

Eleven Ways of Looking at the Declaration of Independence: What Could Be More American?

David Waldstreicher
Graduate Center, City University of New York

With the success of the American Revolution, Thomas Jefferson grew proud to claim authorship of the Declaration of Independence. But when pressed about the ideas and phrases in it, he disclaimed originality. The whole point had been to express “the plain sense of the subject” and to epitomize “the American mind,” to reflect and project consensus. The Declaration does this through assertions of “self-evident” truths, an account of recent imperial history, and the evocation of deeply felt emotions.

The founding of a nation by a congress of states in a deliberate, formal statement “to a candid world” (We declare it; it is so!) required this audacious assertion of agreement. What was contrary, disputed, could be explained as the result of Britain’s “chain of abuses.” Leaving Britain restores harmony shattered by the mother country’s divisive mistakes.

When the idea of consensus restored at the cost of civil war is built into an institution and sanctified in memory, disagreement about its meaning then comes as a bit of a shock, even a threat. So the very different ways that Americans have read the Declaration of Independence ever since 1776 has increasingly appeared as a problem, a weakness even – leading to still more debate about how to understand and use this founding document.

Our moment in history is as good a time as any to consider those different readings: to embrace their validities and contradictions as both part of the original design and part of our history. From the beginning in 1776, different approaches to our founding statement of national existence have had different political as well as philosophical implications. The Declaration has had rich afterlives for this very reason. Its meanings have multiplied as different parts of it have been seized upon for different purposes.

But the genius of its multiplicity-in-unity is not just that of creative reinterpretation by politically active citizens of the 19th and 20th centuries, important as that has been. Eleven ways of looking at the Declaration are substantial and important because they are also original meanings – present in the text and products of late 18th century developments that shaped its

composition. They form correctives to each other as the common sense of the actual conflicts out of which American patriots committed revolution, fought a war, built a nation and contemplated a federal polity.

We are accustomed to seeing the Constitution as a set of correctives born of compromise in light of the limits of nationhood during a “critical period.” But even the debates and revisions of 1787-88 responded to the various possibilities opened up in 1776 by what was, admittedly, neither charter nor constitution but rather a justification. The Declaration aimed outward as much as inward.

It could hardly have been otherwise. The republic insisted on its unity in diversity. Out of many, one. The Declaration set the template for a contentious politics in search of unity, where the contending itself produces both unity and more division. If we keep the original ways of reading and using the Declaration in mind and together, we might find more optimism about the possibilities left us by the American Revolution as well as more clear-sighted recognition of the dangers built into the revolutionary politics it described.

I. The Enlightenment Way

From its long first sentence stating the necessity of “declaring the causes” to its closing claim to “publish” as well as “declare” the reasons for the separation, the Declaration insists on the public use of reason. It presumes an audience of thinking people as well as nations who will judge its claims.

By what standards will they judge? The Continental Congress amplified Jefferson’s vague invocations of an almighty power, “nature and nature’s God.” But the real judges are to be human beings and it is their standard that is nature, understood as the evidence of experience, the observable world, and known history.

Leading 18th-century intellectuals like Jefferson published “natural histories” as compendia of the known about particular places and their peoples. These were quintessential projects of the Enlightenment. They had political implications, especially when written about the new world. The “new world” had been, could be a laboratory for human experiments. Lessons could be learned from its history as well as its environmental facts. Environments, too, had a history, it was understood.

The Declaration is a product of, a project of, enlightenment. The small letter “e” is appropriate here because it takes the emphasis off of higher learning and philosophes and puts it on the process – and the optimism about what all humans can perceive and act upon to improve the world. As Carl Becker argued so

compellingly a century ago, we don't have to isolate specific strains or European influences to recognize enlightenment thinking at work, which grounded humanity in nature, not divinity or revelation. Thoroughly compatible with contemporary Christian perspectives which saw little inherent conflict between reason and modern faith, the emphasis on nature as realm of reason that could be discerned by human minds undergirds all the Declaration's claims to do things that might, by the lights of custom or some scriptures seem innovative or even outrageous, such as the overthrow of constituted, legal authorities.

