



Inventing "Truth": A Defense of John Locke in Light of Garry Wills' Inventing America

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The Founding Fathers of the American Revolution drew many of their inspirations from the Enlightenment. In *Inventing America*, Garry Wills argues that Thomas Jefferson drew his inspiration almost completely from the works of Francis Hutcheson and the Scottish Enlightenment. I argue that, contrary to this revisionist school of thought, Jefferson owes a clear intellectual debt to John Locke in his drafting of the Declaration of Independence. The argument that de-emphasizes Locke and credits Hutcheson for the Declaration is counter-intuitive, as ultimately they are similar. In the ways that they do differ, however, Jefferson derives his philosophy from Locke's manner of thinking. Therefore, Wills is wrong on two counts when he states that Locke and Hutcheson are completely dissimilar and that Jefferson was not inspired by Locke in the Declaration of Independence.

Locke's personal connection with the Earl of Shaftesbury would help shape his political views, as Shaftesbury was a key founder of the Whig movement in English politics. In fact, Locke would go into exile and leave Britain following the periods of unpopularity or royal suspicion of the Whigs or their leaders—he left when the Earl fell out of favor and when the Whigs were accused of an assassination plot against the king. At the ushering in of William of Orange, with conditions much more favorable to Parliament and the Whigs, Locke made his return to England. In quick succession, he published a number of his works, including the *Two Treatises on Civil Government*. However, because of their radical and perhaps dangerous content, Locke never acknowledged authorship of it in his lifetime (John Locke – Philosopher). Locke's views in *Two Treatises on Civil Government* were very much abreast of the liberal political school of thought during the Enlightenment that was challenging old conceptions of the origins of power.

Moving beyond the late-medieval notion of divine right kingship that was apparent in such works as James I's "Trew Law of Free Monarchies," Locke argued that the power of governments was wholly invested in the consent of the people. Locke asserts that we

are naturally in a “state of perfect equality, where naturally there is no superiority of jurisdiction of one over another” (ICCW 1012). The societies by which governments are formed “have, by the consent of every individual, made a community, they have thereby made that community one body, with a power to act as one body”—a government (ICCW 1029). The basic reason that drives humanity to form into societies, and therefore governments, is to protect its basic rights, and these basic rights are entwined with every man’s basic needs. Preservation of Man’s life, which had been given to him by God and was obliged to maintain, was his paramount concern (ICCW 1011). In light of this, individuals have the right to use the material world for such an end, as “God... has given the earth to the children of men” (ICCW 1018).

Continuing his line of argument, Locke justifies the notion of private property, stating that even though “God... hath given the world to men in common,” “every man has a ‘property’ in his own ‘person’ [that] nobody has any right to but himself” (ICCW 1019). Because Man owns himself, and his labor is an extension of himself, whenever he applies his labor to an object to procure it, it then becomes his. This line of reasoning makes the ownership of private property a “natural right.”

Most importantly, Locke finds the aim of government, and the purpose for its conception, to be that of protecting individuals’ lives and claims to their private property from those such as thieves and would-be oppressors. Men “quit every one of his executive power of the law of Nature, and to resign it to the public, there and there only is a political or civil society.” They give up their right to self-defense of themselves and their property (which they have in the pre-society state of nature) to the arbitration of the community and the government, for by joining into this community, he has set up “a judge on earth with authority to determine all the controversies and redress the injuries that may happen to any member of the commonwealth” (ICCW 1028). Government is set in place to protect the individual’s life (his utmost goal of self-preservation), liberty (so that he may remain best able to preserve himself), and property (an extension of his life and crucial to his self-preservation).

