

The Declaration of Independence, Constitution,  
Slavery, and the American Republic

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By

Johnny B. Davis

## Introduction

The basic fundamental principles of the Declaration are the guidance needed to navigate the novel issues surrounding technology. The current legal establishment in America is out of touch with those principles and renewal is needed to properly deal with those issues both in government and in the culture at large.

The Declaration of Independence founded the American Republic on biblical natural law rooted in the truth that all mankind is made in the image of God. Thomas Jefferson's use of equality in the Declaration was that all humanity had the same inherent inalienable rights from God. All persons were equal in values and standing before God and therefore, they should likewise be equal before government.<sup>1</sup> Jefferson did not mean that all individuals were equal in character and abilities or that anyone had a right to equal outcomes. He did not intend to limit equality to whites or white males as some defenders of slavery claimed, a claim echoed by modern-day critics of the Founding Fathers.

## Equality in the Declaration

The first proof of the intent of Jefferson was the plain language of the Declaration. He rooted the Declaration in the truth that "the Laws of Nature and Nature's God" made people of "equal station." Further, "all men are created equal" and are given by "their Creator, with certain unalienable Right."<sup>2</sup> "Men" was simply a reference to the gender-neutral "mankind" meaning of humanity. The references to "Creator" and "the Laws of Nature and Nature's God" are references to the Enlightenment natural law and biblical natural law. The Great Awakenings in the British American Colonies had allowed peace to develop between the Christian faith and Enlightenment reason that led to the development of a belief in universal equality and individual rights.<sup>3</sup>

Jefferson's "original Rough draught" Declaration gives further evidence of his universal intent for equality. One of the grievances against the King which justified independence was the introduction of slavery to the colonies and his protection of slavery from any attempt by a colony to restrict slavery. Further, Jefferson refers to the slaves as "MEN" and "people."<sup>4</sup>

Jefferson's intent of universality equality is further clarified by his writing in "A Summary View of the Rights of British America" in which he argues for the right to self-governance of the

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<sup>1</sup> Thomas Jefferson, "The Declaration of Independence." (Washington, DC, National Archives), <https://www.archives.gov/founding-docs/declaration-transcript> (accessed on 25 October 2021).

<sup>2</sup> Ibid.

<sup>3</sup> Bruce Snively, *The Second Reformation: Baptists in Colonial America*. (Lynchburg, VA, Liberty University Press, 2013), 75-83, 123-132.

<sup>4</sup> Thomas Jefferson, "Jefferson's Original Rough Draft of the Declaration of Independence." (Washington, DC, Liberty of Congress Exhibitions). <https://www.loc.gov/exhibits/declara/ruffdrft.html>, (accessed on 24 October 2021).

colonies, However, he did not call for independence but rather for the King to respect the great autonomy the colonies had enjoyed for decades and professes the desires of the colonies to be good subjects of the King.<sup>5</sup> Jefferson roots his claim to colonial self-governance in natural law. He states that all "four millions" inhabitants of the "states of America" are "individuals of whom is equal to" the "160,000 electors of in the island of Great Britain. In England, only those given suffrage had full rights including that of self-governance."<sup>6</sup>

Jefferson cited the entire population of the colonies both men and women and free and slaves as being fully equal to the electors of England. Therefore, Jefferson makes a profound claim for true equal standing before the law of all colonists. His argument represented a challenge to the English cast system which gave superior rights to few. Such an argument rules any attempt to limit equality to "whites" or "white makes." Jefferson makes absolutely no reference to race or skin color and in no way hedges his statement of universal equality.<sup>7</sup>

Further, Jefferson was invoking biblical natural law by his references to the "laws of nature and nature's God" and "Creator." In the 18<sup>th</sup> Century, these terms did not refer to Rousseau's natural law which was a "state of nature" giving "rights of man" which were secular. A "Creator" who gives individual rights refers to the Genesis creation story. Deists believe in creation but not the Genesis creation story and not a God who upholds individual rights in history. The biblical standard of equality includes all humanity and the Great Awakenings had greatly advanced American Evangelicals and the general understanding of Americans of the truth of the fundamental universal equality of mankind.<sup>8</sup>

