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The Adams Declaration: A Guide for Our Times

DANIELLE ALLEN

These days, the question of whether the Declaration of Independence can be a continuing guide for our times is highly contested. For some, Thomas Jefferson's role in its creation means the text is irreparably tainted by the legitimization of enslavement. Yet this reading of the Declaration, and of its historical moment, misses much.

The Declaration offers a story of human agency that speaks as powerfully in our own times as it did to the founding generation—and to people diverse in identity and ideology. Moreover, the Declaration contributed to the crystallization of the abolitionist movement. This is because the Declaration belongs as much to John Adams as to Jefferson. It's time that we should all come to know the story of the Adams Declaration.

In this chapter, I explain how I came to see the Declaration's continuing relevance to 21st-century Americans of all backgrounds and share the journey of discovery that then ensued. A deep dive into the text's history leads to the recognition that Adams was really its prime intellectual architect and that, thanks to Adams, the document became fundamental to the project of abolitionism. Adams never owned human beings, always thought enslavement was wrong, and actively worked to end it in Massachusetts.

This is not to say that either Adams or the document was perfect. In addition to advancing a powerful vision for self-government among free and equal citizens, both Adams and the Declaration also made some philosophical errors. Turning to the Declaration's text in our own time requires embracing those elements of its argument that the drafters got right but also correcting those components where they went astray.

Night Students and the Thrill of Agency

In 1999, in Chicago, one spring afternoon, I found myself sitting at a board table in a downtown office building with lofty views beside a friendly woman named Kristina Valaitis. About a dozen of us had gathered for a meeting of the Harold Washington Literary Prize Committee. Harold Washington had been the first black mayor of Chicago. Now deceased, he had a book prize named in his honor.

I don't remember who else was there. I don't remember the deliberations. I don't remember what books we adjudicated that day. But I do remember my conversation with Valaitis. She would eventually become a good friend, but that was our first meeting. She was director of the Illinois Humanities Council; I was an assistant professor of classics at the University of Chicago.

Valaitis was trying to establish a night course in the humanities for low-income adults who had fallen out of the educational system and were ready to get back in. The purpose of the course was not vocational instruction but reflection and empowerment. The idea was that students from lower socioeconomic contexts also deserved the chance to develop their powers of reflection and analysis by engaging with a liberal arts education—that is, schooling for free people—just like students at fancy schools, such as the University of Chicago, where I taught. Valaitis was passionate about the program but having trouble finding any university to partner with her. I listened to her description of the program and volunteered immediately to help bring the University of Chicago in.

My much beloved younger cousin Michael was in prison in Southern California at the time, and I was working hard to get him an education behind bars. He had been arrested in 1995 while a junior in high school but completed his GED before his sentencing. He speedily earned every vocational degree on offer in the various facilities he found himself in. But he wanted real learning. He wanted college.

This wasn't available inside California's prisons in the 1990s, so I'd been working to find him distance learning classes and working through

all the bureaucratic complexities of making that happen. Hardcover books weren't allowed in the prison, so I had to find classes that used only soft-cover books, and so on. The rules were endless.

When Valaitis described the students whom she sought to recruit for her program—the Odyssey Project, as it was called—I heard my cousin's story. These were the students I wanted to teach.

The Odyssey Project would have five units—history, philosophy, art history, literature, and writing. Ultimately, I would teach in all but the art history unit. And the goal of the course was ambitious. We would give the students the same caliber education as was on offer to the well-read and well-heeled students at the University of Chicago. This presented a conundrum. Many of the students signing up for the night class hadn't even finished their high school degrees. How exactly were we going to offer them an education on par with what the University of Chicago offered?

The solution to this riddle was to teach our students with short texts. We determined we would not compromise on the quality of the material we would offer them, but we would compromise on length. For no reason other than that the Declaration of Independence is short—1,337 words—I selected it to teach in the Odyssey Project. Over time, I taught it as part of history, philosophy, and writing units. The text is that serviceable.

But beyond its usefulness, something else happened. The Declaration of Independence generated an explosion of learning in my classroom. The Declaration tells the story of colonists who surveyed their circumstances, found them wanting, and set their faces in a new direction. In that story, my students saw their own stories. They, too, had found the course of events in their lives unsatisfactory and had determined to bring about a revolution in their situations. They understood immediately the Declaration's claims about human agency and the profound value in human decision-making and responsibility for shaping the direction of a community.

