

Brad Rebeiro – Declaration Masterclass Video Transcript

[View video.](#)

The Declaration sets out the claims for America's independence from Great Britain, and it does so on the grounds of the laws of nature and of nature's God.



The second paragraph of the Declaration then begins with the famous phrase, “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.”

It then claims that the very purpose of government is to secure these rights and that, should government fail to do so, it is the right of the people to alter or abolish that government.

There's much to unpack from these initial claims. What are the laws of nature? From where do they come? What relation do the rights listed in the second paragraph have to do with the laws of nature? And specifically in the American context, how do we reconcile these claims with the nation that permitted slaveholding, which seemingly violated all three of the named unalienable rights listed in the Declaration? Would not the failure of the nation to abolish slavery as it declared independence delegitimize its own claim to independence? We will address each of these questions in turn.

First, the laws of nature, or the natural law. The natural law might be understood as a universal moral order, embedded in the world that is discoverable to human beings through reason and experience. It dictates right and wrong, good and evil. It educates human beings in what they are meant for, that they are meant to do good and to flourish.

The claim of the Declaration with respect to the natural law then is that reason tells us that human beings are created equal. Every person, when they enter this world, is equal to the next. But the Declaration claims that this truth is self-evident. Self-evident means that the thing speaks for itself. You cannot know the nature of the thing without having knowledge of some aspect of it, that aspect being self-evident.

Take, for instance, bachelors. If someone understands what a bachelor is, that person knows that bachelors are unmarried. If that bachelor marries, Their state fundamentally

changes, and they are no longer a bachelor. You can compare this to, say, water. We might know water can be wet, but it is not self-evident. Water, after all, can be frozen into ice. Its

state can change. The Declaration then tells us that human beings have rights. The thing cannot be a human being if it does not have natural rights.

The Declaration also tells us that to understand the nature of a human being is to know that all human beings are equal, but not equal in every respect. We are equal in our possession of unalienable rights, among them being life, liberty, and the pursuit of happiness. These are our natural rights, rights, which precede government.

We can find similar logic in the works of John Locke, a 17th-century political philosopher. His most famous work, *The Two Treatises of Government*, set out to identify the origin of political authority and its legitimate use. In the Second *Treatise*, Locke argued that all human beings before government were found in a state of perfect freedom in the state of nature.

You might imagine, for instance, a deserted island where no legal system governed human affairs, like *Lord of the Flies*. In this state of nature, the natural law governed human affairs. It permitted all persons to do what they were willing according to their own desire, except for prohibiting acts which would harm other individuals or otherwise prevent them from exercising their free will.

In this state of nature, there was an emphasis on the freedom and the acquisition of property. Every person had a natural right to exercise freedom and acquire property within the bounds set by the law of nature. However, this state of perfect freedom would not remain perfect forever. Conflicts would arise between persons, and Locke argued that basic human nature tells us that these conflicts would not be resolved justly. Each person would be biased in their own favor. and therefore enact unjust punishments against violators and non-violators alike.

The state of nature would thus become a state of war, with every person violating the rights of others. Therefore, there needed to be a common mediator, or judge, to resolve disputes and allow people to exercise their natural rights in peace. Now this is where government came in.

So, coming back to the Declaration and putting together the notions of the law of nature, and natural rights, the point of government was to protect natural rights according to the natural law. This meant that government had to protect its citizens equally with respect to their natural rights, lest it run afoul of its sole duty and reason for its existence. In fact, the Declaration states that the Founders' justification for rebellion was a long train of abuses committed by the king. These abuses included, among other things, the refusal to approve good laws passed in colonist legislatures, quartering troops in the homes of colonists, and imposing new taxes without the consent of colonists. All these abuses and the many others listed can be summed up in one theme: The king acted without the consent of the colonists.

One of the most basic tenets of Lockean thought and the Declaration itself is the idea of self-government. Because all human beings are naturally free and naturally equal, all government or political authority must be founded on consent. We must agree to be

governed to provide legitimacy to any form of rule over us. Without that consent, the government wishing to exercise power over us is nothing more than a tyrant forcing his or her will on an oppressed people.

But what do you do when you find yourself under the ruling thumb of a tyrant? The Declaration still needed a justification for revolution, even if it could identify rights abuses. This is where the idea of unalienable rights comes in.

Remember, when in the state of nature, human beings had perfect freedom to do what they will, short of harming others. But we must leave the state of nature and form government in order to protect that freedom. When we enter government, we give up certain rights. Most importantly, the right to execute justice against someone who has violated our rights. That is government's job—arguably their only job.

But the Declaration noted that there are certain rights that are unalienable that cannot be given away. We retain these rights even when we enter government. It is when government violates these inalienable rights that we are justified in petitioning the government for redress.