Anyone can judge the evidence of abuse of power. The Declaration can presume that Americans' "natural rights" have been abused without spelling out what those might be beyond "life, liberty, and the pursuit of happiness" and the right to have a government that protects them. In this sense, it isn't just the emphasis on individuals' rights being "natural" that makes the Declaration of Independence an enlightenment project. It's the idea that anyone can appreciate the colonists' oppression, just like they can know nature: with their normal, common, human senses, for which the Enlightenment's favorite of the five senses – sight, and the light of day – is a synecdoche, a part standing in for the entire set of human capacities. Critics have sometimes found all this talk about natural rights and "self-evident" truths to be naïve about the darker aspects of human nature, including popular ignorance. It's at best a half truth and at most irrelevant to governance, and thus real politics. These critics miss its function as a call to reason together, in public and through representatives, to start anew, to build a polity, as a natural as well as enlightened thing to do.

There is a tremendous optimism here about what is possible. It is predicated on the notion of that people can see and can agree on what is wrong. Government is not about the preservation of a pre-existing status quo, but about examining observable conditions that have been subject to change – like the natural environment. Acting politically becomes comparable to humans acting in and on nature. Enlightenment grants the Americans the ability to perceive what is wrong and to create anew. If the facts are self-evident, well, that proves it. The notion of enlightenment can make us smug about what we know and who the "we" we see in agreement actually is. It can also send us back to read and reason and discuss again.

II. The Republican Way

What kind of government does the Declaration declare? The document declares former colonies to now be "united states." This seems obvious now. Yet

much is implied here, carefully though indirectly. The Declaration upraises of a republican model of government, jerry-built upon the existing thirteen colony governments, upon the ruins of monarchy and empire.

In the long list of twenty-seven “abuses” of government that make up most of the Declaration and justify independence, monarchy becomes irrational, arbitrary. It’s “a chain of abuses,” bad actions mostly by a bad actor, at once particular and historical but also, after reading a few of them, predictable. The “chain of abuses” link up. Where that much power lies, what’s to keep corruption at bay? The colonists are able to provide a long, long list of things “he has” done wrong: “repeated injuries and usurpations.” They haven’t changed; he has. He has changed the rules. After all those examples it comes to seem inevitable.

It doesn’t even have to be a debate about whether the George III performs “absolute despotism” or the reformed, or constitutional, monarchy the British claimed to have achieved in the 18th century. Constitutional restraints haven’t worked. Right up front in the list of dirty deeds is, in fact, the corruption of colonial legislatures. The king “has refused his assent to laws” and encouraged appointed governors of the colonies to do the same. He’s made it hard for legislatures to meet and act efficiently, and “he has dissolved Representative Houses repeatedly.” He has also corrupted courts, created “a multitude of new officers” and sent over “standing armies” that may be “independent of and superior to the civil power.” Charters have been suspended. It’s what Jack Balkin has called “constitutional rot” and it starts at the top. So, because they had constitutions, or at least charters and an unwritten British constitution, the colonists simply must commit revolution.

In a republic, the executive couldn’t do these wrong things. They would be checked by other bodies, especially a legislature that represents the people. The Declaration cries foul about both the rights of individual colonies to run their affairs and the king’s abuse of power in areas that are legitimately his own or those of the nation or empire as a whole. Indeed, it resolves the conundrum of who was making colonial policy by blaming the actions of Parliament directly on the king. George III’s direction of policy and Parliament is deliberately exaggerated. The result is a rejection of both monarchy and a Parliament that does not represent colonial people.

Congress had already encouraged the colonies to form new governments. The Declaration leaves the precise relationship between executives and legislatures, at the state and federal level, in the new United States to be determined. But the implications were clear. There would be no going back to

monarchy. As republics, the American states, a union, might be relatively aristocratic or relatively democratic. They would not be monarchical, because good government depended on limiting that kind of power. Until well into the twentieth century, this check on an imperial presidency would be American common sense.