Thomas Jefferson, throughout his life and education, would be well-exposed to Locke and easily would have developed an intellectual propensity to the Locke’s political ideas. At the College of William and Mary, Jefferson would study mathematics, metaphysics, and philosophy with high honors. He was introduced to the theories of Locke during his years as a student, and would eventually recommend him as one of the essential readings of an aspiring law student (Benson 58). Because Locke was so seminal in Enlightenment political thinking, Jefferson was also well versed in other writers who belong to the intellectual tradition of Lockean thought. For example, as a “law student, [he] took up the legal, historical, and politico-philosophical volumes of Lord Kames, whose works reflected faithfully the principles of John Locke” (Benson 58). In addition, the vastly popular “Cato’s Letters” series embodied republican values and Lockean principles (Huyler 225), and was in high demand among American libraries (Hamowy 511). Their words echo Locke’s when, for example, they state that “by liberty, I understand the power which every man has over his own actions, and his right to enjoy the fruits of his labor, art and industry, as far as by it he hurts not the society, or any members of it, by taking from any member, or hindering him from enjoying what he himself enjoys.”

One point of Wills' argument is that Jefferson never owned Locke's works for a significant period, and when he did, they were of minimal importance to him. It is hard to exactly pinpoint what Jefferson's personal library had been composed of up to the writing of the Declaration because of a fire in his personal library in 1770, and Wills states that Jefferson never bothered to replace his works of Locke after the fire (Wills 174). However, this assertion proves to be untrue. Jefferson cited the Second Treatise in his collegiate work compilation, the "Commonplace Book." He purchased the Two Treatises in 1769, which also appears in his post-1783 catalogue, and owned a 1714 edition of Locke's Works, which included the treatises (Hamowy 513).

On the other hand, there is no direct indication from Jefferson that he had ever read Hutcheson, as he was never mentioned, quoted, or recommended in any of Jefferson's writings (Hamowy 514). His library contained three of Hutcheson's works (of five thousand in the entire collection) when it was sold to the Library of Congress in 1815—and only one was related to political thought, the first volume of *Short Introduction to Moral Philosophy*. Jefferson was missing "Hutcheson's most important work" on the subject of politics, *System of Moral Philosophy*—this very incomplete set was clearly not of a man who was interested in the political works of Francis Hutcheson (Hamowy 522).

The committee to draft the Declaration of Independence was appointed by Congress on June 11 of 1776 (Maier 100). Time was short, and Congress was put under pressure to act. The beginning of the Revolutionary War, starting with the Battle of Lexington and Concord between 1775 and 1776, had driven out the initial British occupiers until they could return in a concerted effort to reassume control in America. Knowing that the British would soon return in force, the leaders of the American Revolution needed a document to outline and legitimize their philosophical argument and rally the patriots (Fischer 29).

The Declaration was a "moral and legal justification of the rebellion and the political act of withdrawal from the authority of Great Britain... it employed natural law theory, using specific instances of monarchical violations of law to substantiate its argument..." (Beitzinger 161). It represented the unanimous decision of all the colonies as a single entity, the United States of America, in their dissolution of the bonds with the British crown.

The "Committee of Five" had been drawn, made up of Thomas Jefferson, Benjamin Franklin, John Adams, Robert Livingston, and Roger Sherman. Adams had proposed that Jefferson write the initial draft on the grounds that Jefferson could "write ten times better than he," and more importantly, that Congress would give the document less scrutiny and pass it more quickly if Jefferson, a Virginian, composed it. He was then made into his own subcommittee for drafting the Declaration of Independence (Maier 100). Comparing the first draft to the final product, the Declaration was only given some modifications, with a few sections entirely excised, in the end. The rest of this paper will be mindful of these changes.

Later on in his life, Jefferson stated that his purpose with the Declaration of Independence was "not to find out new principles or new arguments never before thought of, not merely to say things which had never been said before; but to place before mankind the common sense of the subject... all its authority rests on the harmonizing sentiments of the day, whether expressed in... Locke, etc." (Beitzinger 161). Locke's stated view on

natural rights, the role of government, and how governments that fail to adhere to this role are illegitimate is echoed in Jefferson's draft of the Declaration of Independence.