Our encounters with the Declaration of Independence were so riveting and empowering that I developed a deep fascination with the text. I have gone on to study and write about it for 20 years now. That journey

has led me to see how central Adams was to the story of the Declaration of Independence. The time has come to tell the story of the Adams Declaration.

The Declaration as Democratic Writing

Jefferson did historians a disservice by having his tombstone inscribed with the words “Author, Declaration of Independence.” In that moment, he claimed too much. Far more honest was his comment in an 1825 letter, also from near the end of his life, that the Declaration “was intended to be an expression of the American mind, and to give to that expression the proper tone and spirit called for by the occasion.”¹ Or his comment in an 1823 letter to James Madison that he “did not consider it as part of my charge to invent new ideas altogether, and to offer no sentiment which had ever been expressed before.”²

Jefferson drafted the Declaration as a member of a committee on which Adams (of Massachusetts), Benjamin Franklin (of Pennsylvania), Roger Sherman (of Connecticut), and Robert Livingston (of New York) were also members. The committee met and discussed the Declaration’s arguments and structure, creating minutes to document their discussions. They agreed that Jefferson would write the first draft.

Jefferson did so quickly, in a day or two, and returned to Adams and Franklin for feedback. They provided substantive alterations. Jefferson finalized the text and sent it to the whole committee, which approved it, and then sent it to Congress, which further edited the document, deleting about 25 percent of the draft and making substantively significant additions. The drafting committee itself met before, during, and at the end of the drafting process.³

In other words, the Declaration was very much a product of democratic writing—many voices working together to develop something that could be endorsed despite divergences in identity and ideology.⁴ Jefferson certainly played a leading role, but he was not alone in developing its

intellectual architecture. On this front, Adams played the other especially important role.

Adams on Happiness

Adams of Massachusetts and Richard Henry Lee of Virginia were among the busiest members of the Continental Congress in 1775 and 1776. The two of them drove the political processes that led to the Declaration of Independence. Adams's 15-point to-do list, when he returned to the new session of Congress in February 1776, included "the Confederation to be taken up in paragraphs" (item 1), "an alliance to be formed with France and Spain" (item 2), "Government to be assumed in every colony" (item 4), and "Declaration of Independency" (item 14). All of that was well underway by July 4, 1776.⁵ For Adams, the overarching goal shaping all this work was, in his vocabulary, pursuit of the happiness of the people.

Adams and Lee had been laying the groundwork for the Declaration. In the fall of 1775, the colony of New Hampshire was suffering through the absence of any functional government, because the royal governor had been driven out by radicals during the summer. They wrote to the Continental Congress seeking advice on what to do. Adams led, and Lee served on, the committee that delivered the resolution providing the advice on November 3:

Resolved, That it be recommended to the provincial Convention of New Hampshire, to call a full and free representation of the people, and that the representatives, if they think it necessary, establish such a form of government, as, in their judgment, will best produce the happiness of the people, and most effectually secure peace and good order in the province, during the continuance of the present dispute between G[reat] Britain and the colonies.⁶

Then Adams and Lee met to discuss precisely how such new governments might be formed. They met on the evening of November 14, 1775, to begin sketching the kinds of governments that states should adopt if they succeeded in displacing the various royal administrations governing each state. In a follow-up letter to Lee, Adams sketched out his ideas for governments with three branches and separations of powers and concluded,

In adopting a Plan, in some Respects similar to this, human Nature would appear in its proper Glory asserting its own moral Dignity, pulling down Tyrannies, at a single Exertion and erecting such new Fabricks, as it thinks best calculated to promote its Happiness.⁷

Thus, Adams introduced to the conversation the idea that happiness might govern the thinking of members of Congress about the purpose of government and linked that idea to a separation-of-powers framework. Jefferson was not using either framework in his own writings at this time.

Having laid an intellectual foundation for both independence and self-governing constitutionalism, Adams proceeded to lead Massachusetts to take the advice of Congress. Like New Hampshire, Massachusetts was without a functional royal government. Adams drove Massachusetts forward, to both declare its independence and establish a new independent government to replace the royal administration.