Some argue that Jefferson was not an orthodox believer and therefore he was only advocating for rationalistic natural law view with no regard for biblical teachings.<sup>9</sup> However, such a view ignores his use of "Creator" who is the source of rights.<sup>10</sup> Rather, the fact that even Jefferson embraced the truth that all mankind was made in the image of God and that is the source of rights shows the profound dominance of a biblical natural law worldview among the Founding Fathers. Jefferson and some other American enlightenment rationalists may or may not have believed in the literal truth but have believed it was a necessary compelling narrative for society. But in any case, the Founding Fathers shared a consensus that each individual shared certain inherent rights that arose from their humanity.

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<sup>5</sup> Thomas Jefferson, "A Summary View of the Rights of British America." (1774). [www.thefederalistpapers.org](http://www.thefederalistpapers.org), (accessed on 26 October 2021), 3-4, and 14-15.

<sup>6</sup> Ibid, 8-9.

<sup>7</sup> Ibid.

<sup>8</sup> Snavely, *The Second Reformation: Baptists in Colonial America*. 70-78 and 20-1251-83.

<sup>9</sup> George Martin, *Prevailing Worldviews of Western Society Since 1500*. (Marion, Indiana Triangle Publishing, 2006) 98-102.

<sup>10</sup> Ibid.

The dominance of a biblical worldview was a product not just of the early Puritan and religious roots of the New England colonies but also of the Great Awakenings. The Great Awakenings had given rise to a strong cultural influence of biblical Christianity and allowed peace to be made between faith and the Enlightenment in which faith embraced reason and reason were rooted in faith. The Great Awakenings advanced the cause of equality spreading the Gospel with no regard for class and to enslaved blacks and even to Indians.<sup>11</sup>

Tocqueville recognized the great democratic and equality views of Jefferson. He saw the universal nature of Jefferson's views and how that they did condemn slavery.<sup>12</sup> Southern apologists for slavery argued that the Declaration only called for the equality of the American people of other nations. They argued the Republic was founded on state rights' not individual liberty. John Calhoun realized this argument was inadequate and that Declaration's principles called for the universal equality of man and the end of slavery. Therefore, he condemned the principles of the Declaration as a great error and rejected natural law in favor of legal positivism.<sup>13</sup>

Jefferson directly called for protecting the rights of "life, liberty, and the pursuit of happiness."<sup>14</sup> Such rights are inherently individual to each person and are not about state authority. The grievances in the Declaration include violations of the individual right to trial by jury and the other violations of the local authority such as the revocations of charters was focused on overturning the self-governance of the people. The right to self-governance comes from each person being made in the image of God and from that the people give authority to the states.<sup>15</sup>

In the modern-day, many argue the Declaration did not truly embrace equality of all individuals because Women and Indians were denied suffrage and were not social equals. The Declaration principle was that all mankind as individuals are equal before God and the law. The equality was not the same as the "rights of man" of the French Revolution which aimed for full social equality. Social equality would require controlling outcomes and it is ultimately a utopia fantasy. There will always be social hierarchies but the nature of those hierarchies does not have to be unjust and tyrannical.<sup>16</sup>

The Founders did not view suffrage as an inherent God-given right arising from natural law.

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<sup>11</sup> Snively, *The Second Reformation*, 75-83, 123-132 (2013).

<sup>12</sup> Yarbrough. "Jefferson and Tocqueville." *Perspectives on Political Science*, 268-272.

<sup>13</sup> John G. Gove *John C. Calhoun's Theory of Republicanism*. (Lawrence, Kansas: University Press of Kansas, 2016), 157-162.

<sup>14</sup> Thomas West, *Vindicating the Founders: Race, Sex, Class, and Justice in the Origins of America*. (Lanham, MD: Rowman & Littlefield Publisher Inc., 2001), 112-115.

<sup>15</sup> Sanford Kessler. "Locke and Tocqueville on Religious Foundations." *American Political Thought* 9:4 (2020): 612-616.