For instance, in his second Treatise, Locke asserts the "equality of men by nature ... [is] so evident in itself, and beyond all question" (Hamowy 515). Jefferson asserts the same sympathy in the Declaration of Independence when, in his original draft, he states that "we hold these truths to be sacred and undeniable [later changed to merely self-evident], that all men are created equal and independent, that from that equal creation they derive rights inherent and inalienable" (Armitage 157).

It has always been a great curiosity that the key Lockean triad of "life, liberty, and property" would appear in the Declaration of Independence not wholly intact. For, in the draft of the Declaration submitted to Congress, Jefferson wrote that men "are endowed by their creator with inherent and inalienable rights; that among these are life, liberty & the pursuit of happiness." The final revision would only make a minor tweak elsewhere in the wording of the cited excerpt, but Jefferson's critical statement remains the same. Jefferson cites "the pursuit of happiness" as a key, inalienable right, rather than property, to the underlying purpose for the institution of government. This has been a tricky subject for advocates of Locke's influence on Jefferson and the Declaration of Independence. Wills, however, finds this to be a sure sign that Jefferson was in actuality taking his cues from Francis Hutcheson, rather than Locke, while drafting the Declaration. Such a fundamental issue—that "governments are instituted among men" to "secure these rights"—would provide resounding evidence of what Jefferson's philosophical influences really were.

Wills argues that this was not the only instance that Jefferson favored the elimination of the use of "property" as a natural right (Wills 230). In his letters with Lafayette, he suggested that the French "*propriété*" be removed from the Declaration of Human Rights for France. From this, Wills concludes that Jefferson had been "non-Lockean" or perhaps even "anti-Lockean" in this sense. For, if the right to property had been excluded from the triad given in the Declaration, did Jefferson see it as an *inalienable* right?

Hutcheson, to Wills, provides a good explanation for this view. He believed that "property" followed the establishment of society rather than preceded it, for it requires an agreement or compact for its definition. Therefore, it is not natural and inherent, but an "adventitious" right (Wills 231). Hutcheson, unlike Locke, stressed that "frequent translations of property" and a "wide distribution of goods" is the goal of man's inherent want and need to be sociable—that mankind had an indelible benevolence, gaining happiness from the welfare of his fellow man. Hutcheson was a utilitarian, and felt that an individual should not have domain over his property if it was not used for the greatest benefit of society. For example, Hutcheson denied "an absolute right to one's inventions if they would contribute to more basic rights of increased production and intercourse of services." (Wills 233) This is paralleled to Jefferson's legislative work in attempting to create a more egalitarian distribution of land, in contrast to the "frozen feudal molds" of Europe, by granting it to settlers, farmers, etc. This, Wills points out, goes hand in hand with Hutcheson, who wrote that "lands must be dispersed among great multitudes, and preserved (thus dispersed) by agrarian laws, to make a stable democracy."

This last point about egalitarian distribution to avoid the waste and inefficiency of European holdings is in no way in contrast with Locke's own views on property. In fact, in his Two Treatises of Government, Locke rails against waste as an insult to God's bounty,

which was not “made by God for man to spoil or destroy.” (ICCW 1020). He states that “it [is] a foolish thing, as well as dishonest, to hoard up more than he could make use of. If he gave away any a part to anybody else so that it perished not uselessly in his possession, these he also made use of.” It is by this principle that we use currency, which is imperishable. Similar to Hutcheson, Locke does abhor waste.

He differs from Hutcheson’s utilitarian perspective on property, however. Locke states that people “ought not to meddle with what was already improved by another’s labour; if he did it is plain he desired the benefit of another’s pains, which he had no right to... [God] forced him to labor. That was his property, which could not be taken from him wherever he had fixed it.” (ICCW 1021) Hutcheson argues that an individual may be deprived of excess property from which society does not derive benefit. Locke finds no grounds for making such a claim, as long as the property so held by the individual does not spoil.

