

[Forums](#) / [General Discussion](#)[Help](#)

Why the Common Law of England survived the Declaration of Independence??

☑ You are subscribed. [Unsubscribe](#)

🔖 [USConstitutionalLaw](#) × [+ Add Tag](#)

Sort replies by: [Oldest first](#) [Newest first](#) [Most popular](#)

[Oscar Torres-Luqui](#) · 2 hours ago 🔒

As a response to Prof. Amar challenge I want to post this issue:

Why the English Common Law survived the Declaration of Independence.

By the DI we became a free nation, however we were and still we are ruled by the laws of our deposed masters. Why?????

Note:

This was a wonderful trip!!! Thank you Prof. Amar, I am responding to your challenge and would like your e-mail to give me an opportunity to exchange theories of Constitutional Law with your eminence!!!

↑ 0 ↓ · flag



[Alec D. Rogers](#) · an hour ago 🔒

The common law was seen as being a source of Americans' liberties as embodying natural law. Hence it was embraced rather than rejected by colonists in their discourse on the imperial constitution. The common law was seen as a reflection of natural law rather than being in tension with it, and was opposed to the laws of Parliament, which colonists argued could not be applied in America as a general principle (there was always some disagreement about whether this only applied to taxation, to internal laws vs those that affected the colonies and empire, etc.).

As Gordon Wood summarizes in *The Creation of the American Republic*: "they revolted not against the English constitution but on behalf of it."





Americans believed that they were fighting for their rights as Englishmen, rights expressed in the common law.

↑ 1 ↓ · flag

[+ Comment](#)

New post

To ensure a positive and productive discussion, please read our [forum posting policies](#) before posting.

B	<i>I</i>			 Link	<code><code></code>	 Pic	Math		Edit: Rich ▼	Preview
<div></div>										

☐ Make this post anonymous to other students

☒ Subscribe to this thread at the same time

Add post