<sup>16</sup> *Ibid*, 8-9.

They realized that democracy and the right to vote by themselves did not ensure that the government truly represented the people. Therefore, they had debates over which level of suffrage was best for protecting the rights of the people and making the government of the people, by the people, and for the people<sup>17</sup>

The Founders viewed the right to vote as more a privilege and duty. That each proven responsible voter had a duty to represent the interests of their family and community. Thus, denial of the right to vote to women and Indians did not represent a denial of their God-given equality in value and personhood. Further, women's status advanced rapidly as America recognized the full property rights of women long before England and some states began to grant women the right to vote in the middle of the 19<sup>th</sup> century.<sup>18</sup>

American policies toward Indians failed to live up to the principles of the Declaration. President Washington wanted to respect the full personhood of Indians. He wanted to respect all treaty obligations and work toward the peaceful assimilation of Indian tribes over time because he understood they had all the same individual value and capabilities as whites.<sup>19</sup> Washington did achieve some successes during his presidency but could not overcome the greed of settlers. But the truth of Indian personhood was understood by the Founders protecting their rights but was unable to establish a permanent system to protect Indian rights.<sup>20</sup>

Some argue the continued presence of slavery in American proves that the equality of the Declaration was limited. Lincoln rejected this view. Abraham Lincoln rooted his campaign against slavery on the principles of the Declaration.<sup>21</sup> He argued that the meaning of equality was universal. Lincoln believed that Jefferson and the other founders believed that slavery was dying out. The Founders' hope and expectation were that each state would find its way to end slavery.<sup>22</sup>

The debates between Lincoln and Douglas centered on the meaning of equality in the Declaration and the Declaration's place in the founding of the American Republic. Douglas denied that blacks were included in the meaning of "all men." Many southern defenders of slavery claimed that the Declaration was only the language of propaganda that gave no guidance to the governing principles of the Republic. Lincoln was elected President based on the belief

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<sup>17</sup> Ibid, 73-77.

<sup>18</sup> Ibid, 86-89 and 93-97.

<sup>19</sup> Colin G. Galloway, *The Indian World of George Washington*, (New York: NY, Oxford University Press 2018), 322-325, 398-400, and 455-459.

<sup>20</sup> Ibid., 412-418 and 478-480.

<sup>21</sup> James McClellan. *Liberty, Order, and Justice: An Introduction to the Constitutional Principles of American Government* 3rd ed. (Indianapolis: Liberty Fund, 2000), 89-91.

<sup>22</sup> Ibid, 70-72 and 75-83

that the Declaration of Independence was the founding document of the Republic and that it established the Republic on biblical natural law.<sup>23</sup>

The Founding Fathers built the Constitution upon the principles of the Declaration. The Constitution created the federal government gave it the primary purpose of guarding those God-given rights in the Declaration. It forbade the federal government from violating those rights both in the Constitution and the "Bill of Rights." The very structure of the Constitution is focused on guarding against abuse of powers and guarding the rights of people.<sup>24 25</sup>

The Constitution did not uphold slavery or deny the principles of the Declaration but did not give the jurisdiction to the federal government to end slavery but only the slave trade. The basis for ending the slave trade went back to the principles of the Declaration that all men were universal and therefore people could not be kidnapped and sold as slaves. The Founding Fathers expected each state to find its way to end slavery and the northern and middle states ended slavery in the early days of the Constitution.<sup>26</sup>

The original intent of the 14<sup>th</sup> Amendment was originally intended to apply the principle of the Declaration to the states and require them to uphold the God-given rights of all individuals and to forbid them to violate those rights.<sup>27</sup> However, the loss of Lincoln's leadership and the great difficulties with Reconstruction lead to the triumph of segregation in the southern states. The Supreme Court made terrible rulings in the *Slaughter-House Cases* 83 U.S. 36 9 (1873) and later in *Plessy v. Ferguson*, 163 U.S. 537 that in effect pretended the 14<sup>th</sup> Amendment was virtually meaningless.<sup>28 29 30</sup>

The original meaning of the 14<sup>th</sup> Amendment rested on the principles of the Declaration and has not truly been reclaimed. The civil rights movement ended segregation and was rooted in the principle of the Declaration and the universal meaning of equality. However, the Supreme Court gave a new meaning to the 14<sup>th</sup> Amendment which required membership of a "suspect class" and therefore was grounded in-group identity rather than universal individual equality. Modern-day

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<sup>23</sup> Harry V. Jaffa. *A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War* (Lanham, MD: Rowman & Littlefield Publishing Group, 2018), 18-22, 75-78, 182-186, and 242-244.

