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Equality, Liberty, and Rights in the Declaration of Independence

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Strictly speaking, the document we call the Declaration of Independence is misnamed. The actual or official declaration of independence occurred on July 2, 1776, when the Second Continental Congress adopted the resolution for independence introduced a month earlier by Virginian Richard Henry Lee. The relevant part of Lee's resolution was incorporated in the July 4 document near its end:

That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved.

What then is the so-called Declaration of Independence? The opening sentence of that document announces its aim: Acting with "a decent respect to the opinions of mankind," the Americans propose to "declare the causes which impel them to the separation." A better title for our document, then, would be "The Declaration of the Causes Which Impel the Americans to Declare Independence."

The Structure of the Declaration

As a declaration of causes meant to explain and justify the Americans in the eyes of the world in terms of "The Laws of Nature and of Nature's

God,” the Declaration of Independence (let us stick to its traditional title) intended to show the “causes” in the sense of the impelling reasons for the Americans’ actions and the “causes” in the sense of moral justification for their action. The Declaration thus contains not only much historical information relating to the recent relations between Britain and the colonies but also a general theory of political right meant to show the colonists to be justified even in the eyes of “the Supreme Judge of the world.”

This justificatory intention dictates the general structure of the Declaration. It takes the form of a long but recognizable syllogism. After an opening paragraph announcing the authors’ intention in the document, the Declaration proceeds to lay out the major premises of its argument, presented here as “truths” held to be “self-evident” by the colonists, the final one of which proclaims that “whenever any Form of Government becomes destructive of these ends [for which government is instituted], it is the Right of the People to alter or to abolish it, and to institute new Government.”

Following this major premise is a series of “Facts . . . submitted to a candid world,” purporting to show that the government under which the British held the colonies was one that was indeed “destructive of these ends.” If that is so, then the conclusion, introduced by the word “therefore,” “that these United Colonies are, and of Right ought to be Free and Independent States,” follows with the logical necessity of a geometric proof. Contrary to the opinion of some scholars that the parts of the Declaration are disparate and of unequal importance, the main parts—the theory of rightful government contained in the major premises of the second paragraph and the list of grievances comprising the minor premise—are integrally connected and equally essential to accomplishing the aim of the document.¹

I begin with the syllogistic character of the Declaration, for too often this is missed and the various ideas present in it, especially in its second or theoretical paragraph, are taken as separate nuggets and interpreted in a free-floating way, independently of the rest. This is particularly true of such resonant ideas as the first of the so-called self-evident truths: “All men are created equal.” Throughout American history, this phrase has

been treated as especially important, and many of the hopes and aspirations of various political movements have been projected onto these five words. Most notable, probably, has been Abraham Lincoln's quotation of them in his best-known speech: "Four score and seven years ago our fathers brought forth on this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal." This was a prelude to his call for a "new birth of freedom,"² to be effected through the liberation of the enslaved persons he had begun to achieve in his Emancipation Proclamation.

But the equality clause has been appealed to on many more occasions, often with quite different applications. Sometimes, as with Lincoln, it is taken as a call for natural equality—that is, for recognition of a universal human status that rules slavery out of court. Sometimes, as with the early women's movement, it is seen as a call for full civil equality—for recognition of a civil status contrary to the disabilities from which women suffered. Sometimes it is taken to be a call for economic equality or equality of condition, such as is held to be inconsistent with great social and economic inequalities. Ripped from its context as part of the major premise of a great syllogism, the equality proposition is rendered quite indeterminate in meaning and becomes subject to this great variety of interpretive and political appropriations. One recent study even found "five facets" of equality in the Declaration, a lot of work for one small word.³

As part of the major premise of the Declaration's syllogism and a general theory of rightful government, it is unlikely that the main ideas in the Declaration's second paragraph exist as separate, free-floating nuggets of indeterminate meaning. My task in this chapter is to reconstruct the theory of rightful government contained in that paragraph to progress toward fixing meaning for those ideas—equality, rights, liberty, and others—that have been so important to the self-understanding and political aspirations of Americans from 1776 on.

