

The is a statement of positive law which

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The Declaration of Independence and The United States Constitution helped to place a foundation for the United States. The Declaration of Independence was written to explain to nations why the colonies had decided to part ways from Great Britain. The United States Constitution is a system of basic law and principles that explain the rights of the American people and it limits the government's power. The relationship between the two are based upon laws. The Declaration of Independence is based on Natural Law which contains the fundamental principles of justice and individual rights.

On the other hand, the constitution is a statement of Positive Law which consists of rules that are enforced by the government. Enlightenment Philosophers such as Locke, Montesquieu, Voltaire, and Rousseau all heavily influenced these writings in their own significant way. To begin with, John Locke believed that every individual is equal in the sense that they are born with certain “inalienable” natural rights. Rights that are God-given and cannot be taken or given away. With these fundamental natural rights, Locke said are life, liberty, and property. John Locke was influential during the writing process of the Constitution. He explained the principles of checks and balances so there can be limit to government power, and he favored representative government and rule of law. Whenever the government violates individuals rights he believed that people will rebel.

These ideas derived from Locke's Second Treatise Concerning Civil Government. According to Locke, if the government fails to protect these rights (life, liberty, and property) then the citizens should have the right to overthrow that government. This idea heavily influenced Thomas Jefferson when he drafted the Declaration of Independence. In addition, Montesquieu

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was a French philosopher who lived during the European Age of Enlightenment. His most well known piece of work was *The Spirit of Laws*: the work of political philosophy which most of his influential work were drawn. In his thesis of the separation of powers between the legislative, judicial, and executive branches it soon became the foundation for the US Constitution. At this time, Montesquieu based his thoughts on the Republican Government of the Ancient Romans and on the Parliamentary Monarchy of Britain. Because of these governments, it prevented the creation of dictatorship.

Another idea of his was Checks and balances which is embedded in the US Constitution in various ways. Moreover, Voltaire was a French writer and philosopher who lived during the Age of Enlightenment. Along with his Enlightenment peers, he was a strong supporter in every individual's civil liberties, including free speech and freedom of religion, and free trade.

He was an outspoken supporter of the social reform and made use of his works criticize Catholic Dogma and the French Institutions. Voltaire was a prolific writer and his views were not widely accepted by the church and the government. After his banishment from England, he became knowledgeable on the differences of France's government was from England's. He led many people to believe that they are entitled to certain rights as "man" just as those in England, and brought back power into individuals in believing they are entitled to have rights- some of these rights are embedded into the US Constitution. Because Voltaire believed in freedom of speech, his political

writings were often banned- which made people want to read them even more.

Although his contribution to the revolution was minimal, he had a strong spoken word on how he feels about government, religion, and speech. After Voltaire passed away, his beliefs became more known and influential, and had a great impact on the revolution. In the opening of the Declaration of Independence, Jefferson lays out a plethora of concepts that reflect Rousseau's concepts. Jefferson used Rousseau's social contract theory to justify his statement of independence. As stated in the Declaration of Independence, " Governments are instituted... deriving their just powers from the consent of the governed" (Archives). Rousseau believed that this contract was a reciprocal contentment between the government and the people in a society, and thought a social compact needed to form a government in which the people would give consent to the government being formed.

American colonists thought they were being subjected to a government without their consent because of the virtual representation that didn't approve for them to vote for Parliament; Therefore, the government was not established by a social contract as advocated by Rousseau, so they rejected it. They required at least nine out of the thirteen colonies to ratify the Constitution before it was adopted. Rousseau agreed with Locke that an individual should be forced to give up their rights to a king. A problem he came across was finding a way to protect everyone's life, liberty, and property while being remained free. His solution was to join the social

contract, and everyone would give up their rights to the whole community- which he called the sovereign. He disagreed to let the general will of the people be decided by elected representatives. Instead he had a democracy where citizens must obey the laws or be forced to do so if they are still a resident of that state.

He calls this a civil state because security, justice, liberty, and property be protected and enjoyed by all citizens. Based upon Rousseau, political power must consist of exercising their will. As Montesquieu proposed, there can be no separation of powers. The people will meet together and will ponder individually on laws, then by majority of votes they find the general will. Rousseau's will was later manifested in the expression " We the people . . .

" in the opening of the U. S. Constitution. The ideas of the Enlightenment thinkers had a significant influence on the philosophical basis of the American Revolution. In a world where people were ruled by monarchs and the idea of self-government was never thought to exist. Because of the experience and wisdom these philosophers had, the United States would have been drastically different.