We hold these truths to be self-evident

HOW THE DECLARATI OFFERS A ROADMAP

By Danielle Allen

Can the Declaration of Independence, an old text, a dusty inheritance, help us in any way with our current civic perplexities? Can it show us a way forward for reform of our political institutions? Can it help us rebuild our commitment to constitutional democracy and one another? Yes, I believe it can do all these things.

Many people would respond to the question of whether the Declaration is relevant now with an emphatic "No!" Questions rise immediately. Was not its lead drafter, Thomas Jefferson, an enslaver? Did the Declaration not invoke a principle of all "men" being equal, while women went unmentioned? Did it not underwrite genocide of Native Americans by castigating "merciless Indian savages"?

Thomas Jefferson

I will tackle these points about the fraught and still unreconciled nature of our shared inheritance. But first I ask you to ruminate with me on the Declaration's value. We will come to see that its value is in fact closely connected to precisely where the founding generation made their most fundamental and far-reaching mistakes. If we can see both the value and the precise nature of their mistakes, we position ourselves to build something that was unimaginable to almost all of them: a multi-racial constitutional democracy that delivers safety and happiness to a symphonically diverse community of free and equal citizens. Because their mistakes are these days exceptionally clear to us, I start with the value, which we have lost sight of.

While I argue at length in my book, *Our Declaration*, for the value in every sentence, every word, in the Declaration, I believe that the second sentence ultimately delivers in compact form the core of what one needs to know to understand the agency and responsibility of democratic citizens and the importance of constitutional democracy to human flourishing.

James Wilson, who signed the Declaration and the Constitution, who was a lead drafter of the Constitution via service on the Committee of Detail, and who was as well-regarded as James Madison for his historical and theoretical knowledge, argued for the new Constitution in the Pennsylvania ratification debates with reference to the Declaration's second sentence.

Justice James Wilson

On Dec. 4, 1787, he recited it in full:

"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 abolish it,

***Danielle Allen**, James Bryant Conant University Professor at Harvard University, and director of Harvard's Edmond J. Safra Center for Ethics, is a political theorist who has published broadly in democratic theory, political sociology, and the history of political thought. She is the author of many books including* Our Declaration: A Reading of the Declaration of Independence in Defense of Equality *(2014),* Education and Equality *(2016), and* Cuz: The Life and Times of Michael A. *(2017).*

THE DEMOCRACY ISSUE

ON OF INDEPENDENCE TO A BETTER UNION

WIKIMEDIA IMAGES

Painting of the Signing of the Constitution by Howard Chandler Christy, with George Washington on the platform and Alexander Hamilton, Benjamin Franklin and James Madison seated left to right in the foreground

and institute new government, laying its foundation on such principles, and organizing its powers in such forms, as to them shall seem most likely to effect their safety and happiness."

Then he continued: *"This is the broad basis on which our independence was placed: on the same certain and solid foundation this system is erected."*

We infrequently take in the whole majestic sweep of this sentence, so pause now to note how its careful construction creates what philosophers would call a syllogism, an argument in which the conclusion necessarily follows from the premises. The boiled down version is: (premise 1) people have rights (some examples include life, liberty, and the pursuit of happiness); (premise 2) people build governments to secure their rights; and (conclusion) when governments aren't securing their rights, it's the right of the people to change their governments. The logical relationship among all five clauses, linking premises to conclusion, is the source of the "self-evidence" invoked in the sentence.

The sentence ends on a rousing conclusion that citizens have a two-part job when they diagnose the success or lack thereof of their government and propose changes.

First, they must lay the foundation for the world they want on principle or shared values. Second, they must organize the powers of government. They have to figure out how to design or redesign political institutions so that they deliver a world in which our shared values are prioritized.

How do we go about having conversations with fellow citizens about shared values?

Simply put, we have to pick up the conversation about rights started in the Declaration itself and revisit the question of what we take to be fundamental. "Life, liberty, and the pursuit of happiness," are *among* the rights we all hold, as the Declaration puts it. But this suggests a question. What else belongs on this list? The Declaration provides only a set of examples, not an exhaustive count. It is telling us that we have to think for ourselves.

So how do we think about our basic rights now? Where does health, for instance, fit in? We can answer the question about our shared values only through conversation. We should take the time with one another to get a clearer sense of our own personal values, and how they relate to some shorter list of values that we might all share as

members of a constitutional democracy (for instance, equality, rule of law, liberty and justice for all; honesty and integrity; a list of basic rights). Only through conversational work of this kind — citizen to citizen — can we maintain the foundations of constitutional democracy.

