



The Principles and Argument of the American Founding

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1) We hold these truths to be **self-evident** . . .

What does it mean for something to be self-evident? Few use the phrase today, though it marks the beginning of the argument of one of the most important documents in history.

To begin to understand what Thomas Jefferson and the Continental Congress meant, we can learn from math and philosophy. A self-evident idea or proposition is one in which knowing the meaning of the idea also reveals the meaning of its parts. So, if you know what a square is, it is the same as knowing it is a shape with four sides of equal length and internal angles of 90 degrees. When we say "square," we also say that. To be self-evident means that something is more than "obvious." Or even that everyone thinks this idea is true.

So, what does this have to do with the Declaration of Independence? Indeed, the self-evident truths laid out in the Declaration were a radical departure from the common beliefs in human history prior to that point and were even controversial in the colonies. For the Founders, to say man or person, was to say and mean someone who, by their very birth and existence, is someone who is free, equal, and has rights. To talk about a person or people more generally is to mean a bundle of things about them, like that they naturally possess rights, and that no one, not even a king, can govern them without their consent.

Importantly, they begin by saying "we *hold* these truths to be self-evident." That is, they claim that they believe this to be true. America was founded upon a very important set of beliefs about people. Beliefs that were not obvious, simple, or common in the history of the world. And certainly not the belief of King George III.

2) . . . that all men are created **equal**

Perhaps no idea appeared more broadly in the Founding era than equality. Yet this bedrock principle is widely misunderstood. What did Thomas Jefferson and the Founders mean?

One of the best ways to understand this principle comes from seeing how other official documents expressed it at the time. For example, in the Virginia Bill of Rights from June 1776, the idea is written as “all men are by nature equally free and independent.” Similarly, the Massachusetts Constitution of 1780, drafted by John Adams, puts it, “All men are born free and equal, and have certain natural, essential, and unalienable rights.”

In these documents, we can see the influence of the work of Enlightenment philosophers like John Locke, who made the case for a new way of thinking about people and government. The Founders argued that outside of a system of government, what they would call the state of nature, no one is born to rule, and no is born to be ruled. Instead, all people are equally free. As a result, when people form a government, they already possess natural freedom and equality. Those things are not granted to them by government. So, when the Founders discuss equality, they mean that all people are or should be equal in their freedom, equal in their rights, and have political equality.

The Founders did not mean to suggest a wide variety of other kinds of equality by this principle. Since we use words like equality and equity to mean many other things today, it's useful to briefly note some areas of disagreement. For example, people have a wide range of natural differences, including everything from physical strength or height to varied talents or abilities. This often results in unequal outcomes among people in their careers, fame, or wealth. For the Founders, these types of inequality did not violate the idea of equal rights or equal freedom. Additionally, the Founders did not mean for equality to be understood as equality of opportunity as later ideas of equality would consider. There was the simpler idea of equality of rights, equality before the law, and political equality. As discussed later, the Declaration states that people have the right to the “pursuit of Happiness.” It does not promise it. That is up to each individual to achieve.

While equality is the most foundational principle of America, it is also something that the Founders struggled to apply universally. The Declaration of Independence and the broader revolution expanded freedom and equality further than ever before but still fell far short of what a contemporary reader would expect. In particular, enslaved people, women, indigenous communities, and the poor were often denied the very rights so celebrated in the Declaration. The universality of the principles of the Declaration and the difficulties of applying them equally and universally proved to be a source of significant conflict throughout the Founding era and beyond. Much of American history can be understood as an attempt to better live up to the principles and promise of the Declaration.

3) . . . that they are endowed by their creator with certain **unalienable rights**

We are next confronted with a phrase that is relatively uncommon to hear today, unalienable rights. This principle forms the core of the argument the colonists made in declaring independence from the English crown. It would subsequently shape what became the state and federal constitutions. For something to be unalienable (or inalienable as we would say today), it means that we cannot be fully or permanently parted from it, even if it is possible to give part of it away or for a period of time. To put it another way, since you have rights to life and liberty, you cannot sell yourself into slavery as that would be permanently giving away rights which you have no right or ability to do. However, you can temporarily or partially give up part of your rights. For example, you may agree to go out to dinner wherever your group of friends decide tonight, but where and when you eat in the future remains up to you.