Massachusetts took this important step with a declaration made on January 19, 1776, which Adams drafted. Scholars have heretofore overlooked this document; even Pauline Maier in *American Scripture: Making the Declaration of Independence* had not found it. It is in its core points and language a first draft of the Declaration of Independence. Here it is, from opening to close, excerpted:

The frailty of human Nature, the Wants of Individuals, and the numerous Dangers which surround them, through the Course

of Life, have in all Ages, and in every Country impelled them to form Societies, and establish Governments.

As the Happiness of the People *<alone>*, is the sole End of Government, So the Consent of the People is the only Foundation of it, in Reason, Morality, and the natural Fitness of things: and therefore every Act of Government, every Exercise of Sovereignty, against, or without, the Consent of the People, is Injustice, Usurpation, and Tyranny.

It is a Maxim, that in every Government, there must exist Somewhere, a Supreme, Sovereign, absolute, and uncontrollable Power: But this power resides always in the Body of the People, and it never was, or can be delegated, to one Man, or a few, the great Creator having never given to Men a right to vest others with Authority over them, unlimited either in Duration or Degree.

When Kings, Ministers, Governors, or Legislators therefore, instead of exercising the Powers intrusted *<to their Care>* with them according to the Principles, Forms and Proportions stated by the Constitution, and established by the original Compact, prostitute *<it>* those Powers to the Purposes of Oppression; to Subvert, instead of Supporting a free Constitution; to destroy, instead of preserving the lives, Liberties and Properties of the People: they are no longer to be deemed Magistrates vested with a Sacred Character; but become public Enemies, and ought to be resisted. *<by open War>*

The Administration of Great Britain, despising equally the Justice, the Humanity and Magnanimity of their Ancestors, and the Rights, Liberties and Courage of Americans have, for a Course of *<Twelve>* years, laboured to establish a Sovereignty in America, not founded in the Consent of the People, but in

the mere Will of Persons a thousand Leagues from Us, whom we know not, and have endeavoured to establish this Sovereignty over us, against our Consent, in all Cases whatsoever.

The Colonies during this period, have recurr'd to every [peaceable Resource] in a free Constitution, by Petitions and Remonstrances, to [obtain justice;] which has been not only denied to them, but they have been [treated with unex]ampled Indignity and Contempt and at length open War [of the most] atrocious, cruel and Sanguinary Kind has been commenced [against them.] To this, an open manly and successfull Resistance has hith[erto been made.] Thirteen Colonies are now firmly united in the Conduct of this most just and necessary War, under the wise Councils of their Congress. . . .

. . . Mankind has seen a Phenomenon without Example in the political World, a large and populous Colony subsisting in [great] Decency and order, for more than a Year <*without Government*> under such a suspension of Government.

But as our Enemies have proceeded to such barbarous Extremities commencing Hostilities upon the good People of this Colony, and with unprecedented [Malice] exerting their Power to spread the Calamities of Fire, Sword and Famine through the Land, and no reasonable Prospect remains of a speedy Reconciliation with Great Britain, the Congress have resolved "That no Obedience being due to the Act of Parliament for altering the Charter of the Colony of Massachusetts Bay . . . it be recommended to the Provincial Convention to write Letters: to the Inhabitants of the several Places which are intituled to Representation in Assembly requesting them to chuse such Representatives, and that the Assembly, when chosen, do elect Councillors; and that such Assembly and Council exercise the Powers of Government. . . ."

In Pursuance of which Advice, the good People of this <Province> Colony have chosen a full and free Representation of themselves, who, being convened in Assembly have elected a Council, who, <have assumed> as the executive Branch of Government have constituted necessary officers <civil and Military> through the Colony. The present Generation, therefore, may be congratulated on the Acquisition of a Form of Government, more immediately in all its Branches under the Influence and Controul of the People, and therefore more free and happy than was <ever> enjoyed by their Ancestors. . . .

In Council January 19th. 1776

Ordered that the foregoing Proclamation be Read at the opening of Every Superior Court of Judicature &c. and Inferiour Courts of Common Pleas and Courts of General sessions for the Peace within this Colony by their Respective Clerks and at the Annual Town meetings in March in Each Town and it is hereby Recommended to the several Ministers of the Gospel throughout this Colony to Read the Same in their Respective Assemblys on the Lords Day next after their Receiving it immediately after Divine Service.⁸

With this proclamation for Massachusetts, Adams had helped model the playbook for the transition from colony to state. He hoped all the other colonies would follow. Working with Lee, he began to spread his arguments and playbook. He published a pamphlet called “Thoughts on Government: Applicable to the Present State of the American Colonies” in April 1776. Lee converted part of the pamphlet into a poster so that its circulation would be even wider.⁹ The pamphlet reinforced Adams’s argument that the focus of thinking about constitutional design should be on the happiness of the people and that this would be best executed through a separation of powers.