Then there is our second job: figuring out how the powers of government can best be organized to deliver on our shared values and secure our rights. The founding generation never believed that they had worked out a once-and-for-all solution to how our political institutions should be structured. They imagined every generation would take responsibility for this question, and ours has work to do. Congress' approval rating hit 9 percent in 2013 and now fluctuates around 20 percent, according to polling conducted by the Gallup organization. This is an alarm bell for any constitutional democracy, for the legislative branch is the first branch. It is discussed in Article I, the very first section of the Constitution, for a reason. Our national legislature has the job of articulating the will of the people. The executive branch has no work to do until the people have spoken through its legislature. Only after the people speak, does the executive have a job, namely to execute that will. The executive therefore comes second, in Article 2. Everything flows from the people, embodied in our representative legislature.

The fact that we do not approve of the job Congress is doing should cause us all deep concern. But that doesn't mean we should pivot immediately to blaming members of Congress. Notoriously, the very same Americans who disapprove of Congress generally tend to approve of their own member of Congress. Our problem with Congress is actually not a question of the people in Congress. It's rather a question of how we go about electing them. Our first-past-the-post elections incentivize negative campaigning, efforts to suppress the turn-out of the other side, and scorched-earth politics directed at extremes of political viewpoint. It doesn't have to be this way.

If we want a national legislature that can do a better job of finding a moderate and middle path in solving our national dilemmas, we need a different approach to how we vote. We need to reorganize the powers of government, just as the Declaration proposes.

What can we do now to address our current woes?

A whole host of ideas is on the table: creating a state or national holiday for voting, holding open primaries where the rapidly growing number of independent voters can choose a party primary to exercise their voting rights, expanding early voting opportunities, assuring that ex-felons who have met their court obligations have the opportunity to vote, setting up independent nonpartisan redistricting commissions, and establishing ranked-choice voting, which permits a voter to vote for their 1st, 2nd, and 3rd choice candidate, and so on. If the voter's first choice candidate is a low-vote getter and drops out of the count, that voter's vote rolls over to their 2nd choice. No candidate wins until they've gotten an actual majority of the votes. There are surely many other ideas and possibilities, and it's time for conversation about them. Thinking about political institutions and processes isn't nerdy. It's the first job a democratic people undertakes to claim and wield our legitimate power.

We the people can wield our power not just when we vote but, even more fundamentally, to redesign how we vote and thereby increase the capacity of our institutions to deliver our safety and happiness. If we believe that polarization now undermines our happiness, there are remedies.

All that, then, from the Declaration of Independence, which enjoins us to alter our government when necessary, by laying the foundation of our alterations on principle and re-organizing the powers of government so as to deliver on our principles. The Declaration steers our attention to democracy itself, and teaches us how to prioritize preservation of our constitutional democracy. This is its ongoing value.

But what about its flaws? What about that enslaver, Thomas Jefferson? A few simple things should be said off the bat. Jefferson did use the word "men" in a universalist way to mean "human being." We know this because his draft of the Declaration also included a passage criticizing King George for the trade in enslaved people. Jefferson lambasted the auctions where "MEN," which he wrote out in all caps, were bought and sold. Of course, auctioneers didn't traffic only adult males, but also women and children. The "MEN" Jefferson wrote out there referred to all the human beings being bought and sold, regardless of gender or age. The word has the same meaning in the phrase, "all men are created equal."

What's more, Jefferson was the lead drafter of the Declaration, but he served on a committee otherwise populated by people with different views about slavery, including both John Adams, from Massachusetts, and Benjamin Franklin, from Pennsylvania. John Adams never enslaved people and thought enslavement was wrong.

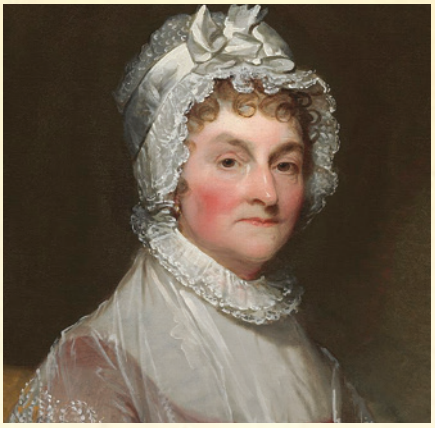
Benjamin Franklin had, earlier in his life, been an enslaver, but he had repudiated the practice and by this time was working to end enslavement.