As we saw in the discussion of equality, rights come from people being naturally free and equal according to the Founders. That is to say that part of what it means to be a human being is to be someone who has rights. This is true before we enter society and remains true after we join. As the Declaration says, government exists to secure people in their rights. A right is a claim that each person has not to be harmed or improperly limited by others or government in how they live their lives.

To understand the Declaration of Independence, it's helpful to think about it as having two parts. The first is the philosophic argument about people, government, and revolution, and the second is the evidence, or grievances, that attempt to prove the philosophic argument. Several of the important grievances have to do with the idea of rights being unalienable. When the King dissolved the legislative bodies in the colonies, he took away, or alienated, the right of the people to consent to the rules that govern them. The Declaration argues that since this right is inalienable, it must, in principle, return to the people when a government fails to protect it.

Later, in drafting the state and federal constitutions, the Founders set up a system of government limited only to powers expressly delegated by the people. The Founders believed that all governmental power derived from the rights of the people could not be subsequently delegated to anyone else, should be limited by the consent of the people, and existed only to secure people in the peaceable enjoyment of their rights.

4) . . . that among these rights are **life, liberty, and the pursuit of happiness**

A right is a claim that each person has not to be harmed or improperly limited by others or government in how they live their lives. The right to life for the Founders provided an overarching framework for many other rights. Because you were alive, it meant that you were free and equal. It also meant that you had other rights, such as self-preservation (doing things to stay alive like seeking food and avoiding violence from others) and pursuing what you believe to be necessary to best achieve happiness. Government then has a positive obligation to try to prevent individuals from being killed by other citizens or foreign powers as well as from suffering criminal violence to their person or property.

The Founders held liberty to be a more robust principle than we commonly think about it today. It included not only the basics of being able to keep oneself alive, like seeking out food and finding work but also other ideas linked to the pursuit of happiness. This latter idea led them to distinguish liberty, or the freedom to act in a way that promotes virtue, from license, or the freedom to do whatever one wants regardless of morality or religion.

The listing of rights in the Declaration of Independence was unusual in a couple of ways. First, there's the idea that these rights are "among" the rights of the people. What other rights do the people have besides life, liberty, and the pursuit of happiness? More typical in the Founding era was the listing of property, but common also were expressions of rights to freedom of religion, speech, commerce or trade, and many others. Many controversies at this time, including over a Bill of Rights in the Constitution, came from attempts to list (or not) the various rights belonging to people by nature. The Ninth Amendment, which states that the "enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people" was an attempt to deal with that issue. This same controversy continues to this day, regularly playing a role in court cases and Supreme Court decisions.

The second unusual part of this expression of rights comes from the inclusion of the "pursuit of happiness." Most of the time in this era, other documents and formal expressions use the phrase "life, liberty, and property." For example, in its 1774 "Declarations and Resolves," the First Continental Congress proclaimed that the colonists were "entitled to their life, liberty, and property." So, what are we to make of this expression? A helpful guide comes from the Virginia Bill of Rights from June 12, 1776, which puts it this way:

That all men are by nature equally free and independent, and have certain inherent rights . . . namely, life and liberty with the means of acquiring and possessing property and pursuing and obtaining happiness and safety.

The pursuit of happiness can then be seen as the end goal of living one's life in the security of your rights. While happiness is not guaranteed, the role of government is to protect one's rights so that you can attempt to live a life that brings about happiness.

5) That to **secure these rights**, governments are instituted among men

What a government is for and who it ought to serve are ancient questions. Sometimes, the answer has been the glory and honor of the king. For others, it has been to advance the wealth and power of the aristocracy or the rich. Others still exist to promote the religious teachings of that community. The American Founders, however, argued that the only just form of government is one that secures the equal rights of the people.

The Founders argued that natural man, someone who existed outside of any government or civil society (what we call a voluntary association of people for taking collective action, could be a useful helpful way of grounding their thinking. People in a state of nature possessed equal rights and complete freedom in relation to every other person. But in such a situation, each person's freedom and rights were fraught with danger from the violence or whims of those around them. So, people came together and formed political communities and governments, sacrificing some of their freedom and rights to more fully secure the rest.

The implications of this argument for the Founders are significant. As we saw in the discussion of rights, the pursuit of happiness is left up to individuals to determine what is best, not decided upon by the government. In other words, the role of government is limited to merely those activities necessary to secure rights, with anything extending beyond that considered to be unjust. Similarly, this creates a society of abundant pluralism, as protecting a specific religion, for instance, does not define the object of government.