With regard to happiness, Adams wrote in the pamphlet:

We ought to consider, what is the end of government, before we determine which is the best form. Upon this point all speculative politicians will agree, that the happiness of society is the end of government, as all Divines and moral Philosophers will agree that the happiness of the individual is the end of man. From this principle it will follow, that the form of government, which communicates ease, comfort, security, or in one word happiness to the greatest number of persons, and in the greatest degree, is the best.¹⁰

In invoking this idea of the happiness of society—or the ease, comfort, and security of the individuals making up society—Adams was converting into 18th-century American English an ancient Roman ideal articulated by the orator and statesman Cicero: *salus populi suprema lex esto*, or “the health and well-being of the people are the supreme law.”¹¹ This means that any question of governmental policy should be evaluated from the perspective of whether it enables the basic human flourishing of a society and its members. The preamble to the Constitution renders the same idea with the phrase “the general Welfare.”

On May 15, 1776, Adams proposed a resolution in Congress whose purpose was to begin converting the philosophical arguments about individual and social happiness into actual policy for all the colonies, just as had already been accomplished in Massachusetts. The time had come to spur the colonists into establishing governments as independent states.

To achieve this, Adams proposed that Congress vote on the following resolution:

Resolved That it be recommended to the respective assemblies and conventions of the United Colonies, where no Government sufficient to the Exigencies of their affairs have been hitherto established, to adopt such Government as shall in the

Opinion of the Representatives of the People best conduce to the happiness and safety of their Constituents in particular and America in general.¹²

The philosophical heart of the Declaration—its second sentence—traces exactly this sort of link between the happiness of the individual and of society, identifying as the purpose of government to secure that collective safety and happiness:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. —That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, —That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

This was just the sort of argument that Adams had been developing throughout 1775 and 1776.

Just as Jefferson brought various materials from his work in Virginia—for instance, George Mason’s Declaration of Rights—into the drafting of the Declaration of Independence, so too Adams brought his own writings and arguments. He brought the broad framework connecting the responsibilities of government to both an individual aspiration to happiness and a shared safety and happiness. He also brought in the constitutional theory used to organize the list of grievances against the king, where legislative, judicial, and executive power concerns are treated in order. Jefferson had not previously constructed his own writings around either of these intellectual frameworks.

Adams, the Declaration, and Abolition

Perhaps the most important location in the Declaration where we can see Adams's influence is in the phrase "Life, Liberty and the pursuit of Happiness."

As we have seen, Adams was the leading proponent throughout 1775 and 1776 of including the concept of "happiness" in the Declaration. The conventional formulations of 17th- and 18th-century political philosophy treated basic rights as consisting of life, liberty, and property. John Locke, for instance, argued that "being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions."¹³ In other words, happiness displaced property in the conventional formulation of basic rights.

At stake was the topic of enslavement. In December 1775, the royal governor of Virginia decreed that any enslaved person who fled bondage and fought for the British would be rewarded with emancipation. For some six months, he had been considering such a proclamation, and its likely occurrence had been widely rumored. When the proclamation came, the Virginians considered it an interference with their rights of property. One Virginian wrote to George Washington, who was absent from Virginia with the army, "Our Dunmore has at length Publishd his much dreaded proclamation—declare Freedom to All Indented Servts & Slaves (the Property of Rebels) that will repair to his majestys Standard—being able to bear Arms."¹⁴

After Dunmore's proclamation, any active defense of the right to property was also necessarily a defense of the practice of enslavement. Adams's arguments for a picture of the basic purpose of government as turning instead around happiness must be read in that context—as providing alternative language that would avoid serving as a de facto defense of enslavement. Adams and his wife, Abigail, exchanged letters on the subject of the Virginians. She wrote to him that she thought the Virginians had "been shamefully duped by a Dunmore. I have sometimes been ready to think that the passion for Liberty cannot be Eaquelly Strong

in the Breasts of those who have been accustomed to deprive their fellow Creatures of theirs.”¹⁵

That the questions of slavery and rights of property became hopelessly entangled is clear in debates about the Articles of Confederation. Here is one telling exchange from July 30, 1776:

Lynch. If it is debated, whether their Slaves are their Property, there is an End of the Confederation. Our Slaves being our Property, why should they be taxed more than the Land, Sheep, Cattle, Horses, &c.? Freemen cannot be got, to work in our Colonies. It is not in the Ability, or Inclination of freemen to do the Work that the Negroes do. Carolina has taxed their Negroes. So have other Colonies, their Lands.