To counteract Wills’s interpretation of Hutcheson as asserting that property was merely an adventitious right, and therefore Jefferson’s meaning behind its exclusion was a denial of Lockean influence, one must take a closer look at the intended meaning of Hutcheson and his discussion of property. Wills falsely credits Hutcheson and the Scottish Enlightenment thinkers with the notion that the right to property comes after the formation of the social contract. In his *System of Moral Philosophy*, Hutcheson states that rights that are “natural are such as each one has from the constitution of nature itself without the intervention of any human contrivance, institution, compact or deed. The adventitious arise from some human institution, compact, or action” (Hutcheson 293). He goes on to assert that “each one has a natural right... by any innocent means, to acquire property in such goods as are fit for occupation and property, and have not been occupied by others. The natural desires of mankind, both of the selfish and social kind, show this right.” He also states that it would be unjust to hinder the acquisition of property, because it would endanger the liberty and independence of man (Hutcheson 298).

This clearly contradicts Wills. Hutcheson does assert that the right to property is, indeed, a natural right, and even ties in this right with the importance of maintaining liberty itself. So, then, where does the notion that right property comes after the societal compact come from? Wills emphasizes trade and exchange (only possible in a society) as where the right of property is derived. He emphasizes a passage where Hutcheson praises the division of labor as the most efficient way for society to meet its own needs. To this end, Wills also quotes Hume. These descriptions never justify his assertion that the right of property arises after society is formed and trade is found to be beneficial—thus making it part of a contract and degraded to an “adventitious right.” (Hamowy 517) This is a strained misinterpretation that is tacked on to provide an alternative to the trademark Lockean view that property is an essential, inalienable right. In addition, it does not fit well that the writings of Hume would be used to prop the philosophy of Hutcheson—the latter “firmly rejected” Hume’s view that the right to property follows after the compact.

To bring the long train of thought around again, Jefferson’s choice to use the broader term “pursuit of happiness” instead of “property” does not indicate a rejection of Locke and an acceptance of Hutcheson, as the two do not differ on property’s status as a natural right. Is it possible, then, that Jefferson chose the term “pursuit of happiness” not to deny

Locke the inalienable right of property, but to give precedence to the utilitarian views of Hutcheson?

The ultimate test of the morality of any social or political act, under this model of reasoning, would be the maximization of happiness. Still, “even if benevolence-as-a-motive and utility-as-a-goal are assumed to be indistinguishable in Hutcheson’s moral philosophy, what has this to do with rights?” (Hamowy 518). Hutcheson stated that “men are necessarily determined to pursue their own happiness” (Wills 244). From this, Wills postulates that “Man is drawn toward happiness, as Newton’s apple fell earthward. What practical use is it to state a fact as a law? Quite a bit” (Wills 246).

Quite a bit, indeed. Why, then, would Jefferson feel the need to state a scientific law—a quality which humanity, by this definition, would possess indubitably, whether under a just government or an abusive tyranny? Hamowy observes this odd contradiction eloquently when he states that “not even Nero could turn men into trees, and not even the most despotic of governments can prevent men from pursuing their own happiness, as Hutcheson uses the term” (Hamowy 519).

Locke, in his “*Essay on Human Understanding*,” touches upon the importance of the pursuit of happiness. He cites how “the stronger ties we have to an unalterable pursuit of happiness in general, which is our greatest good, and which as such, our desires always follow, the more are we free from any necessary determination of our will to any particular action... we are, by the necessity of preferring and pursuing true happiness as our greatest good.” Locke sees that we must not have hindrances upon our pursuit of happiness, and therefore it is not irreconcilable that the final draft of the Declaration would have used such phrasing, which was common in 18th century British intellectual circles (Levy 16).

The term “pursuit” is interpreted as a quest or drive which is inherently intangible. Therefore, the framers of the Declaration of Independence meant it as protecting the people’s right to an unhindered choice of what one thinks, through rationality, will bring them closer to their ultimate goal of “happiness” (Beitzinger 164).