Contributing in no small degree to the notion that the big ideas in the second paragraph are separate nuggets is the way the text introduces them: "We hold these truths to be self-evident," a clause then followed

by a list of six identifiable truths that, so introduced, might appear to be just six independent, separate truths. But if we set aside the claim about self-evidence for a moment, we can readily see that the six truths are not separate and disconnected. We can paraphrase the six in the following shorthand manner:

1. All men are created equal.
2. They are endowed with unalienable rights, among which are life, liberty, and pursuit of happiness.
3. Governments are instituted among men to secure these rights.
4. Governments derive their just powers from the consent of the governed.
5. If governments fail at their instituted purpose of securing these rights, the people have a right to alter or abolish them—that is, a right of revolution.
6. The people then have a right to institute new governments, which in their judgment will succeed better in providing the security of rights for which they made government in the first place.

The list appears to have a distinctly temporal character. It begins by announcing how things are at the beginning, at creation: At the beginning human beings are equal, and they possess certain rights. The next two truths tell of the sequel—human beings institute government to “secure” these rights with which they are born. Government is necessary because in the conditions at the beginning, the rights are insecure. So, the second set of truths tells us why governments exist and how they rightfully come to have their powers: via “consent of the governed.”

The governed are particularly central to the enterprise of government, for it is the securing of their rights that serves as the purpose of governmental institution, and their consent is the means by which rightful

government comes to be. So, we can draw a conclusion about the relations among the first four truths: The second two tell of the formation of government as a remedy to a deficiency of the pre-governmental situation. The first two truths, therefore, must refer to a situation in which there is no government, and thus in which rights are insecure.

The last two truths speak of a situation subsequent to the institution of government. The mere existence of government does not guarantee the security of rights for the sake of which government is desired. Government can fail at its appointed task. When it does, the people have the right to change or even throw off their government. Since they would then find themselves with no government, and therefore once again with the insecurity of rights, they have the same right to make new governments that they had at the beginning, which we can now see need not mean some absolute beginning but the beginning of a cycle of no government, then government instituting, then government altering or abolishing, and back to the beginning.

This last set of truths is particularly important, as Pauline Maier has pointed out, for it is the altering or (in this case) “abolishing” that the Americans are attempting to explain and justify in their Declaration.⁴ Given the temporally sequential character of the list of rights, it is obvious that the fifth truth affirming a right to “alter or abolish” is connected to, and could even be said to follow from, the truths that precede it. Indeed, we can look at the list of truths as an argument in which each set of two truths follows logically (not just temporally) from the truths ahead of them on the list.

Equality, Rights, and Property

To understand the logic of the second paragraph, we must put aside for the moment the temporality of the sequence of truth claims we have so far been using to make sense of the text. The first two truths clearly speak of something original: how men were at the beginning (“created equal”)

and what they possessed at the beginning (“endowed by their Creator with certain unalienable Rights”). On reflection, these claims cannot refer to a strictly temporal beginning or origin, for they are said to refer to “all men”—that is to say, not just to those who stand at the very beginning, literally before government was instituted. All men, whether born into a society already possessing government or somehow not, are “created equal” and possess rights not deriving from or dependent for their existence on government.

The claim that governments are instituted via consent of the governed gives a clue as to how to understand these puzzling claims: Governments derive their “just powers,” their rightful power to command and expect obedience, not from any inherent right they possess but only from the consent of the citizens subject to that government. If that is so, one can translate the claim that all men are created equal into the claim that no man is born naturally or originally subject to government or owing obedience to government. We are all originally equal in that nobody possesses inherent authority over us.

This is the same claim that political philosophers of the age stated with the idea of an original “state of nature.” John Locke defined that state as one “*of Equality*, wherein all the Power and Jurisdiction is reciprocal, no one having more than another.”⁵ (Emphasis in original.) The equality in question is equality in “power and jurisdiction”—that is, in authority or the right to command others. In authority all are by nature equal, and they are equal in having no authority over others, for it is “a *State of perfect Freedom* to order their Actions . . . as they think fit, . . . without asking leave, or depending upon the Will of any other Man.”⁶ (Emphasis in original.)

