

The Declaration of Independence

1776

THE Declaration of Independence is celebrated today for its soaring rhetoric of self-evident truths and inalienable rights, but most of it is given over to one long complaint. The colonists have experienced a “long train of abuses and usurpations” at the hands of Great Britain’s King George III, and the Declaration describes twenty-seven distinct insults in gory detail, including: “He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation, and tyranny, already begun with circumstances of Cruelty and Perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.”

So much for the facts. What is the theory? The theory is that, since government rests on “the consent of the governed,” “the People” have the right to form a government, alter it, or abolish it. This right is not to be taken lightly, of course. Prudence and patience and petitions for redress are the first lines of defense. But when things get very bad, “the People” are permitted “to throw off such Government.” And according to the members of the Second Continental Congress who signed this document, things had gotten very bad indeed. “The history of the present King of Great Britain is a history of repeated injuries and usurpations,” the Declaration reads, so the time had come to cast aside both prudence and George III, and to “solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States.”

Congress did not want to seem rash, however. It did not want to enter the community of sovereign nations with the spitfire rhetoric of Thomas Paine on its lips. And it wanted to secure the support of France. So it began with the cool logic of an Enlightenment syllogism: "When in the Course of human events it becomes necessary for one people to dissolve the political bands which have connected them with another . . . a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation." And this is what the Declaration did. It was a declaration of war, and a justification of the same. No sense of the sacred accompanied its production or publication, and there was almost no fanfare thereafter. In fact, in the years after July 4, 1776, it was largely ignored.

The representatives of the thirteen colonies who met in Philadelphia in the summer of 1776 had far more pressing concerns, not least prosecuting a war that was now over a year old. Some still hoped to reconcile with England. But since the appearance in January 1776 of Thomas Paine's *Common Sense*, public pressure was building for independence. On June 7, Richard Henry Lee of Virginia proposed a resolution to declare the colonies "free and independent states," but voting was delayed so state legislatures could be consulted and a document declaring and justifying independence drafted.

In the minds of many Americans, the Declaration of Independence is the product of the unique genius of Thomas Jefferson. The real story is more complicated. First, Congress appointed a Committee of Five to draft the document. Jefferson was assigned to write a first draft, and Adams and Franklin (both members of the Committee of Five) made some changes. On July 2, Congress passed Lee's resolution. It then made extensive changes to the draft declaration, including removing a long passage attacking George III for slavery and the slave trade. As historian Pauline Maier argues, this process, from drafting and editing to printing (on July 5) and signing (on August 2), was a "collective act," the work not only of Jefferson, the Committee of Five, and the Congress as a whole, but of a cast of thousands of nameless colonists who drafted some ninety "declarations of independence" in the months before July 4, 1776.¹

Although the burden of the Declaration was to "declare the causes" of separation from England, it also included a remarkable second paragraph to which Americans have returned over and over, in endless cycles of interpretation and reinterpretation, as they have struggled to define themselves. This paragraph is

actually one long sentence. In fact, it is the most influential sentence in U.S. history. "We hold these truths to be self-evident," it begins, before offering another litany, this time of five such truths:

*That all men are created equal,
That they are endowed by their Creator with certain unalienable rights,
That among these are life, liberty and the pursuit of happiness,
That to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed,
That whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness.*

The immediate effect of this document approached zero. The fact that the colonies had separated from Great Britain was historic, but the explanation had "astonishingly little immediate effect in the world of ideas, and quickly sank into . . . obscurity."² The Declaration was resurrected by the Jeffersonians in the 1790s and used as a cudgel to whack the Federalists and their British friends. By the time of the fiftieth-anniversary celebrations of Independence Day in 1826—a day that saw the deaths of both Jefferson and Adams—the Federalists were defunct, and Americans found themselves celebrating not merely independence but the "immortal" Declaration itself.

In the push and pull of U.S. history, one of the great debates has concerned the relative merits of the Declaration and the Constitution. Are these two voices at odds? Was the nation founded with the signing of the Declaration or with the ratification of the Constitution? Which document is preeminent today?

America's most influential interpreter of the Declaration of Independence was Abraham Lincoln, who held forth on it repeatedly. Angered by Massachusetts Senator Rufus Choate's characterization of the Declaration as so many "glittering . . . generalities," Lincoln mounted a three-pronged defense.³ First, he reimagined the Declaration not as a practical declaration of war but as a lofty political manifesto. Second, he made equality this manifesto's central theme. Third, he made this theme the guiding light of American life and law, preeminent over even the Constitution itself.

In impromptu remarks delivered in Philadelphia's Independence Hall in 1861, just days before his inauguration, Lincoln called the Declaration his political creed. "I have never had a feeling, politically, that did not spring from the sentiments embodied in the Declaration of Independence," he said. The real American Revolution was "not the mere matter of separation of the colonies from the motherland, but that sentiment in the Declaration of Independence which gave liberty not alone to the people of this country, but hope to all the world, for all future time . . . that all should have an equal chance."⁴

Earlier, in his celebrated debates with Illinois Senator Stephen Douglas, Lincoln had insisted that the Declaration's promises were made to all Americans. "The entire records of the world, from the date of the Declaration of Independence up to within three years ago," he said at Galesburg, Illinois, in 1858, "may be searched in vain for one single affirmation, from one single man, that the negro was not included in the Declaration of Independence."⁵ In 1863, in his "four score and seven years" opening at Gettysburg, Lincoln calculated that the nation was born with the Constitution, not the Declaration. No mere declaration of war, this immortal document was in Lincoln's view a declaration of equality. Through it, he asserted in another contender for the most influential sentence in U.S. history, the nation had been "dedicated to the proposition that all men are created equal."