III. The Congressional Way

Ask someone what the first words of the Declaration are, and they may remember “When in the course of human events” -- or if clever or possessed of a visual memory maybe they might invoke the title “A Declaration,” visually emphasized by the largest type in the first official printing by John Dunlap. But even before that, at the top of the page, printed as large as “UNITED STATES OF AMERICA,” are the first words: “In CONGRESS, July 4, 1776.”

Each colony’s legislature had sent representatives to the Continental Congress in 1774 and 1775. These bodies continued to instruct these members of Congress on what to do and what not to do. It especially bears emphasis today that a Congress is imagined as the central governing and lawmaking body. Congress had a president, but that role was merely procedural, John Hancock’s elegant and enormous signature notwithstanding.

The first series of grievances in the list, while focused on the king, concern the executive’s refusal to allow the colony legislatures to do their business, by disallowing their meetings, suspending laws they passed, or encouraging his appointed governors to do similar things. At the end of the laundry list of complaints – where they begin with “For” instead of “He has” -- the king is said to have “combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws, giving his assent to their acts of pretended legislation.” This elaborate sentence leads to nine specific things that Parliament has done, some of them repeating or paralleling acts of the king in suspending or perverting good government, including the seed at the beginning of it all (“imposing taxes on us without our consent”), sending troops into cities, and the most recent punitive retribution, the Non-Intercourse Act (“cutting off our trade”).

Parliament is not mentioned explicitly though, because of the goal, and the sheer audacity, of delegitimizing its very real sovereignty. Where the British government had gradually subsumed the monarchy into what was called the King-in-Parliament, the Americans invert the relationship, or suggest it has been perverted into Parliament-in-the-King.

The solution is the sovereignty of Congress in “united states.” The little parliaments that the colonies had imagined their legislatures to have granted certain powers to a larger, continental congress. This is why, once that Congress came to be seen by many to be insufficiently powerful vis-a-vis the states to secure a strong and lasting union, the new U.S. Constitution of 1787 would devote its first Article and the majority of its clauses to the shape, powers, and limitations of Congress – not the executive and judicial branches, so often called co-equal but which might more accurately be termed afterthoughts (the much briefer Articles II and III). The American revolutionaries wanted to limit the judicial and executive powers that had been corrupted. The way to do that was to place more power in the hands of the people’s elected representatives, in state legislatures and in a Congress. Only then could the people rule, for the people. Eleven years before the constitution affirmed the primacy of a Congress in two houses, the Declaration insisted on the congressional form of government as less likely to be corrupted, as more republican, and more democratic.

IV. The Democratic Way

The most famous and most debated phrase in the Declaration is “all men are created equal.” Generations have debated what it meant, how far it goes. Does being born equal guarantee equal rights – and which rights? Does this equality extend beyond “men”? Since slavery was legal in every new state, did it mean only white men?

These questions can only be answered by considering why the claim that all men are created equal is there in the first place.

By placing an audacious claim to human equality at the beginning of the justifications for independence, Congress claimed that it, and the states, governed for everyone. An earlier iteration of government’s purposes, on which Jefferson riffed, referred to “life, liberty and property,” which would make government as much or more concerned with the protection of property, and by implication people with property, than with everyone by virtue of their humanity. This wasn’t semantic. There were plenty of arguments – some of them republican, as well as aristocratic - that governments had to put the protection of property first, and to trust those who held property and thus had the greatest stake in the polity, to protect everything and everyone else. The ability to hold property was always considered a liberty, and it could be essential to life. But “life, liberty and the pursuit of happiness” eliminates property as a primary goal or a measure or model of the rest. The pursuit of happiness might include or even be epitomized

by the pursuit of wealth, but it doesn't have to be. The phrasing presumes that the meaning itself is subjective, that a every individual will decide for themselves what it means. This is why "independence" in the Declaration seems to speak to individuals, with a respect for all their personal liberties, as well as to the state.