Placing the first truth about equality in the context of the political theory outlined in the Declaration’s second paragraph leads us to see that equality there has a quite precise and even radical meaning: Human beings are not *naturally* subject to the authority of any other human being. Whatever the ultimate implications of this natural equality may be, we can see that the Declaration is not invoking a loose concept ready to be filled in as we please, as it has sometimes been treated.

Nonetheless, the affirmation of natural equality immediately raises two urgent questions. First, on what basis is this equality affirmed? It is clearly not the result of immediate empirical observation, because most are born under government and thought to be subject to the authority of that government, an observation that has led many political thinkers, such as Aristotle in particular, to pronounce political authority natural. The second urgent question arises from the observation that this natural equality, this situation of non-subjection to any human authority, does not persist, for the text of the second paragraph quickly moves on to affirm the existence of “rightful powers” of government. But just how does the original non-subjection transform into subjection?

In attempting to answer these two questions, we must remind ourselves of the kind of text the Declaration is—and isn’t. The purpose of the text, you may recall, is to “declare the causes” for the Americans’ separation from the authority to whom they have heretofore owed obedience. It is a giving of reasons, not a mere assertion of will. That is why it takes the form of an argument. But it is still a political document; it is not a treatise in political philosophy. The Declaration presents an argument to justify the deeds of the Americans, but it is a truncated presentation of an argument that perhaps would require a treatise to make its case fully. We must tailor our expectations of the Declaration accordingly. Among other things, that means one has to do some real work to expand the concisely expressed elements of the Declaration’s argument.

In the pre-governmental situation, human beings are equal, and they also possess rights. One common way to put together these two ideas is to claim, as Lincoln did, that the Declaration is affirming equality of a certain sort—equality in rights.⁷ No doubt, since all human beings have the same rights, this is correct, but it misses the particular sense of equality affirmed. There is another and more promising way to connect these two aspects of the original situation, which at the same time provides an answer to our question about the grounds for the affirmation of human equality.

The Declaration lists three rights as among the inherent or natural rights human beings possess in a state of nature: rights to life, liberty, and

pursuit of happiness. There are clearly others, such as the “right to alter or abolish” governments, affirmed a bit later in the paragraph; the right to liberty of conscience, as frequently affirmed by members of the founding generation; and the right to property, universally affirmed. Why are these three rights singled out for mention? It is difficult to give a definitive answer to that question, but it is plausible to say that these, along with the right “to alter or to abolish,” were the most relevant to the task of justifying American independence.

In any case, we can see a kind of coherence and deep complementarity to the list of rights presented. The right to life is a right to what is most one’s own—one’s life. Given the nature of a human life, it is difficult to see how it could be anything other than one’s own, how it could in any sense belong to others. Given the dependence (or base) of life in or on the body, the right to life must contain a right to bodily immunity, the right not to have one’s body seized, invaded, assaulted, or controlled by others.

The right to liberty extends the right to life: Not only does one possess a rightful immunity against depredations by others on one’s body, but one also has a right to the use of one’s body. We can take control of our bodies, or of parts of our bodies, to produce voluntary motion. We can invest our bodies’ movements with our intentions and broader purposes. The natural right to liberty affirms the *prima facie* rightfulness of active, intentional use of the body. This is to say that the right to liberty contains more than the narrow right not to be imprisoned, through it surely includes that. There is something more positive as well to the right to liberty—the right to exercise our faculties as we see fit—always with the caveat that the same right in others must be respected.