The Declaration goes on to argue, that when there is a sufficient amount of abuses or rights violations, then people are justified in revolution. We can say that the right to revolution is one of those unalienable rights. You simply cannot give it up. That is the natural-law or natural-rights theory of the Declaration. This is where the context of the Declaration actually complicates the picture.

Even as Thomas Jefferson is penning the declaration, every single colony in the soon-to-be United States of America permits slavery. One could find slaves in every colony without exception. To be sure, the Revolution changed this landscape to some degree. Anti-slavery societies began to crop up, starting in Pennsylvania, and the call for abolition slowly grew louder across the nation. Yet by the time of the Articles of Confederation, the nation's first constitution of sorts, there had been no lasting change. Slaves still existed in every state, protected by state law.

To emphasize, every state still permitted slavery. It was not until 1783 when the first state abolished slavery. The Massachusetts State Supreme Court determined that the state constitution, whose preamble stated that, quote, all men are born free and equal and have the right of enjoying and defending their lives and their liberties, end quote, prohibited slavery.

Massachusetts would be followed by a few other states—Pennsylvania, for instance, then New Hampshire, Connecticut, Rhode Island, etc., that would pass

gradual abolition statutes. Calls for abolition were growing throughout the country. Still, 8 of the 13 original colonies permitted slavery even at that time. If one of the basic tenets of the natural rights theory of the Declaration was the right to self-government based on notions of freedom and inalienable rights to life, liberty, and the pursuit of happiness, how do we make sense of the early union?

The Constitution, after all, had several protections for slavery built in, such as the Fugitive Slave Clause, which ensured slaveowners a right to recover fugitive slaves that crossed into the North. One could not reason that the slaves acquiesced in these arrangements. The idea of unalienable is that there are no circumstances in which one could alienate their natural liberty, even if he or she wanted to.

Then, by the Declaration's own terms, was the Constitution illegitimate on its face? Well, there are two possible answers concerning the Constitution's legitimacy, and they hinge on our understanding of the Constitution. One possibility is that the Constitution was fundamentally a pro-slavery document that was meant to preserve slavery. If so, its legitimacy was reserved for the white population. Those who were not enslaved, so long as their natural rights were preserved and protected, owed allegiance to the new country. But the Constitution had no binding on the enslaved population at the time. If anything, it would have been the obligation of slaves to rise and revolt and throw off the government of their oppressors.

The other possibility is that the Constitution was an anti-slavery document. The limited protections it provided slavery were better seen as disabilities. The Constitution was instead designed to limit slavery and provide a means for its ultimate extinction. Frederick Douglass, a famous abolitionist from the 19th century, firmly believed this. He pointed to the Constitution's preamble, which stated, the Constitution's purpose was to establish justice and secure the blessings of liberty. Douglass pointed to the Declaration as the source of what justice required.

Similar to the Massachusetts State Supreme Court, Douglass believed the Preamble and, by extension, the Declaration should inform our understanding of the Constitution. Thus, the Constitution was legitimate and deserved the allegiance of all the residents of the Union. The problem lay in those who were not heeding the Declaration's call and thereby dishonoring the Constitution. The Declaration's principles called for freedom and abolition. The Founders were not perfect, but they were wise enough to etch true, eternal principles in stone in the Declaration and point toward those principles in the Constitution. Even if they failed to end slavery in their time, it was the solemn obligation of future Americans to finish the work and abolish slavery from America's borders.

The Declaration's appeal in the call to end slavery was natural. Its principles were clear, and the nation had sworn itself to them. From 1820 through 1860, anti-slavery advocates

pushed for abolition with the declaration as their rallying cry. To them, seeking abolition was the most patriotic endeavor one could pursue, as it was honoring the legacy of the

founders' vision, not their practices. In some respects, it took another revolution to make it possible.

Slaveholding states, in a desperate effort, to preserve slavery seceded from the Union in hopes of making a new nation built on a new idea that men were not created equal, that blacks were in fact inferior to whites. The North had won the war, however, and with it saw that the 13th and 14th Amendments were passed, which ensured the end of slavery and the protection of civil rights, respectively. It eliminated any ambiguity between the Declaration and the Constitution. It was now clear that the Constitution's preamble would have force, and the natural inalienable rights of all would be secured.

The power of the Declaration, then, is not simply that it justified American independence in 1776. It also set a standard by which every generation of Americans would be judged. If natural rights are self-evident, then any and every denial of those rights, now and forever, must be a glaring logical contradiction. In other words, the Declaration leaves us no escape route, no excuse, no compromise. It insists that we either honor the truth of human equality or betray the very reason that this nation exists.