And if individuals are to decide what their happiness means, shouldn't - couldn't – they have a voice in government? By itself, the egalitarian appeal here could not resolve the content or distribution of citizenship. But it pointed in a democratic direction. It meant the question had to be asked. It suggested that everyone should be equal before the law, even if they did not have equal rights to determine the laws or equal rights according to the laws. Because "to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed," the consent of any individual, and the purview of the government over them, is as important as that of any other. The power of the united states derives essentially from inclusion within the polity.

The democratic imperative of the paragraph also extended to the states who are part of the compact. Each will be equal members that reserve certain rights of self-government. All this was necessary because Parliament has claimed superior powers to determine even local laws. In England and in the British empire, all shires were created differently; they were not equally represented.

Nevertheless, by invoking, at the outset, "one people" as the source of sovereignty (as opposed to a monarch or pre-existing state), the Declaration grounds a right of revolution in the will of the people, more than of the states. This is reasserted in the final paragraph, in which "the representatives of the United States of America, in General Congress assembled" act "by authority of the good people of these colonies." The measure of good government, in the future, will be the good of the people – the whole people, not the traditional claims of rulers. That points in the direction of democracy.

V. The Governmental Way

It's been said that as a nation founded in revolution Americans are better at critiquing, even undermining, government than they are at supporting it. We may support wars, but oppose taxes. We often identify against the government, or one or another part of it, as a foreign entity doing things to us. The Declaration has often been contrasted to the Constitution in this regard. Declaring independence can seem a wholly negative, destructive act, necessary but thankfully fixed by the positive effort of remaking government in 1787. In this

view, in the Founding's final act the wise founders save us from the inherent destructiveness, if not anarchy, of revolution.

There is another way of reading the long middle section of the Declaration with all its complaints about bad government. By listing, in detail, the sins of imperial administration, the Declaration provides an extensive, detailed, and vivid portrait of the many things that local, provincial, and national governments actually did, and do. Some of it is clearly about being governed too much, but it can be read as just being governed poorly, ignorantly, insensitively, selfishly by a king, his bureaucrats, and a too-far-away Parliament.

Government is hardly just about individual liberties or even the right to be represented. It's about livelihoods and the policies that affect them. There's a traditional embargo on saying that the American revolutionaries had economic motives, but it's right there in the accusations about "cutting off our trade," restricting naturalization and immigration, and foiling new settlements, as well as potentially or actually ruinous taxes.

The Declaration can be considered a call for active government, not just less of it. It doesn't state unequivocally, as Thomas Paine's *Common Sense* had just a few months earlier, that less government always means more freedom or is better for ordinary people. The pursuit of happiness might be aided by active means to benefit the public welfare. The populism of the Declaration is in part a response to a kind of government that appeared to be more active on behalf of the more powerful and the more propertied. It is unambiguous in the Declaration that it is the people's welfare that should be the measure of whether government is oppressive or, in fact, liberating. The king had "refused his assent to laws, the most wholesome and necessary for the public good." Taxes weren't inherently bad; they were only likely to be destructive without adequate representation. The independence that the Declaration declared in 1776 was freedom to govern, not just to escape corrupt government. It was to reform and recreate the prosperity in the colonies that good British government had previously encouraged before the end of the Seven Years' War.

VI. The International Way

The governmental focus of the Declaration faced outward as well as inward. The audience for it was meant to be international. Other nations had to recognize the "separate and equal Station to which" the United States claimed entitlement, and in order for that to happen, "a decent Respect to the Opinions of Mankind

requires that they should declare the causes which impel them to the Separation.”