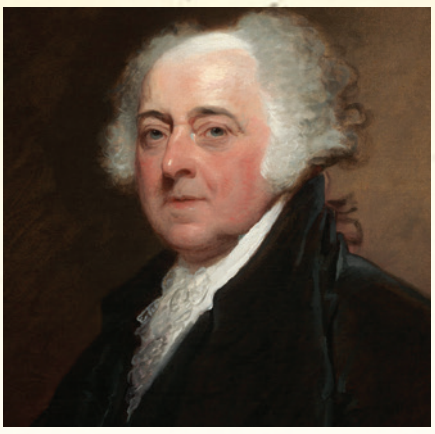
Their anti-slavery views show up in the phrase, "life, liberty, and the pursuit of happiness." Indeed, we owe the word "happiness" to John Adams. The phrase would more conventionally have ended in the word "property," but by spring of 1776 in the colonies, the defense of property rights had become closely linked to a defense of enslavement. As articulated in his April 1776 essay, "Some Thoughts Concerning Government," Adams developed an alternative conception for what should motivate a shared effort to build free self-government and he prioritized the word "happiness." Abolitionists soon picked up on the Declaration's language and drew on it as part of an effort to bring an end to enslavement. By 1783, even before the drafting of the Constitution, they had achieved success in Pennsylvania, Massachusetts, and Vermont.

Still, even if some of the key drafters of the Declaration genuinely thought that all human beings have basic rights, and even if they were able to act enough on this belief to end enslavement in three former English colonies by 1783, they did erect in the Constitution a hierarchical form of power. Even if all had basic human rights, only some had access to power. What about that?

In the spring of 1776, Abigail Adams wrote to her husband John Adams to inquire about the progress of the revolution and the place of women in it; politician James Sullivan wrote similarly to Adams to inquire about the place of people without property in the newly forming polity. Adams understood Sullivan to be inquiring about laborers both white and black.

WIKIMEDIA IMAGES





Abigail and husband John Adams

To both Abigail and James, John Adams gave a similar answer. He affirmed that the new polity would protect the rights of life and liberty of all. In other words, he asserted that the foundation of principle was meant to embrace everybody. But then he turned to the question of power, and its organization. Here, he acknowledged, he and his fellow politicians were not willing to give up what he called their "masculine system." They would insist that white men of property would wield the levers of power but could do so in ways that would protect the rights of all.

Abigail's letter expressed skepticism of this view, and cited the historical failure of husbands to exercise power appropriately in relation to wives. She warned that if the decision to lodge all the power in the hands only of men were to fail once again, and to lead to the abuse of power, women would "foment a rebellion" seeking an end of world where women had "no voice or representation."

In other words, Abigail was putting her finger on exactly the mistake made by the founding generation. They believed that it was possible to recognize and secure rights for all even while putting power in the hands only of some. Abigail knew the truth. Unchecked power over others leads to abuse. Only with inclusive voice and power would political institutions ever be able to deliver on a foundation of principle committed to the basic human rights of all.

In those early days, then, Abigail could already identify how the foundation of principle would need reform. Alongside the principle of rights to life, liberty, and the pursuit of happiness, she insisted that all people would also need a right to participate in wielding power through political institutions. Political institutions would have to rest on a principle of participatory inclusion. To this day, we have not yet succeeded in redesigning our political institutions to reflect that additional principle of a right for all to share in power. This is what we have the chance to do now by embracing electoral reform.

The Declaration of Independence directs our attention, then, to the two key tasks of the citizens of a constitutional democracy – laying the project of our democracy on a foundation of shared principle and organizing the powers of government to deliver on it. The mistakes made by the founding generation resided in their assessment of what power exclusively held could deliver for those outside the circle of power-sharing. It is our responsibility to correct their mistake and achieve genuine power-sharing throughout our institutions — civic and political – so as to set our sights once again on a more perfect union.

Danielle Allen to speak on the Declaration of Independence

When: Tuesday, October 13 at 7 p.m.
Book signing will follow her speech

Where: Augustus B. Turnbull III Conference Center
Florida State University, Tallahassee

Sponsored by: *Florida Humanities* and The Mellon Foundation
Florida Humanities thanks the Andrew W. Mellon Foundation for its generous support of this initiative and the Pulitzer Prizes for its partnership.
Additional details are available at ***FloridaHumanities.org***