What can be said about this choice of wording, then, is that it takes a liberal approach to viewing the rights of the individual. For, in merely granting the right to the “pursuit of happiness,” something which is reasonably subjective, Jefferson is giving the potential for an individual to utilize freedom in a broad number of ways. The government’s purpose is to preserve the legal conditions of freedom and leave it up to the individual to be responsible for finding and attaining his own interpretation of happiness (Beitzinger 166). This perhaps trumps the utilitarian view of the role of government, in which the social contract insists that the government procure the highest possible level of utility for all people, rather than have individuals seek it for themselves by conditions of freedom and protection. Locke would agree, for his definition of government was never given the right in the social contract to dictate personal behavior (that does not harm other people’s property) because people are rational beings and can determine what would be best for their own self-preservation.

Being aware of anachronisms, it is important to note the progress that the utilitarian school of thought, under John Austin and Jeremy Bentham, would make after its initial founding by the Scottish Enlightenment thinkers. For, very soon afterwards, utilitarians would criticize the American Constitution and the Bill of Rights in the view that limiting a sovereign with “legal limitation” and stating that the sovereign could “exceed its

authority” was an “abuse of language” (Bloom 236). This was defended by the fact that there would be no good in “tying the hands of future legislators,” who could use whatever power necessary to achieve that greatest amount of good for the greatest amount of people. In light of these implications, it becomes all the more important that the Founding Fathers, especially including Jefferson, had a liberal intent for the interpretation of the Declaration (Beitzinger 166).

Jefferson notably supported the agrarian ideal as the paramount American lifestyle, but still felt that Americans had the freedom to choose their profession and the way they dispense their own property as a result of this choice. In his correspondence, Jefferson noted that even though he would rather see his fellow countrymen “practice neither commerce nor navigation,” he also explained that “this is a theory only, and a theory that the servants of America are not at liberty to follow” and so therefore they “[throw] open all the doors of commerce and [knock] off its shackles” (Huyler 295). Jefferson, again, later in his life, resoundingly shows his support of property as a natural right and the liberality with which the government must allow in its pursuit when he stated that “I believe that a right to property is founded in our natural wants, in the means with which we are endowed to satisfy these wants, and the right to what we acquire by those means without violating the similar rights of other sensible beings... [no one] has a right to obstruct another, exercising his faculties innocently for the relief of sensibilities made a part of his nature” (Huyler 295).

One of the fundamental assumptions of Wills’ argument is that Hutcheson and Locke held very different philosophies on political theory and government. This is untrue, and the fact that this view is facetious eliminates any legitimate reason for Wills to extol Hutcheson and deny Locke from the Declaration when they are, in fact, similar. The reinterpretations that Wills puts forth did not exist in Jefferson or even in Hutcheson.

Hutcheson was, in fact, very well acquainted with Whig republican thought, of which Locke was an important member. Hutcheson had been close friends with Robert Molesworth, a highly influential Whig, and he drew a great amount of influence from Locke when writing on his view of the social contract and the right of the people to resist. There is even remarkable similarity between their views on natural liberty and natural rights. Hutcheson beats his own path, however, when he argued that the principle of utility was the objective of government function (Hamowy 509). Wills distorts this into “[Scottish enlightenment thinkers] stood at a conscious and deliberate distance from Locke’s political principles” (Wills 239).

For instance, as stated above, Wills attempts to explain that Hutcheson said that property is merely an adventitious right which is only needed within a society, a vastly different view from the Lockean fundamentals “life, liberty, and property.” A simple look at the source material will show that Hutcheson did support the right to property as a natural right which should not be barred.