So the international audience impels the act of declaration and the claim to be following “the Laws of Nature and Nature’s God” in pursuing independence. Yet in practice, there is much more than a theoretical justification. The “causes which impel them to the Separation’ builds to acts of war, including “on the high Seas.” The culmination – the final accusation – lies in Britain enlisting indigenous people, “the inhabitants of our Frontiers” (revealingly not defined as nations) to attack in an “undistinguished” manner, and stirring up “domestic insurrections,” a well-understood euphemism for slave revolts. In other words, Britain has not followed the internationally recognized laws of war. The empire has upset the colonies’ own foreign relations, and the whole world should be watching.

The Declaration announces, at its conclusion, that the United States are going to act as states and collectively as a nation-state: “as FREE AND INDEPENDENT STATES, they have full Power to levy war, conclude Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which INDEPENDENT STATES may of right do.” Recognition of these rights was essential to the success of the revolution, the viability of the nation and its government, and the safety of each state. It’s helpful to remember that the war had begun more than a year before: the U.S. needed allies and trading rights if it was to succeed. Permission to trade (including arms) was a necessity. With the Prohibitory Act, Parliament threatened other nations that traded with American rebels. That was an extreme version of imperial sovereignty. John Adams insisted that it had in effect made the states independent.

By contrast, the Declaration argues for freedom of the seas and a rough equality among nations. It can be read as asking for more than recognition in a European system of states. It has sometimes been seen as looking forward to a world of nations and alliances, rather than empires and conquests. Even as they asked for recognition abroad, with the Declaration the U.S. invents decolonization as something taken by a people, rather than given by an empire.

VII. The Godly Way

God appears four times in the Declaration of Independence. It’s enough to allow some to believe that He is central to the whole project, yet little enough for others to assume that the almighty is merely being invoked, that it is just a gesture. It means something that the Declaration takes as its starting point “the

course of human events,” yet repeatedly, if only partially, backs away from the implications of a wholly secular worldview.

First there are “the laws of nature and of nature’s God,” a circumlocution around the basic problem of whether God is prior to nature, the Creator, or *is* nature itself. It’s pretty clear to historians at least that Jefferson and Congress were being deliberately fuzzy – but in an inclusive way, to obviate the question of whether it is nature’s law, God’s law, or God’s law of nature that Americans claim to follow. The phrase invites everyone, not just Christians. For the disbeliever, nature comes first. For the believer, nature has a God that reigns over it.

Next there are the “inalienable” human rights that are “endowed by their creator.” This too ties rights to nature and through nature, to God.

Finally, there are two invocations in the final paragraph. Having set aside British authority, Congress is ‘appealing to the supreme judge of the world for the rectitude of its intentions.’ And in the last sentence, there is the better-known “firm reliance on the protection of divine providence.”

Ever since, Americans have disagreed about whether the Declaration – and thus the nation – are inherently sacred or secular, ecumenical, or Christian. If the ambiguity was intentional, then the diversity of interpretations themselves signals an original intent. The point here is that secular and pious readings have textual evidence. God is there, yet He is qualified, euphemized, placed in dependent clauses. The effect is, arguably, a compensation. When an enlightened nation destroys the king, does it destroy – or restore – the creator’s intentions or oversight? God doesn’t give the sovereign their power, as in theories of divine right. He is a source of natural rights, and, it is hoped, of justice in the world. He is arguably everything, arguably nothing, or nothing concrete and specific. It’s truly in the eye, or faith, of the beholder.

VIII. The Whining Way

The flip side of the Declaration’s mobilization of feeling, its creation of a community of hearts as well as minds, is its tone of complaint. Those disposed to think that the past might be better than the present, or that most if not all is right with the world, sometimes notice that despite the appeals to fellow feeling and “British brethren,” the Declaration spends so many words, and most of its powerful rhetoric, playing a blame game. In a memorable op-ed, the historian John Patrick Diggins, my esteemed predecessor at the City University of New York Graduate Center, called this the “pursuit of whining.” He compared it to contemporary advocates of affirmative action, by which he meant those who seek

redress for particular groups, as opposed to individuals, and more than implied that it was cynical, not based in principles but rather in interest-based power politics.