<sup>24</sup> Ibid, 18-22, 75-78

<sup>25</sup> McClellan. *Liberty, Order, and Justice*, 87-91, 93-95.

<sup>26</sup> Jaffa. *A New Birth of Freedom*, 16-21, 78-81.

<sup>27</sup> Harry V. Jaffa. *American Conservatism and the American Founding*. Durham, (N.C: Carolina Academic Press, 1984), 182-188 and 203-209.

<sup>28</sup> Jaffa. *A New Birth*, 75-83.

<sup>29</sup> Illan Wurman. *The Second Founding: An Introduction to the Fourteenth Amendment*. (Cambridge, MA: Cambridge University Press, 2020), 83-86 and 91-93.

<sup>30</sup> Gerard N. Magliocca and John Armor Bingham. *American Founding Son John Bingham and the Invention of the Fourteenth Amendment*. (New York: New York University Press, 2013), 36-39 and 79-82

"originalist" conservatives reject the Declaration as the founding document and left with no real understanding of the 14<sup>th</sup> Amendment and left was no clear explanation of the meaning of the Amendment.<sup>31 32</sup>

Woodrow Wilson, a Hegelian ideologue, directly attacked the first paragraph of the Declaration. Wilson dismissed the paragraph as having any relevance to the Republic and even attack the language as "sentimental nonsense." Wilson rejected natural law completely and the idea that rights from God not government. Wilson viewed government power as inherently a good thing that should not be hindered by individual rights. He understood natural law and the principle of the Declaration are the great checks on government power<sup>33</sup>

Further evidence that the Declaration of Independence rested on a principle of universal equality is found in the history of the United States. Supporters of slavery were the first to deny that the Declaration was the founding document of the Republic. John Calhoun understood slavery and the principles of the Declaration could not be reconciled. He rejected the equality of the Declaration as "erroneous" dangerous" and went on to deny that all men were equal.<sup>34</sup> Calhoun was influenced by the ideas of Georg H.W. Hegel who rejected objective truth and the individual rights of man and represented a worldview that went against the principles of the Founders<sup>35</sup>

The reality of today is that America is torn between two opposing worldviews that cannot be reconciled. The secular statist worldview arose from the 19<sup>th</sup> German School of Philosophy and classical liberalism of the Founding Fathers which was the product of a biblical worldview. Neither political party truly represents the worldview of the Founders. The struggle of these worldviews is first and foremost a cultural struggle and secondarily a political struggle. The principles and truths of the Declaration can both restore the Republic and heal the culture but without a return to them, the Republic will fail.<sup>36</sup>

The Declaration of Independence founded the American Republic on biblical natural law rooted in the truth that all mankind is made in the image of God. Thomas Jefferson's use of equality in the Declaration meant all humanity had the same inherent inalienable rights from God and the full personhood of all individuals must not be denied. All persons were equal in values

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<sup>31</sup> Jaffa. *American Conservatism* 182-187.

<sup>32</sup> Robert Bork, "Natural Law and the Constitution." <https://www.firstthings.com/article/1992/03/natural-law-and-the-constitution>, (Viewed on 11 November 2021).

<sup>33</sup> Woodrow Wilson. *Constitutional Government in the United States*. (New York, NY: Columbia University Press, 1908), 43-44.

<sup>34</sup> Gove, John G. *John C. Calhoun's Theory of Republicanism*. (Lawrence, Kansas: University Press of Kansas, 2016), 157-162.

