginning with Reconstruction, the Fourteenth and Fifteenth Amendments and the attempts to nullify these acts through Jim Crow. Ferrier concludes the chapter by discussing "the statesmanship of the civil rights movement," the response to Jim Crow laws culminating in the Civil Rights and Voting Rights Acts of the 1960s. With these laws in place, Ferrier claims that, "the people had every reason to believe that they had set an unalterable course to make their laws reflect the Declaration principle of equality, and the Judeo-Christian principle of brotherhood" (170–71).

In the book's closing thirty pages, Ferrier turns from equality to character and culture. In "Chapter 10: A People Worthy of the Declaration," Ferrier provides a Tocquevillian analysis of the American character necessary for fulfilling the Declaration's ends—personal self-government, courage, prudence, political freedom, civic education, and religious disposition. These elements of character, Ferrier claims, are under assault from "The Dangers to Freedom in Our Time"—the assertion of a radical licentious liberty, the rejection of traditional marriage, corrupted educational institutions, and the banishing of God from the public sphere (Chapter 11). Hence, "we Americans today sense that something is wrong, deeply wrong" with our republic (200). Yet, Ferrier remains hopeful, concluding that "we are not altogether lost as a people. We have only to recall what made us a people, and to make

it shine in our speech, in our deeds, and in all our lives.... [W]e need only once again live by the Declaration of Independence" (201).

The laudable features in Ferrier's argument are accompanied by compelling prose. Ferrier writes clearly and energetically, without sacrificing precision. The historical sections serve a well-balanced cocktail of anecdotes, facts, and narrative to animate the past. Tensions between colonists and the crown come alive as he charts the course from the Stamp Act of 1765 to the Declaration of 1776, mixing details on taxes and coercive acts with recounted conversations among the men who lived the crisis. When the work turns to the philosophers and theologians of the Western Tradition, Aristotle, Locke, and others become accessible to readers unacquainted with their major works. As for the great acts of "Declaration Statesmanship" that frame the work, Ferrier largely lets the statesmen themselves do the heavy rhetorical lifting. Whereas contemporary writers often assume familiarity with the Declaration, the Constitution, and the speeches of Lincoln and others, Ferrier invites readers to consider these texts directly—often at length—before offering analysis. One has the sense of standing at Independence Hall or the U.S. Capitol, hearing the great statesmen speak for the first time, while Ferrier, in the aftermath, offers his concise defense of the truth in their words. Employing such methods makes for engaging reading, but more importantly encourages readers to judge Ferrier's interpretation against the words themselves.

Ferrier somehow manages to accomplish all these goals in 202 large-print pages, an impressive achievement. Such brevity on long-debated issues, however, inevitably leaves certain questions unanswered. *The Declaration of America* is no exception. Ferrier's focus on the abstract purposes of the Declaration, particularly equality, comes at the expense of sustained consideration of the form of the American regime—the concrete arrangement of its institutions and the threats now confronting it. It would be wrong to say that Ferrier ignores these concerns entirely. He spends some effort praising the Constitution's republican form of government—a limited federal government utilizing separation of powers and checks and balances to protect against tyranny, while leaving most powers to state and town governments "adequate for most of the purposes of daily life" (64)—and his closing chapters show a concern for the American way of life and the threats it faces. Yet, there is little consideration of the transformation of American political institutions in the twentieth and twenty-first centuries, and the role these transformations play in bringing about the threats Ferrier wisely

perceives. Little mention is made of the Progressive-era critique of the founders' constitutionalism,[9] or its culmination in the modern "Administrative State," where unelected bureaucrats and judges—largely concentrated in Washington D.C.—increasingly claim authority over the minutest details of American life.[10] Nor does Ferrier examine the effects of sustained mass immigration without adequate cultural and political assimilation. After over a half century of such migration, is it still accurate to say we are one people with a common founding? Can we preserve our way of life simply by recalling what made us a people before, when the political institutions themselves no longer clearly reflect the republican self-rule the Founders established? Such questions bear directly on contemporary threats to liberty, and remain largely unaddressed. Readers attentive to them may therefore prove more pessimistic than Ferrier appears to be.

But, to quote Abraham Lincoln, "public sentiment is everything. With public sentiment, nothing can fail; without it, nothing can succeed. Consequently, he who molds public sentiment, goes deeper than he who enacts statutes or pronounces decisions."[11] We live in a country where some Christian influencers reject the principles that the Declaration espouses. It is not just Nikole Hannah-Jones and the 1619 Project that wish to undermine the founding myth of 1776. Patrick Deneen and others attempt to convince their readers that the founding philosophy "has failed—not because it fell short, but because it was true to itself."[12] If such open attacks upon the Declaration's principles sway the sentiments of those who should be the Declaration's natural allies, how can we hope to address the other real questions and challenges, mentioned above? Ferrier may be right that reviving patriotic sentiments towards the Declaration's principles—especially in Christian youth—is a prerequisite for dealing with contemporary challenges. *The Declaration of America* is a serious and accessible attempt to do so for a general Christian audience. An open-minded reader should come away with more appreciation for the Founding Fathers and the principles they articulated. Applying those principles to the problems of today might require "wise statesmanship" beyond the scope of Ferrier's work, a fact that he possibly acknowledges by closing his work with a question:

[9] "We are not bound to adhere to the doctrines held by the signers of the Declaration of Independence." Woodrow Wilson, quoted in Ronald J. Pestritto, *America Transformed: The Rise and Legacy of American Progressivism* (New York: Encounter Books, 2021), 17.
[10] See Pestritto, *America Transformed*, 177–241.
[11] Quoted in Jaffa, *Crisis of the House Divided: An Interpretation of the Issues in the Lincoln-Douglas Debates* (Chicago and London: University of Chicago Press, 1982), 309–10.
[12] Patrick J. Deneen, *Why Liberalism Failed* (New Haven: Yale University Press, 2018), 3.

"What should we, the citizens, do now?" (202) Yet, that wise statesmanship presupposes the principles he defends. In that sense, his work remains a worthy beginning upon which the patriotic citizen may build.

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