Dr. Franklin. Slaves rather weaken than strengthen the State, and there is therefore some difference between them and Sheep. Sheep will never make any Insurrections.

Rutledge. . . . I shall be happy to get rid of the idea of Slavery. The Slaves do not signify Property. The old and young cannot work. The Property of some Colonies are to be taxed, in others not. The Eastern Colonies will become the Carriers for the Southern. They will obtain Wealth for which they will not be taxed.¹⁶

Adams’s focus on happiness offered a form of compromise—a term open-ended enough that many could imagine their ends encapsulated by it; the phrase was also indefinite enough not to entail any kind of necessary ongoing commitment to the practice of enslavement.

That there were two frameworks for thinking about basic rights—and pressure on the question of what language would be used—is clear from the Declaration of Rights drafted by Mason for Virginia in May 1776. Mason employed both the traditional focus on property and Adams’s focus on safety and happiness. Mason’s declaration begins by declaring

that all men are by nature equally free and independent and have certain inherent rights, of which, when they enter into a state of society, they cannot, by any compact, deprive or divest their posterity; namely, the enjoyment of life and liberty, with the means of acquiring and possessing property, and pursuing and obtaining happiness and safety.¹⁷

But by the time the Declaration of Independence was written, Adams had won. The concept of happiness supplanted the concept of property, a moment of compromise in the draft of the text that opened space for an abolitionist vision.

As scholar Eric Slauter has shown, the writers and pamphleteers who used the Declaration of Independence in ensuing decades were primarily abolitionists, who drew on precisely its all-important second sentence to advance the cause of emancipation and an end to slavery.¹⁸ For instance, in Massachusetts, a free African American, Prince Hall, drew on the Declaration's language to seek abolition of enslavement in Massachusetts via a petition to the general court in January 1777.¹⁹ He wrote: "[Negroes] have, in Common with all other men a Natural and Unalienable Right to that freedom which the [Great] Parent of the [Universe] hath bestowed equalley on all menkind." Their enslavement was a "Violation of Laws of Nature and [of] Nations."²⁰

The drafters of Vermont's constitution in 1777 created the first modern government to abolish enslavement formally. They wrote in their preamble:

All men are born equally free and independent, and have certain natural, inherent, and unalienable rights, amongst which are the enjoying and defending life and liberty, acquiring, possessing, and protecting property, and pursuing and obtaining happiness and safety: therefore, no male person born in this country, or brought from over sea, ought to be holden by law, to serve any person as a servant, slave, or apprentice, after he

arrives to the age of twenty one years, nor female in like manner, after she arrives to the age of eighteen years.²¹

Adams kept the work up in Massachusetts as well. He drafted the Constitution for the state of Massachusetts and drew, once more, on the language of his January 1776 Massachusetts Declaration and the July 4 national Declaration to establish a bedrock commitment to rights. As originally passed, the Massachusetts Constitution of 1780 began:

The end of the institution, maintenance, and administration of government, is to secure the existence of the body politic, to protect it, and to furnish the individuals who compose it with the power of enjoying in safety and tranquility their natural rights, and the blessings of life; and whenever these great objects are not obtained, the people have a right to alter the government, and to take measures necessary for their safety, prosperity, and happiness. . . .

All men are born free and equal, and have certain natural, essential, and unalienable rights; among which may be reckoned the right of enjoying and defending their lives and liberties; that of acquiring, possessing, and protecting property; in fine, that of seeking and obtaining their safety and happiness.²²

The Massachusetts Constitution did not formally outlaw enslavement, but it did support the achievement of abolition before the end of the Revolutionary War. On the basis of the new Constitution, an enslaved woman named Elizabeth Freeman sued for her freedom in 1781. At a jury trial, Massachusetts Chief Justice William Cushing instructed a jury that enslavement had in fact been outlawed by the state's new constitution, and consequently, Freeman won her case. In 1783, the state's supreme judicial court then affirmed that constitutional interpretation.