The text does not directly affirm the right to property, often conjoined to the rights to life and liberty in common lists of rights. Its absence from this list has led to speculation that the authors of the Declaration did not mean to affirm a natural right to property. This seems doubtful in light of all the documents of the age, including many by Thomas Jefferson, the chief draftsman of the Declaration, that affirm the natural right to property.⁸

Moreover, the natural right to property is implicit elsewhere in the Declaration's text, when the Americans complain of the British attempt to tax them without their consent. This concern, well-known to be one of the most significant colonial grievances, as captured in the slogan "No taxation without representation," implies the recognition of a natural right to property, for it is that status that led the Americans to conclude that they must themselves be represented in the body that taxes them. That is to say, the Americans interpreted the no-taxation-without-representation requirement of the traditional English constitution differently from the way the English themselves did because they clearly and unequivocally saw property to be a natural right.⁹ The tacitly present right to property involves an extension of rights from the spheres of one's own life, body, and actions to the external world. It proclaims the rightful power of human beings to make the external their own in the same way that they can make their bodies their own.

The three basic rights together thus amount to the affirmation of a kind of personal sovereignty—rightful control over one's person, actions, and possessions in the service of one's intents and purposes. When seen as an integrated system of immunities and controls, the specific rights sum to a comprehensive right to pursue a self-chosen shape and way of life. The comprehensive or summative character of the right to pursuit of happiness extends and subsumes the other rights.

The comprehensive character of the system of rights, as summed up in the right to pursuit of happiness, implies a kind of individual sovereignty and therewith a way to understand the ground for the affirmation of natural equality. If there is by nature a personal right to pursuit of happiness—that is, a right to pursue a shape of life for oneself, and one self-chosen (within the boundaries of the parallel rights of others and the needs of society)—then human beings must be equal in the sense affirmed. The personal right to pursue happiness is incompatible in its nature with natural subjection to another. Natural equality is thus a correlate of or even a derivation from the natural rights specified in the Declaration.

The two first truths are thus tightly and logically linked. If we push our inquiry about grounds for equality to rights, we reach a dead end. The Declaration itself does not tell us how we know that human beings bear rights or just what rights to include in the list of natural rights. Perhaps we can learn more when we examine the overarching claim that these truths are, or rather, are held to be “self-evident.”

Equality of Whom?

Before we move on to our second question of how the theory of the Declaration gets from a state of no authority to an institution that has “just powers” and thus abrogates the original equality, we must pause to interrogate the equality claim at greater length. A frequently raised objection to the Declaration in the 20th and 21st centuries is that the Declaration may say equality of all, but it does not really mean it—that it means, for example, equality of white men only, excluding persons of other races and genders.

The assertion that the Declaration’s proclamation of equality excludes persons of other races was forcefully raised in the years leading up to the Civil War as a response to abolitionist appeals to the “created equal” phrase in their attacks on slavery. The most notorious denial of the inclusion of the slaves and all blacks from the equality claim in the Declaration came in the *Dred Scott v. Sandford* case in the Supreme Court opinion by Chief Justice Roger B. Taney, who concluded that neither the language of the Declaration nor the protections in the Constitution applied to the black race: Blacks, he said, “had no rights which the white man was bound to respect.”¹⁰

Taney attributed this view to the authors of the Declaration: How could they affirm the natural rights of blacks and at the same time hold so many in slavery? Jefferson, a slaveholder to be sure, did not agree with Taney. In his draft of the Declaration, he condemned the king for having “waged cruel war against human nature itself, violating its most sacred rights of

life and liberty in the persons of a distant people who never offended him, captivating them and carrying them into slavery in another hemisphere.” Jefferson added that the king was “determined to keep open a market where MEN should be bought and sold.”¹¹ (Emphasis in original.) There is thus no doubt that Jefferson considered the blacks to be men and therefore included in the meaning of the Declaration’s language. So, Jefferson the slaveholder could write of American slavery in his *Notes on the State of Virginia*, “I tremble for my country when I reflect that God is just: that his justice cannot sleep forever.” He feared a coming race war, of which he observes that “the Almighty has no attribute which can take side with us in such a contest.”¹²

Some years later, he spoke again of slavery in these terms:

The love of justice and the love of country plead equally the cause of these people, and it is a moral reproach to us that they should have pleaded it so long in vain, and should have produced not a single effort . . . to relieve them & ourselves from our present condition of moral & political reprobation.¹³

Jefferson and other American declarers of independence may have been slaveholders, but they were guilty reprobates in their own eyes. How best to understand the simultaneous condemnation and continuance of slavery is a worthy question, the answering of which goes beyond the scope of this chapter, but there can be little doubt that the Americans, then and now, have understood blacks to be included in the “all men” who are “created equal.”