<sup>35</sup> Harry V. Jaffa. *A New Birth of Freedom: Abraham Lincoln and the Coming of the Civil War*. 1st ed. (Lanham, Md: Rowman & Littlefield, 2004), 71-73.

<sup>36</sup> Jaffa. *American Conservatism*, 208-212 and 232-235.

and standing before God and therefore, they should likewise be equal before human government.<sup>37</sup> Jefferson did not mean that all individuals were equal in character and abilities or that anyone had a right to equal outcomes.

Defenders of slavery invoked the lie that equality was for white males and is echoed by secular statism and post-modernists who hate the founding of the Republic. The true meaning of the Declaration and its proper place must be remembered as even the conservative movement has forgotten that the Declaration is the founding document of the Republic, and the Constitution must be interpreted in light of its principles. Those principles are natural laws rooted in the biblical truth that all mankind is made in the image of God.

James Madison's *The Debates in the Federal Convention of 1787* is the best primary source for the specific debates and proceedings on the Constitutional Convention of 1787. Madison's notes address what the Founding Founders' believed about the relationship between slavery and the Constitution. The Founders' created the Constitution upon the principles of the Declaration of Independence and set the foundations for the end of slavery.

If the Constitution is disconnected from the principles of the Declaration it's a morally relativistic document and the Founders' views changed between 1776 and 1787. The Constitution rests upon the principles of the Declaration which founded the Republic upon biblical natural law and the truth all mankind is made in the image of God, equal in value and that is the source of rights.<sup>38</sup> The Constitution mandates that the Federal Government respect the individual rights recognized by the Declaration. It did not give jurisdiction to the federal government to force the states to respect those rights but expected each state to find its way to end slavery.<sup>39</sup>

Slavery came up for some major debates in specific areas at the constitutional convention. The end of the slave trade, the fugitive slave provision, and the "3/5ths" compromise. The debates and history of those provisions show they were in balance anti-slavery even though they were political compromises that fell short of fully upholding the Declaration principles.<sup>40</sup>

The nature of the Constitution as a federalist system rather than confederacy lends toward anti-slavery. Under the Article of Confederation of the Republic, there was no hope of any

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<sup>37</sup> Thomas Jefferson, "The Declaration of Independence." (Washington, DC, National Archives), <https://www.archives.gov/founding-docs/declaration-transcript> (accessed on 25 October 2021).

<sup>38</sup> Barnett, Randy E. "The Declaration of Independence and the American Theory of Government: 'First Come Rights, and then Comes Government'." *Harvard Journal of Law and Public Policy* 42, no. 1 (2019): 24-26

<sup>39</sup> Hadley Arkes. *First Things: An Inquiry into the First Principles of Morals and Justice*. (Princeton: Princeton University Press, 1986), 13-29 and 33-39.

<sup>40</sup> James Madison, "The Debates in the Federal Convention of 1787," <https://www.thefederalistpapers.org/wp-content/uploads/2012/12/Debates-in-the-Federal-Convention-of-1787>. (accessed on 11 October 2021), 187-188, 191-193,, 200, 280-289, 360-367, and 397-402.

restrictions or hindering the state condoned slavery within the state. The Northwest Ordinance did ban slavery which evidences that the American Republic was moving against slavery and the expansion of the Union would progress in favor of free states. The federal system provided for limitations upon slavery such as the end of the slave trade and the possibility of the federal government ending slavery one day.<sup>41</sup>

The Constitution empowered the federal government to ensure a Republican form of government had the potential of being used to end slavery. A potential which was conditioned upon the Constitution resting upon principles of the Declaration. A republican government can only be a true reality and survive by upholding the full equality of all mankind and therefore slavery would one day be ended or the failure to end it would ruin the republic.<sup>42</sup>

Gouverneur Morris argued against counting slaves fully for representation in the house because he placed respected humanity over southern interest. He also argued that giving them fully encouraged the slave trade as the south could inflate its representation by increasing the number of imported slaves.<sup>43</sup> Charles Pinckney argued that since the slaveowners paid taxes including their slaves their representation should be linked to the taxation and therefore, each slave should count fully.<sup>44</sup>

The 3/5ths compromise represented a victory for anti-slavery forces. The south would now have weaker representation and influence in the new federal government that is had during the Article of Confederation. Pierce Butler argued that full representation was required to guard the south from the other states taking away the slaves through the federal government's authority.<sup>45</sup> An argument that reveals the reality that the Constitution endangered rather than protected slavery.