Pennsylvania, too, passed an emancipation act before the end of the Revolutionary War, ending enslavement (albeit on an elongated timetable) in that state in 1780. This was thanks in no small measure to Franklin's work. A colleague on the Declaration drafting committee alongside Adams and Jefferson, Franklin had by the time of the Declaration's drafting come to oppose enslavement, despite having owned people earlier in his life.

In sum, Adams's work from 1775 to 1783 forged a linked agenda of independence, self-government, and abolition. This would eventually become the American agenda. It was and is a profoundly democratic agenda.

The “Masculine System” and Its Limits

Of course, Adams's voice was not the only one shaping the Declaration of Independence. While he succeeded at forging compromises that ultimately helped crystallize abolitionism, other moments in the Declaration entrenched enslavement. The text the committee submitted to Congress included language condemning King George for a trade that violated “the sacred rights of life and liberty” of people in distant Africa. The draft, in other words, equally acknowledged European-descended colonists and Africans as holding the same sacred rights. Congress, however, excised this language from the draft.²³ From the perspective of the enslavement-practicing South, it went too far.

The first founding philosophy for our country was far from entirely perfect in all its details, nor was Adams a perfect democrat. But Adams and other founders clearly did genuinely believe that all human beings have basic natural rights. Their beliefs were sufficiently robust to achieve the abolition of enslavement in three former English colonies (Massachusetts, Pennsylvania, and Vermont) by 1783.

Nonetheless, they did not allocate power throughout society in accordance with this view. To the contrary, they reserved power largely to white male property holders, and they increased the degree of that

restrictiveness over time. While property-holding women, for instance, had voting rights in some states after the revolution, in the wake of the Constitution, those rights were eroded. In 1807, New Jersey was the last state to remove voting rights from women.²⁴

Adams and his contemporaries were not oblivious to the disjunction between the broad claims about universal human rights and structures of power that allocated the right of political participation only to some. Two people who wrote to Adams to raise questions about this were fellow Bostonian James Sullivan and Adams's own wife, Abigail.

On May 9 and 17, 1776, Sullivan, a politician, wrote to Adams to advocate for assigning voting rights to men without property in the newly forming polity.²⁵ On May 26, Adams responded to reject the argument:

Your Idea, that those Laws, which affect the Lives and personal Liberty of all, or which inflict corporal Punishment, affect those, who are not qualified to vote, as well as those who are, is just. . . .

[But] the Same Reasoning, which will induce you to admit all Men, who have no Property, to vote, with those who have, for those Laws, which affect the Person will prove that you ought to admit Women and Children: for generally Speaking, Women and Children, have as good Judgment, and as independent Minds as those Men who are wholly destitute of Property: these last being to all Intents and Purposes as much dependent upon others, who will please to feed, cloath, and employ them, as Women are upon their Husbands, or Children on their Parents.²⁶

Abigail similarly wrote to raise questions about the rights of women. That spring, in March 1776, Abigail wrote to John to inquire about the progress of the revolution and women's place in it. She was eager to see independence. She also urged him to "remember the ladies." She wrote:

Remember the Ladies, and be more generous and favourable to them than your ancestors. Do not put such unlimited power into the hands of the Husbands. Remember all Men would be tyrants if they could. . . .

That your Sex are Naturally Tyrannical is a Truth so thoroughly established as to admit of no dispute, but such of you as wish to be happy willingly give up the harsh title of Master for the more tender and endearing one of Friend. Why then, not put it out of the power of the vicious and the Lawless to use us with cruelty and indignity with impunity.²⁷

She warned him that if the new government did not do more to incorporate women's interests, "we are determined to foment a Rebellion, and will not hold ourselves bound by any Laws in which we have no voice, or Representation."²⁸ John's response to Abigail was to insist that male power could be wielded beneficently. "Depend upon it," he wrote,

We know better than to repeal our Masculine systems. Altho they are in full Force, you know they are little more than Theory. We dare not exert our Power in its full Latitude. We are obliged to go fair, and softly.²⁹

Annette Gordon-Reed and Peter Onuf have offered a close and compelling analysis of how Jefferson developed a paternalistic theory of government—rights might pertain to all humanity, but it was the job of some to protect others and secure their safety and happiness.³⁰ Adams, too, subscribed to this paternalistic theory of authority.