And women? Are they included in “all men?” It is sometimes doubted that women were included, in part because of that ambiguous term “men,” but even more because of the various civil and political disabilities under which women suffered in 1776. Could the authors of the Declaration mean to pronounce women equal when they were denied the rights to vote, serve on juries, hold political office, and pursue certain professions? Without denying the importance of these civil and political disabilities,

it is necessary to note the bearing of the Declaration's affirmation of universal human equality: It applies to a pre-political or perhaps nonpolitical situation. It is an attempt to consider the human endowment outside of, irrespective of, and ultimately constitutive for the political.

Note that none of the rights listed in this part of the Declaration are political rights, which makes perfect sense because these are rights held independently of the existence of government. They are natural as opposed to civil or political rights. Understood in this way, it is difficult to deny that women are included, for their basic natural rights were indeed recognized in 1776. The law, for example, recognizes women as possessing a right to life insofar as it forbids the taking of a woman's life as much as it does a man's. Now it remains an important question, unsettled in the Declaration itself or by the founding generation, what the original equality and possession of rights implies about civil and political rights. This is a question that has been and still is being worked out in the American political tradition.

Consent and Revolution

As we move to the second set of truths, those that sketch the why and how of the institution of government, we are forced to notice that there is a suppressed or underdeveloped premise in the argument. The text tells us: "To secure these rights, Governments are instituted among Men." This implies that without government these natural rights are insecure, but we are given no further information as to why that is so.

In the political-philosophical literature that the Declaration's theory so closely resembles, much space is devoted to discussing why the state of equality, the state of human life without government, would render rights insecure. The chief philosophers agree on the fact but disagree on the reasons for rights insecurity. The Declaration takes no sides on whether Locke or Thomas Hobbes, to take two important examples, is more correct on the reason for the unviability of the state of nature. The

Declaration, however, agrees with the philosophers in the chief point they extract from thinking about human life without government and thus of coming to understand why government is needed.

The point they all agree on can most perspicuously be restated as follows: Even though all human beings are endowed by nature or God with natural rights, these rights will tend not to be respected by others absent the existence in society of an institution armed with legitimate coercive authority, with which it can pass laws to protect and exercise the muscle to see that these laws are enforced. They agree, in a word, that the state of strict equality as a state of no rule is not a viable human condition; neither a situation in which no one can rightfully coerce others nor one in which all can rightfully coerce produces a situation in which the rights of all are respected. So a specialized institution to exercise coercion on behalf of rights—that is, government—is needed.

Thus, the tight logic of the Declaration continues into the second set of truths so long as we note the underdeveloped premise of rights insecurity in the condition of equality. The governments instituted among men derive “their just powers from the consent of the governed.” The way in which this claim follows from the precedent truths is evident when we take seriously the implication of the original equality: That men are created equal means there is no natural basis for political authority; contrary to a long tradition that held otherwise, the Declaration is affirming that neither God nor nature has ordained or appointed government or governors. Since there is no natural or divine source of authority, the people forming the government must be the source of its rightful powers. Only they can remove themselves from their primitive condition of non-subjection to one of subjection to government.

This action by the governed is described as consent, but exactly how this consent is expressed is not stated. The reason for this silence is relatively easy to discern: The immediate goal of the document is to justify the act of rebellion that is the declaring of independence. This is an act not of giving but of withdrawing consent. In a sense the act of rightfully withdrawing consent is nothing other than refusing to recognize the

existing authorities as legitimate and withholding obedience to their laws and other actions. Conversely, the act of consenting to government must involve at least recognizing government and governmental authorities and willingly obeying their laws and other actions.