The worst compromise in the Constitution was Article 4 Clause 3 known as the "fugitive slave clause" which obligated the free states to return escaped slaves. Previously, slave hunters were free to go throughout the nation looking for slaves. As Abraham Lincoln stated it was a compromise that went against the principles of the Declaration represented an improvement over the previous status quo. Now, there was a legal process in place to protect free blacks and which required the slave owner to prove that the individual was his slave.<sup>46 47</sup>

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<sup>41</sup> John Alvis. "The Slavery Provisions of the U.S. Constitution: Means for Emancipation." *The Political Science Reviewer*, Vol 17 (1987) 264-265.

<sup>42</sup> Ryan Ervin. "Slavery and the Constitutional Convention: Historical Perspective." *Historia, Eastern Illinois University*, (2006) 110-111.

<sup>43</sup> Madison, "The Debates in the Federal," 187-188, 191-193, and 200.

<sup>44</sup> *Ibid*, 186-187 and 193-194.

<sup>45</sup> *Ibid*, 200.

<sup>46</sup> Arkes. *First Things*, 15-18 and 30-35.

<sup>47</sup> <https://www.anchoringtruths.org/should-the-declaration-inform-the-constitution-hadley-arkes-and-lee-strang-debate-transcript/> (accessed 13 November 2021).

Article 1 Section 9 of the Constitution empowered Congress to ban the slave trade after 20 years.<sup>48</sup> Congress did ban the slave trade right after the end of the 20 years. The 20 years delay was a political compromise that did great harm, but the ban of the slave trade was a major blow against slavery long term and represented a major moral victory. There was no escaping that the truth the slave trade must end because the slave was fully human also called for the end of slavery. So much so that the secession states protected the slave trade in their constitution.<sup>49</sup>

Dr. Jaffa recognized that the fugitive slave clause, the delay in banning the slave trade, and the 3/5<sup>th</sup> provision were all political compromises that went against the principles of the Declaration and were inherently inconsistent with the Constitution as a whole. The failure to directly ban slavery in the Constitution was part of the large nature of the federal system in which the Constitution directly limited the federal government and commanded it to not violate individual liberty but gave it no jurisdiction over the states to command them regarding individual liberty.<sup>50</sup>

The expectation was that each state would follow the principles of the Declaration and find its way to protect liberty. Further, the Republican government guarantee clause stood as a potential tool for the federal government to act if this expectation was disappointed. Each state did find its way to end the union of Church and State and to set up basic protections of individual rights. The northern and middle states each found their way to end slavery. Even in the south support for slavery was in decline. Delaware and Virginia came close to ending slavery.

Therefore, the federal system was based on good intentions and was working as expected. The surprise was that in the 19<sup>th</sup> century the south began to rally around slavery. The cotton gin made slave labor more valuable. More importantly belief in evolution and the philosophical ideas of Hegelianism and the 19<sup>th</sup> Century School of Philosophy gave a strong philosophical basis for defending slavery even while maintaining a Christian veneer even though the biblical worldview was being displaced.<sup>51 52</sup>

The development of Frederick Douglas' views aligned him with Lincoln and set forth the truth that Constitution is inherently a pro-liberty anti-slavery document. At first, Douglas shared the views of the abolitionist William Lloyd Garrison who held that slavery was immoral and that any taint of it was unacceptable. He demanded the immediate end of slavery or the secession of

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<sup>48</sup> Madison, "The Debates in the Federal," 360-367, and 397-402.

<sup>49</sup> Alvis. "The Slavery Provisions," 264-268.