A direct comparison of the works of Locke and Hutcheson provides many parallels. For example, on the conclusion of the right of the government to rule, Hutcheson finds that “when the common rights of the community are trampled upon... then as the governor is plainly perfidious to his trust, he has forfeited all the power committed to him” (Hamowy 507). Locke, similarly, states that “if a long train of Abuses, Prevarications, and Artifices, all tending the same way, make the design visible to the people... they

should then rouse themselves and endeavor to put the rule into such hands, which may secure to them the ends for which government was at first erected" (ICCW 1050).

They, while different in specific wording, echo the same sentiment that a government which fails to uphold the rights of its subjects has forfeited its legitimacy. However, in *Inventing America*, Wills compares Hutcheson's wording with that in the Declaration of Independence but does not provide the counterpart passage from Locke—as this would break the illusion. Not only Locke and Hutcheson rather similar, but when there were small differences between them, Jefferson clearly took his cues from Locke instead (Hamowy 508). Note Locke's specific phrasing above, and compare to when the Declaration states "when a long train of abuses and usurpations, begun at a distinguished period and pursuing invariably the same object, evinces a design to reduce them under absolute despotism it is their right, it is their duty to throw off such government and to provide new guards for their future security." See the adherence to the terms "a long train of abuses" all pursuing the same "object" or "way," which shows a "design" against which it is their duty to rouse themselves for their "security."

Once again, Hutcheson writes that "not is it justifiable in a people to have recourse for any lighter causes to violence ... when it is evident that the public liberty and safety is not tolerably secured, and that more mischeifs, and these of a more lasting kind, are like to arise from the continuance of any plan of civil power than are to be feared from the violent efforts for an alteration of it, then it becomes lawful, nay honorable, to make such efforts" (Hamowy 507). Locke writes similarly that "Till the mischief be grown general, and the ill designs of the Rulers become visible, or their attempts sensible to the greater part, the People, who are more disposed to suffer, than right themselves by Resistance, are not apt to stir." (ICCW 1051).

Here, they both state how revolution is something that should be held as a final deterrent against a ruler or government which has blatantly and habitually extended its power beyond the contractual bounds. In the Declaration, Jefferson stated that "Prudence indeed will dictate that governments long established should not be changed for light and transient causes, and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed." Once again, Locke and Jefferson share certain phrasings in that people "are disposed to suffer" and follow a similar line of thought, their connection being closer than with Hutcheson's phrasing.

And once more, Hutcheson writes how "the end of all civil power is acknowledged by all to be the safety and happiness of the whole body, any power not naturally conductive to this end is unjust; which the people, who rashly granted it under error, may justly abolish again when they find it necessary to their safety to do so" (Hamowy 507). Locke asserts in the *Treatise* that "Whensoever therefore the Legislative shall transgress this fundamental Rule of Society... by this breach of Trust they forfeit their power, the People had put into their hands, for quite contrary ends, and it devolves to the People, who have a Right to resume their original liberty... for their own Safety and Security, which is the end for which they are in Society" (ICCW 1048).

The Declaration of Independence states that "Whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, and to institute new government, laying its foundation on such principles, & organizing its

power in such form, as to them shall seem most likely to effect their safety and happiness.”

Once again, for a third resounding time, Jefferson’s words strongly echo Locke’s argument and phraseology. Whenever a government becomes “destructive” to and “transgresses” certain rights, the people have the “right” to amend the situation for the sake of their “safety and security” or “happiness.”

It should now be obvious why Wills would find it necessary to leave out any direct, first-hand comparison to Locke’s *Second Treatise on Government* when trying to show some sort of connection between the Declaration and Hutcheson’s work. It would have discredited the argument that he was trying to prove; when he says that historians have been duping us all these years, it is really Wills who is doing the duping (Wills xiv).

And so, Thomas Jefferson, in his writing of the Declaration of Independence, clearly owes an intellectual debt to John Locke through his phraseology and philosophy; in addition, Hutcheson himself was somewhat inspired by Locke and possesses a notable amount of similarity in his political thought. Wills’ claims made in *Inventing America* are based on distorted reasoning or outright incorrect information, and therefore are proven to be false.

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