It is often thought that the truth about consent implies the sole legitimacy of democracy as the rightful form of government. That conclusion is certainly understandable, but it is not well supported by the Declaration's text. As the last of the Declaration's six truths pronounces, the people in the postrevolutionary situation, having altered or abolished the existing government, have "the Right . . . 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." The theory of the Declaration does not commit to one form of government as solely legitimate but is quite open-ended in leaving it up to each people to decide for itself, in light of its own situation and traditions.

Indeed, the text even proclaims an openness to monarchy, the kind of government the Americans were in the process of throwing off. After listing the grievances against the king, the text concludes that "a Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people." It follows then that a prince who is not a tyrant, who respects and secures the rights for the sake of which government exists, could well be a fit and legitimate ruler. Nonetheless, the Americans themselves and others such as the French, who endorsed a philosophy like that of the Declaration, opted against monarchy and in favor of democratic republics. This, of course, is an option validated in the text, but over time the consent requirement has come to be interpreted in a much more democratic way than it is understood in the Declaration itself.

Again, we must notice that the Declaration's argument is tightly logical: The second set of truths follows deductively from the first set. The same is true and readily shown for the third set. If, as the text tells us, governments exist for a given purpose—"to secure these rights"—and if a government is instituted via consent of the governed to achieve this purpose and in no other way, then it follows that the people may withdraw

their consent from governments that fail through malevolence or incompetence to achieve their purpose. Thus, the so-called right of revolution follows logically from the truths already announced. And as we have seen, the last truth follows also: So far as withdrawing consent leaves the people with no legitimate authority, they have a right to make a new government. That is, back in the condition of original equality, they have the same right, and the same need, to institute a new government.

Self-Evident Truths

We have so far passed over one of the most striking claims in the second paragraph of the Declaration: “We hold these truths to be self-evident.” This claim about self-evidence has been among the most controversial features of the text. The assertion about self-evidence is often taken in modern times as evidence of the intellectual and political innocence of the simpler days of the founding.

As historian Henry Steele Commager put it, “There was indeed a simplicity in the moral standards and in political faith—a simplicity reflected . . . in the language of the time: ‘we hold these truths to be self-evident.’”¹⁴ He adds later: “We would not today assume a body of ‘self-evident truths,’ certainly not in the arena of government or politics.”¹⁵ Sanford Levinson, political theorist and law professor, puts it even more strongly: “It is simply not open to an intellectually sophisticated modern thinker to share Jefferson’s world.”¹⁶ On the other side, Danielle Allen in her study of the Declaration disagrees strongly with the self-evidence skeptics. She finds the truths affirmed in the second paragraph to be, indeed, self-evidently so and a sign of the authors’ intellectual sophistication rather than the reverse.¹⁷

The disagreement over self-evidence is important not only as part of a contest over the American founding generation’s level of intellectual development but, more importantly, for the attempt to judge the truth or falseness of the theory of government propounded in the Declaration.

This task is of preeminent importance if we are to take the Declaration as something more than a historically interesting document.

Since the Declaration as a whole constitutes one long syllogism, and since the second paragraph itself constitutes a tightly argued theory in which succeeding claims follow logically from antecedent claims, the truth value of the whole depends on our ability to affirm the truth of the initial premises. In the document as a whole, the minor premise, as provided by the long list of grievances, rests on empirical instances of kingly actions and inactions. But what does the major premise, supplied by the theoretical section, rest on? The text seems to say that these claims are self-evidently true. Their self-evidence would vouch for the truth of the theory as a whole.

Now it is apparent that these allegedly self-evident truths are not self-evident in the sense of being obvious or clearly true to all readers. The Declaration put forward a controversial theory of the origin and nature of political life; it put forward a way of looking at politics that failed to correspond to the theory and practice of nearly all nations and individuals in the world at the time. It was an innovation. Perhaps the assertion of self-evidence should be taken as not only an indication of intellectual naivete, as Commager and Levinson would argue, but also a sign of 18th-century American insularity.