<sup>50</sup> Harry Jaffa. *Original Intent and the Framers of the Constitution: A Disputed Question*. (Regency Publishers: Washington DC, 1994), 198-202, 235-238, and 397-299.

<sup>51</sup> John G. Gove *John C. Calhoun's Theory of Republicanism*. (Lawrence, Kansas: University Press of Kansas, 2016), 150-154.

<sup>52</sup> Jaffa. *Original Intent*, 353-256, 288-22, and 302-306.

the free states. Garrison believed the Constitution either should have ended slavery or the American nation should have been founded without the slave states.<sup>53</sup>

Douglas came under the influence of the abolitionist, Gerrit Smith who believed that the Declaration and Constitution were fundamentally anti-slavery.<sup>54</sup> Smith's view was both documents worked together and empowered the federal government both legally morally to restrict and move against slavery. The problem was with a lack of political will on the part of the American people and officeholders.<sup>55</sup>

Douglas came to realize that Garrison's views simply ignored realities and a break between the north and south in the days of the Founding Fathers would have prevented the American Republic from coming into being and the message of the Declaration would have died at birth. He now praised the Constitution as a document of liberty that had in place the tools to end slavery.<sup>56</sup> The key was his understanding that the Declaration was rooted in biblical truth and it meant a universal application of equality and the Constitution must be reviewed in the light of the principles of the Declaration.<sup>57</sup>

Lincoln ran for President on the theme of restoring the principles of the Declaration because he understood that the nation has been departing from those principles. Defenders of slavery openly rejected the equality principle of the Declaration. Defenders of slavery were forced to argue the Constitution must be interpreted absent the principles of the Declaration.<sup>58</sup> The reality was that the Founders could have written "White" or "White Males" in that era but choose "All Men" in doing so they chose the language which caused more resentment.

The *Dred Scott v. Sandford*, 60 U.S. 393 (1857) decision twisted the Constitution to give a right to slavery in the territories. The opinion repeated the defenders of slavery great lie that the "All Men" in the Declaration meant "White Men."<sup>59</sup> The decision represented Chief Justice Roger Taney imposing his worldview upon the Declaration and the Constitution. The Supreme Court was reading the Constitution through the worldview of the 19<sup>th</sup> Century German School of Philosophy.<sup>60</sup>

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<sup>53</sup> Paul Finkelman. *Frederick Douglass's Constitution: From Garrisonian Abolitionist to Lincoln Republican* "Missouri Law Review" Vol 81, No. 2., 8-12 and 16-20 (2016).

<sup>54</sup> "Frederick Douglass and the American Dream." [https://bi-gale-com.ezproxy.liberty.edu/global/article/GALE%7CA643563975?u+vic\\_liberty&sid=summon](https://bi-gale-com.ezproxy.liberty.edu/global/article/GALE%7CA643563975?u+vic_liberty&sid=summon) (last accessed 13 November 2021).

<sup>55</sup> Finkelman. *Frederick Douglass's Constitution*, 59-60 and 70-72.

<sup>56</sup> *Ibid*, 15-18, 33-37, 18-184, and 240-244.

<sup>57</sup> Noelle Trent, "Frederick Douglas and the United States Constitution." *Black Perspectives* (2018) <https://www.aaihs.org/frederick-douglass-and-the-united-states-constitution/> (last accessed 13 November 2021).

<sup>58</sup> Gove, *John C Calhoun's*, 157-162.

<sup>59</sup> *Dred Scott vs. Sandford*, 60 U.S. 393: 407-410, (1857).

<sup>60</sup> Jaffa. *A New Birth of Freedom*, 184-188, and 244-248.