Through Lincoln, the Declaration became dogma—the dogma of American life. Today this dogma is enshrined not only in American letters but also on the National Mall, where Lincoln and Martin Luther King Jr. both hold forth on what Jefferson meant by these five words. "Lincoln was the one who told us that they meant the end of slavery, and King was the one who told us that they meant racial equality," writes historian Joseph Ellis. "For this reason we can regard these three icons as an American trinity that embodies our creedal convictions in their 18th, 19th and 20th century versions."⁶

But this interpretation gives too much leverage to Lincoln and King, whose respective "magic tricks" were not quite as magical as it might seem. Decades before Lincoln and more than a century before King, American reformers were citing the Declaration's "self-evident" truths in their demands for equal rights for women, African Americans, and other minorities. A "Declaration of Sentiments" (1848) produced by women's rights activists in Seneca Falls, New York, read: "We hold these truths to be self-evident: that all men and women are created equal."⁷

In a remarkable piece of political prophesy called "What to the Slave Is the Fourth of July?" the former slave and abolitionist Frederick Douglass praised the signers of the Declaration of Independence as "truly great men" who "preferred revolution to peaceful submission to bondage." But he called July 4 celebrations a "sham" in a country that continued to practice "the great sin and shame" of slavery. "Would you have me argue that man is entitled to liberty? That he is the rightful owner of his own body?" he asked. "You have already declared it."⁸

In other words, when Martin Luther King Jr. decided that the Declaration's equality proposition meant that segregation had to end too, he was standing not only on Lincoln's shoulders but also on those of Douglass and the Seneca Falls signers and millions of other Americans who have seen the words of July 4, 1776, as an ideal toward which the nation should strive. Just as the Declaration was a "collective act," so was this egalitarian reinterpretation.⁹

But is this interpretation correct? It almost certainly wasn't the intention of the Declaration's signers, who, it should be remembered, cut Jefferson's antislavery language from the final document. But who says the framers get to freeze this document in time? The meaning of the Declaration, like the meaning of America, has always been hotly contested, with alternative interpretations competing cheek by jowl. Is it conservative? Liberal? Radical? It depends on whom you ask.

Before and during the Civil War, debates over the Declaration circled around the meaning of "all men are created equal." While antislavery activists argued for what they saw as the plain meaning of this text, proslavery thinkers contended that "all men are created equal" was self-evidently false. Inequality was a fact of life, and only dreamers and philosophers could imagine otherwise. After the Civil War, Lincoln's interpretive line took hold, and the conversation shifted to whether and where America was falling short of its egalitarian creed. Increasingly, the Declaration displaced the Constitution as the expression of the meaning of America. *It was the soul of the American people and the spirit of American law. It was the ideal toward which the Constitution was striving and American history was arcing.* In a classic expression of this "Declaration first" perspective, Charles Sumner of Massachusetts said that "the grandest victory of the [Civil War] was the establishment of the new rule by which the Declaration became supreme as an interpreter of the Constitution." In postbellum America, Sumner said, "every word in the Constitution must be interpreted by these primal, self-evident truths."¹⁰

As the twentieth century dawned, Progressive historians depicted the “revolutionary” Declaration as the hero and the “reactionary” Constitution as the villain in their retellings of the American drama. Vernon Parrington built his three-volume history around a mano a mano struggle between these two documents, one representing the “rights of man” and the other the “rights of property.”¹¹ In this way, the Declaration came to be seen as the “ultimate expression of Revolutionary ideals, to wit, egalitarianism, popular majority rule, and human rights,” while the Constitution was “cast in the role of counter-revolutionary reaction in support of monied privilege, minority rule, and property rights.”¹²

Conservatives responded by contending that the Declaration was a practical rather than a philosophical document, focused on cutting the cord from Great Britain, not advancing a laundry list of human rights. Because inequality is inescapable, any effort to employ the coercive power of the state to create a nation of equals was foolhardy at best, many argued. Demands for equality do nothing but expand the powers of government and contract individual liberty. Those who made this argument insisted that the nation did not begin with the Declaration but with the Constitution. And what was created on July 4, 1776, were thirteen sovereign states. To obsess over the Declaration and its equality clause is to “derail” the American tradition of states’ rights, conservatives argue. Lincoln “turned our tradition upside down.”¹³

One intriguing twist in this duel between the Declaration and the Constitution is that, although the Declaration speaks of our “unalienable rights” coming from the “Creator,” the Constitution is godless. As a result, the Constitution is more useful to conservatives when it comes to questions such as states’ rights or the relative merits of order and equality, but the Declaration is more useful when it comes to the claim that America began as a Christian nation.