To better judge the self-evidence of the claims in the Declaration demands that we reject the “obvious to everyone” interpretation of self-evidence, for the concept of self-evidence was a major theme in the philosophical literature of the age—literature in which Jefferson and others of the generation that produced the Declaration were well-versed. Particularly important is the fact that Locke, one of “the three greatest men that have ever lived, without any exception,” according to Jefferson, devoted an entire chapter of his masterwork *An Essay Concerning Human Understanding* to the topic of self-evident truths.¹⁸ Allen comes to a more favorable conclusion regarding the self-evidence and therefore truth of the Declaration’s claims because she takes more seriously the philosophical meaning of self-evidence.

To judge well, one must first identify exactly what claims are identified with self-evidence. The text leaves little doubt on this score: All six truths are “held” to be self-evident. The list of six is introduced by the clause “we hold *these truths* to be self-evident,” with all six standing in an exactly parallel construction, governed by that introductory clause. The text does not warrant the view, sometimes put forward, that only the first (equality) or the first two truths are held to be self-evident.

The separate and equal denomination of all the truths as held to be self-evident takes on special significance when we consult the definition of self-evident Locke put forward:

*Knowledge . . . consists in the perception of the agreement or disagreement of Ideas: Now where that agreement or disagreement is perceived immediately by it self [sic], without the intervention or help of any other [idea], there our Knowledge is self-evident.*¹⁹ (Emphasis in original.)

The most obvious example of such an immediate agreement of ideas would be a proposition of simple identity, like “*whatsoever is white is white,*” or “*Red is not Blew.*” Or a somewhat more subtle but equally self-evident proposition: “*The Whole is equal to all its Parts taken together.*”²⁰ (Emphasis in original.)

Several important points about the Declaration follow. Since the perception of agreement or disagreement of ideas is immediate, self-evident propositions neither require nor can depend on demonstrations or chains of reasoning of any kind.²¹ A chain of reasoning, or a syllogism, involves the “intervention or help” of other ideas than those present in the original proposition. Self-evident are propositions that contain their evidence within themselves, not in their connections to other ideas. Thus, Allen is mistaken when she claims that all conclusions derived in arguments beginning with self-evident truths are themselves self-evident.²² The bearing of this observation on the Declaration should be clear: The six truths are related to each other as steps in a deductive argument, and therefore

at least the last four of them cannot be self-evident, since they are derived from other truths or ideas. But all are equally held to be self-evident. Does this mean that none is?

In fact, not one of the truths in the list of six is self-evidently true. There is no immediate agreement of ideas between the idea of man and the idea of equality as no relation of authority, in contrast to the agreement between whole and part. One can say without contradiction, as Robert Filmer did in his theory of divine right monarchy, that all men are subject to Adam and his heirs. True or false, this is not a claim that is self-evidently one or the other. Likewise, the claim that all men are endowed with the right to the pursuit of happiness is not self-evident. It may be true, but it is not self-evidently so.

As we have seen, the claim about rights serves as the first premise for the theory of legitimate government sketched in the Declaration's second paragraph, but it is not a self-evident starting point. We are entitled to ask the authors of the Declaration why they hold their claims about rights to be true, which we would be foolish to do to someone who proclaimed "red is red." All that person could do in reply is say, "Look." This would not be an appropriate answer to a query about the reasons for affirming natural rights.

So, none of the six allegedly self-evident truths is in fact self-evident. Does this mean the authors of the Declaration were ignorant, inept, or ultra-naïve? To answer that question, one must look at what the text actually says. We and most students of the Declaration have been proceeding as if the text said, "These are self-evident truths." But it actually says, "*We hold* these truths to be self-evident." This is not the same. There is no room in the recognition of self-evidence for "holding." A self-evident truth is perceived directly to be such, and there is no room for a "we" who "holds" or a "holding." One way to understand or translate the "we hold" clause is to say, "We deem these truths to be self-evident." Judgments of "deeming" have no place in recognizing self-evidence.