In doing so, Adams and his colleagues depended on one important clause in the Declaration to bring a seeming coherence out of the incoherence that all might have rights even when some governed—and even owned—others. That clause, once again, appears in the all-important second sentence. Let's take one more look at it, focusing closely this time on the final clause.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness, —That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, —That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, *laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.* (Emphasis added.)

The final distinction between the foundation of principle on which the new government was grounded and the procedures for organizing the powers of the government permitted and sustained the paternalistic approach. Adams's answers to both Sullivan and his wife were, in essence, that, yes, the concepts of rights, personal liberties, and aspirations to well-being pertained to everyone, but when it came to how the powers of government would be organized, those powers would be reserved for some—namely, white male holders of property (“our masculine systems”) to wield on behalf of all. The idea of separability between the basic principles and the allocation of power sustained the founding's contradictions.

On May 7, in response to Adams's April 12 reply that he and his colleagues were unlikely to adopt Abigail's approach to a code of laws, she chastised him:

I can not say that I think you very generous to the Ladies, for whilst you are proclaiming peace and good will to Men, Emancipating all Nations, you insist upon retaining an absolute power over Wives. But you must remember that Arbitrary power is like most other things which are very hard, very liable to be broken—and notwithstanding all your wise Laws and Maxims we have it in our power not only to free ourselves but

to subdue our Masters, and without violence throw both your natural and legal authority at our feet.³¹

Abigail named the key philosophical error of the founding generation—to think that one could achieve the protection of rights for all while reserving power only to some. As she wrote, unlimited power tempts people into tyrannical behavior. We might say that absolute power corrupts absolutely. Abigail thus identified the most important philosophical correction that would have to be made in the ideas of the founding generation for a firm foundation for democracy to be secured. To protect the rights of all, all must share in power. The work required is to lay the foundations of a political system on a set of principles that protect basic rights but also organize the powers of government in such a form that all can share in those powers, thereby ensuring that the safety and happiness of the people will be secured.

Realizing the democratic potential of the Declaration of Independence requires completing the long-fought-for transition from the paternalistic liberalism of the 18th century to power-sharing liberalism, the cause of our times.

A Guide for Our Times

Histories of American political thought and politics have oscillated between the idea that the founding ideals were essentially complete and required only an unfolding realization in practice and the idea that the founding ideals are irrecoverably marred by various forms of domination—of people of African descent, women, and Indigenous people. These two positions lead to two different approaches for how we should currently make use of our founding era's texts. Those in the former camp believe the texts as they stand can serve as an unproblematic guide for us, as we work to ascertain at the level of concrete policy and organizational structure how better to realize them. Those in the latter

camp argue instead that we should throw out these documents and start over, perhaps even have a new constitutional convention and draft from scratch.

I offer a third perspective. If we take the time to figure out precisely where the founders were conceptually right and where they went conceptually wrong, we can build on the good and take on the responsibility of correcting the bad. Achieving self-government for free and equal citizens under a condition of full inclusion isn't simply a matter of changing laws and policies to better match the stated ideals of the founding. We actually have to do some work to improve the ideas of the founding too.

After we do that philosophical work, we have to develop laws and policies that align with those improved ideals. The specific conceptual improvement needed is the one named by Abigail Adams—the recognition that building a society based on the rights of all, for the sake of the safety and happiness of all, requires that power be shared by all. With that important conceptual improvement clearly in view, we can take on founding work in our own era and for our generations, seeking as our ancestors did to understand how best to secure a free society in contemporary conditions.³²