While the principle that government exists to secure rights is straightforward enough, in practice, it has not been adhered to throughout large parts of American history. In the Founding era, many governments and communities actively withheld even basic rights, particularly for the enslaved, women, indigenous groups, and the poor. While much progress has been made in these areas, conflicts emerged over what other rights government has a duty to secure, how it might legitimately do so, and what to do about historical failures. Indeed, some have even argued that the Founders were mistaken about role of government and a much more expansive vision for government is called for.

6) . . . deriving their just powers from the **consent** of the governed

What does it mean for the power of the government to be derived from the people? When we think about what government is, we tend to think of things like Congress making laws, or maybe the police preventing crime, or perhaps even a judge in a courtroom. Those don't sound like what we think about when we imagine any one individual. So how do we get from you and me and what we can do to what government can and cannot do?

Think back to the idea of the state of nature. In that condition, people are fully free and equal, which also means each person must be accountable for all of what they do. When people decide how they will live their lives, protect themselves from violence, or even judge when they have been harmed, they are engaging in what we more commonly think of as the legislative, executive, and judicial powers when we talk about government. So, when they form a civil society or government, they give up some of those powers to the government, where the government acts for the whole people instead of each person having to do so for themselves. In this way, the powers of the government are derived from the very powers of the people.

Turning next to the idea of consent, this principle becomes very important in two ways. The first is that people must consent to leave the state of nature and form a government or civil society. In doing so, the powers of the government come from the initial consent of the governed. A clear version of this argument can be found in the work of John Adams, who drafted what became the Massachusetts Constitution of 1780. In the preamble, he writes:

The body politic is formed by a voluntary association of individuals; it is a social compact by which the whole people covenants with each citizen and each citizen with the whole people that all shall be governed by certain laws for the common good.

Yet this original consent is only a partial consent. Since the people do not fully give up their rights and freedom, the ongoing decisions of government or the representatives who make those decisions require regular consent from the people. This idea of majority rule, where people either participate directly or indirectly through voting, is how people express ongoing consent to the decisions that impact their lives. While the majority is responsible for making decisions for the society as a whole, it is limited to taking no action that might violate the rights of the losing group or minority. While this often has not been true in practice, in principle, no numerical majority could ever justly decide to take away someone's liberty or freedom of religion, for example, even if 99 out of 100 people so voted.

7. That whenever any form of government becomes destructive of these ends, it is the right of the people to **alter or to abolish it**

This is the final conclusion of the argument of the Declaration of Independence: the right of revolution. If people are free and equal, and if they form a government on the basis of securing their rights, which are inalienable, then if the government fails to respect the consent of the governed, fails to secure them in their rights, or even goes so far as to damage or destroy those rights, it follows for the Founders that the people have a right to change their government to better meet its purpose or abolish it altogether.

The matter of when the people are justified in exercising the right to revolution is complicated. The Declaration makes the case that “light and transient causes” are insufficient to meet this standard. That is, it is not enough for one or a few people to have been wronged or for a large group to have been mildly harmed. Instead, it must meet the standard of a “long train of abuses and usurpations” directed at establishing “absolute Despotism.” To update this language, the Founders argued that revolution required very significant harms to a large portion of the people, and they therefore sought to oppress them as a whole. Much of the rest of the Declaration of Independence is an attempt to make that case. In fact, much of the public writing, debates, and legislative actions in the colonies since the passage of the Stamp Act in 1765 were an attempt to establish this case. For 11 years, the colonists and their assemblies argued through all avenues they could pursue that the crown had violated rights in many ways. Left with no other recourse, they declared independence and revolted.

The argument of the Declaration of Independence is that by failing to secure the colonists in their rights, the King of England and Parliament had lost the authority to rule. As a result, that authority and right had returned to the people of America in their collective capacity. The people, in turn, became free and independent and could establish whatever form of government, based on the principles articulated in the Declaration, that would seem to them most effective in securing the peaceful enjoyment of their rights.

Yet we are left to wonder who can judge the justice of their claims? The people of England did not agree, nor did a significant portion of their fellow colonists, who wished to remain subjects of the crown. For the Founders, there was no court on Earth that could judge their claims to a right to revolution. All they could do was to “let facts be submitted to a candid world.”