The authors of the Declaration are therefore not claiming the actual status of self-evident truth for the six truths that together justify the

American actions but are saying something more like this: These are the basic premises for our political action. For us as a people they serve the function of self-evident truths or axioms that can serve in demonstrations. They provide the first principles for our political reasoning and acting. We are not speaking of the epistemic status of these truths but of their political status. Their epistemic status is, as Jefferson said in a letter written late in his life, a matter of the “light of science.”²³

But political communities are not composed of scientists or philosophers. One can no more expect a people to possess the philosophical ground for affirming natural rights than to grasp string theory. Political life requires that the fundamental political truths be held as deep convictions, if not as truths in the full sense. The fundamental truths must be held *as if* self-evident, as if their truth were as evident as “red is red.” It is not necessary that the people as such hold the truths (or theories) of physics in this way.

Since the truths are not said to be truly self-evident, we are left wondering what argument might actually ground them. Jefferson and Locke put forth arguments for the truths, especially the primary truths of rights and equality, but not in the Declaration. This merely brings us back to an observation with which we began: The Declaration is a giving of reasons, but it is a political document, not a philosophical treatise.²⁴ The Declaration leads us to the threshold of political philosophy but does not go there itself.

Notes

1. See, for instance, David Armitage, *The Declaration of Independence: A Global History* (Harvard University Press, 2007); John Phillip Reid, *Constitutional History of the American Revolution: The Authority of Rights* (University of Wisconsin Press, 1986); and John Phillip Reid, “The Irrelevance of the Declaration,” in *Law in the American Revolution and the Revolution in Law: A Collection of Review Essays on American Legal History*, ed. Hendrik Hartog (New York University Press, 1981).

2. Abraham Lincoln, “Gettysburg Address,” speech, Gettysburg, PA, November 19, 1863, <https://www.loc.gov/resource/rbpe.24404500/>.

3. Danielle Allen, *Our Declaration: A Reading of the Declaration of Independence in Defense of Equality* (Liveright, 2014), 309.
4. See Pauline Maier, *American Scripture: Making the Declaration of Independence* (Vintage Books, 1998).
5. John Locke, *Two Treatises of Government* (Cambridge University Press, 1988), 269.
6. Locke, *Two Treatises of Government*.
7. Abraham Lincoln, *Speeches and Writings* (Literary Classics of the United States, 1989), 1:398.
8. See Michael Zuckert, *Launching Liberalism: On Lockean Political Philosophy* (University Press of Kansas, 2002), 220–24.
9. Zuckert, *Launching Liberalism*, 221, 274–93. See also Michael Zuckert, “Natural Rights and Imperial Constitutionalism: The American Revolution and the Development of the American Amalgam,” *Social Philosophy and Policy* 22, no. 1 (2005): 27–55.
10. *Dred Scott v. Sandford*, 60 US 407 (1857).
11. Thomas Jefferson, *The Papers of Thomas Jefferson*, ed. Julian P. Boyd, vol. 1, 1760–1776 (Princeton University Press, 1950), 243–47.
12. Thomas Jefferson, *Writings* (Literary Classics of the United States, 1984), 289.
13. Jefferson, *Writings*, 1344.
14. Henry Steele Commager, *Jefferson, Nationalism, and the Enlightenment* (George Braziller, 1975), xi.
15. Commager, *Jefferson, Nationalism, and the Enlightenment*, 82.
16. Sanford Levinson, “Self-Evident Truths in the Declaration of Independence,” *Texas Law Review* 57, no. 5 (1979): 856.
17. Allen, *Our Declaration*, 160–66.
18. Jefferson, *Writings*, 939; and John Locke, *An Essay Concerning Human Understanding* (1689; Oxford University Press, 1979), 591–608.
19. Locke, *An Essay Concerning Human Understanding*, 591.
20. Locke, *An Essay Concerning Human Understanding*, 596.
21. Locke, *An Essay Concerning Human Understanding*, 607–8.
22. Allen, *Our Declaration*, 16–63.
23. Jefferson, *Writings*, 1517.
24. On Jefferson, see Michael Zuckert, *The Natural Rights Republic: Studies in the Foundation of the American Political Tradition* (University of Notre Dame Press, 1996), 56–89. On Locke, see Michael Zuckert, *Natural Rights and the New Republicanism* (Princeton University Press, 1994), 275–86.