Lincoln's view was that a fundamental worldview shift had occurred motivated by the defense of slavery. Therefore, the nation was a "house divided" that faced the choice of completing the departure from the founding principles and becomes a nation that embraced slavery rejecting the equality of mankind and God-given rights. The only alternative was to return to the principles of the Declaration and uphold the equality which in the short required going against the *Dred Scott* decision and banning the expansion of slavery into the territories.<sup>61</sup>

James Madison's *The Debates in the Federal Convention of 1787* is the best primary source for the specific debates and proceedings on the Constitutional Convention of 1787. Madison's notes address what the Founding Founders' believed about the relationship between slavery and the Constitution. The Founders' created the Constitution with the principles of the Declaration in mind and when viewed was not a pro-slavery document but rather it set up the foundations for the end of slavery.<sup>62</sup>

If the Constitution is viewed without the principles of the Declaration of Independence, then is a moral relativistic document that fails the test of history. The Constitution rests upon the principles of the Declaration which founded the Republic upon biblical natural law that holds all mankind is made in the image of God, equal in value before him, and that is the source of rights.<sup>63</sup> The Founding Fathers did not protect slavery in the Constitution but sincerely believed that were setting the stage for the end of slavery with the Constitution.<sup>64</sup>

During the debates over slavery and the Civil War, both sides invoked the Bible to argue for their side. The argument has been made that this proves that the Bible itself is unclear over slavery and therefore the very Biblical natural law principles are unclear on slavery and equality.<sup>65</sup> However, the origin of the anti-slavery movement arises from the teachings of scripture and has no other historical source. Anyone can twist scripture but the Bible contains nothing that condones human chattel slavery. Slavery when allowed by scripture is more akin to indentured servanthood and the full personhood of no part of humanity is never denied.<sup>66</sup>

The Civil War was caused by the failure to fully realize the principles of the Declaration and by a fundamental rejection of those principles by the defenders of slavery. The southern states

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<sup>61</sup> Ibid, 183-187, 198-202, and 238-242.

<sup>62</sup> Jaffa. *A New Birth of Freedom*, 7-3-75, 184-188, and 244-248.

<sup>63</sup> Barnett, Randy E. "The Declaration of Independence and the American Theory of Government: "First Come Rights, and then Comes Government"." *Harvard Journal of Law and Public Policy* 42, no. 1 (2019): 24-26

<sup>64</sup> Arkes. *First Things*, 13-29 and 33-39.

<sup>65</sup> Mark A. Noll, *The Civil War as Theological Crisis*, (Chapel Hill, NC: University of North Carolina Press, 2006), 38-41, and 93-96.

<sup>66</sup> Harry A. Jaffa. *Original Intent & the Framers of the Constitution*. (Washington, DC: Regency Gateway 1994), 28-32 and 65-69.

rallied around slavery influenced by evolution undercutting biblical natural law values.<sup>67</sup> The Civil War was a clash of worldviews as Lincoln called up the nation to return to the biblical natural law principles of the Declaration and the requirement of the full equality of mankind which condemns slavery. The Confederate states were fighting for values of evolution and a permanent race and class-based system that rejected the truth that all mankind is made in the image of God.<sup>68</sup>

## Conclusion

The Founding Fathers created the Constitution on the foundation of the principles of the Declaration. The Constitution was never a pro-slavery document but without those principles, the Constitution becomes morally relativistic and condones slavery. The Constitution rests upon the principles of the Declaration which founded the Republic upon biblical natural law that holds all mankind is equal in value and rights. The Founders expected each state to find its way to end slavery.

The Constitution does contain some political compromises that violate the founding principles but they do alter the fundamental nature of the Constitution. However, there was a departure from the Declaration principles and the opposing force of Hegelianism, evolution, and the 19<sup>th</sup> Century German School of Philosophy challenged those founding principles and served to defend slavery.<sup>69</sup>

Lincoln was elected by championing a return to the principle of the Declaration and overturning the rejection of those principles by the Supreme Court in the *Dred Scott* decision. However, the defeat of the Confederacy did not settle the philosophical debate. The story of America is the struggle to fully implement equality and liberty. Today America is turning away from the principles of the Declaration and toward group identity, statism, and moral relativism. The nation must return to those principles to heal the culture and restore the Republic.

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<sup>67</sup> Jaffa. *A New Birth of Freedom*: 35-45 and 53-59.

<sup>68</sup> Gove, John G. *John C. Calhoun's*, 157-162.

<sup>69</sup> *Ibid*, 8-9.

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