Notes

1. Thomas Jefferson, letter to Henry Lee, May 8, 1825, in *The Writings of Thomas Jefferson*, ed. Paul Leicester Ford (New York: Knickerbocker Press, 1899), 10:343, quoted in Pauline Maier, *American Scripture: Making the Declaration of Independence* (New York: Knopf Doubleday Publishing Group, 1997).
2. Thomas Jefferson, letter to James Madison, August 30, 1823, in *The Writings of Thomas Jefferson*, ed. Paul Leicester Ford (New York: Knickerbocker Press, 1899), 10:268, quoted in Maier, *American Scripture*.
3. Maier, *American Scripture*, 101–2.
4. Danielle Allen, *Our Declaration: A Reading of the Declaration of Independence in Defense of Equality* (New York: Liveright, 2014), 47.
5. Allen, *Our Declaration*, 59; and John Adams, diary, 25:6–7, [February?] 1776, Adams Family Papers, Massachusetts Historical Society.
6. Worthington Chauncey Ford, ed., *Journals of the Continental Congress, 1774–1789* (Washington, DC: Government Printing Office, 1904–37), 3:319.
7. Allen, *Our Declaration*, 58–60; and John Adams, “From John Adams to Richard Henry Lee, 15 November 1775,” Founders Online, <https://founders.archives.gov/documents/Adams/06-03-02-0163>.
8. The text in brackets was deleted. Founders Online, “IV. A Proclamation by the General Court, 19 January 1776,” <https://founders.archives.gov/documents/Adams/06-03-02-0195-0005>.
9. Allen, *Our Declaration*, 59.
10. Founders Online, “III. Thoughts on Government, April 1776,” <https://founders.archives.gov/documents/Adams/06-04-02-0026-0004>.
11. Cicero, *On Laws*, 3.3.8.
12. John Adams, “[Wednesday May 15. 1776],” Founders Online, <https://founders.archives.gov/documents/Adams/01-03-02-0016-0120>.
13. John Locke, *Second Treatise of Government* (1690; Indianapolis, IN: Hackett Publishing Company, 1980), chap. 2.6, <https://www.gutenberg.org/files/7370/7370-h/7370-h.htm>.
14. Lund Washington, “To George Washington from Lund Washington, 3 December 1775,” Founders Online, <https://founders.archives.gov/documents/Washington/03-02-02-0434>.
15. Abigail Adams, “Abigail Adams to John Adams, 31 March 1776,” Founders Online, <https://founders.archives.gov/documents/Adams/04-01-02-0241>.
16. John Adams, “[Notes of Debates on the Articles of Confederation, Continued] July 30. 1776.” Founders Online, <https://founders.archives.gov/documents/Adams/01-02-02-0006-0008-0003>.
17. Virginia Declaration of Rights, § 1.

18. Eric Slauter, "The Declaration of Independence and the New Nation," in *The Cambridge Companion to Thomas Jefferson*, ed. Frank Shuffelton (Cambridge, UK: Cambridge University Press, 2009), 27–28.
19. Danielle Allen, "A Forgotten Black Founding Father," *The Atlantic*, February 10, 2021, <https://www.theatlantic.com/magazine/archive/2021/03/prince-hall-forgotten-founder/617791>.
20. Massachusetts Historical Society, "Petition for Freedom to the Massachusetts Council and the House of Representatives, January 13, 1777," <https://www.masshist.org/database/557>.
21. Vt. Const. ch. I, art. I.
22. Mass. Const. pmbl.; and Mass. Const. pt. I, art. I.
23. Allen, *Our Declaration*, 137.
24. Museum of the American Revolution, "When Women Lost the Vote: A Revolutionary Story, 1776–1807," <https://www.amrevmuseum.org/virtualexhibits/when-women-lost-the-vote-a-revolutionary-story>.
25. James Sullivan, "To John Adams from James Sullivan, 9 May 1776," Founders Online, <https://founders.archives.gov/documents/Adams/06-04-02-0075>.
26. John Adams, "From John Adams to James Sullivan, 26 May 1776," Founders Online, <https://founders.archives.gov/documents/Adams/06-04-02-0091>.
27. Adams, "Abigail Adams to John Adams, 31 March 1776."
28. Adams, "Abigail Adams to John Adams, 31 March 1776."
29. John Adams, "John Adams to Abigail Adams, 14 April 1776," Founders Online, <https://founders.archives.gov/documents/Adams/04-01-02-0248>.
30. Annette Gordon-Reed and Peter S. Onuf, "*Most Blessed of the Patriarchs*": *Thomas Jefferson and the Empire of the Imagination* (New York: Liveright, 2016).
31. Abigail Adams, "Abigail Adams to John Adams, 7 May 1776," Founders Online, <https://founders.archives.gov/documents/Adams/04-01-02-0259>.
32. Portions of this chapter draw on Allen, *Our Declaration*.