Diggins insisted that the pursuit of whining in the Declaration exists in conflict with the pursuit of equality for individuals. He took the loyalist position that the complaints of the revolutionaries were “spurious” covers for just wanting not to pay more taxes. Diggins himself was a master of rhetoric in the voice of self-evident reason: “The Declaration voiced America's first proclamation of victimology.... The very vocabulary of the document (‘harass,’ ‘oppress’ and so on) is consistent with affirmative action, where white racists and male chauvinists have replaced King George as the specter of complaint. Seeing themselves as sufferers to whom awful things happen, the colonists blamed their alleged oppressors and never acknowledged that they had any responsibility for the situation in which they found themselves.” Diggins is far from the only one to recognize the potential problem of founding a nation on grievances. In 2016, for the Fourth of July, New York Times writer Jessica Lustig asked pointedly, “are all ‘grievances’ created equal?” This recalled a letter to the editor written in response to Diggins by a Brooklyn College colleague, Anthony M. Stevens-Arroyo, who noted that one person’s whining is another’s pursuit of justice, that both the Declaration’s concern with equality and its complaints about injustice reflected “a common concern about participation in civic life” -- and that Diggins was whining himself.

The Declaration is a foundational text of American conspiratorial thinking about politics. Its most consistent theme is “usurpations” -- and whodunit. Insofar as the Declaration became a proof-text in American politics that could be quoted or evoked, it licensed accusations, true and false. This way of looking at and using the Declaration cannot be easily separated from the expansive and progressive protest tradition that has also found the Declaration useful and relevant. The Declaration ironed over some of the more daring claims made by colonists, in the streets and in the press, between 1764 and 1776. Nevertheless, it justifies protest by grounding it in history as well as nature.

IX. The Nationalist Way

The Declaration’s gestures to nature, to divine providence, and its tone of complaint are each part of its depiction of a community of fellow feeling. All rhetoric tries to create a community of agreement, but it is notably explicit, and

artful, in the Declaration – so much so that it can be seen as the document’s most important effect.

It’s important, though, that the Declaration doesn’t claim to create that community: instead, it presumes its existence. To be more precise: it creates the nation by insisting it’s just recognizing American reality. British oppressions (“human events”) have created that “we.”

Many of the Declaration’s first readers – and hearers, at the public readings that Congress sanctioned – understood exactly what was being called for: popular ratification, en masse, the only kind of legitimacy that would be credible. It wasn’t just John Adams’s now-famous and technically erroneous prediction in a letter that the second of July (the date when Congress passed the resolution calling for independence) would be celebrated with “Pomp and parade... forever.” Celebrations of the nation’s birth were anticipated, deliberate, necessary first responses to the Declaration. The new nation could not exist until the people spontaneously celebrated its existence in public and evidence of this happening all over the states appeared in print. A few days after New Yorkers heard the Declaration of Independence and toppled their equestrian statue of George III, a correspondent for a newspaper stated the self-evident logic of national birth – with an emphasis on national identity: “The fourth instant was rendered remarkable by the most important event that ever happened to the *American* Colonies; an event which will doubtless be celebrated through a long succession of future ages, by anniversary commemorations, and be considered a grand era in the history of the *American* states.”

The use of the plural for the colonies that, by the end, become states does not diminish the force of this American identity. From the beginning, the explicit inclusion of the “free and independent states” as parties to a compact that “united” them has led some to insist that the Declaration created only a confederation of states, not a nation. On the other hand, it is also very clear that on both the parchment and first printed copies that Congress acts in the name of the “United States of America,” even if their representatives in Congress were representing their states. In his Fourth of July addresses of 1821 and 1831 and later speeches in Congress, John Quincy Adams insisted that the Declaration was a national compact: it didn’t mention the individual states, and nothing about the division of sovereignty under the subsequent Articles of Confederation or the Constitution made the U.S. any less a nation. “Their union preceded their independence,” he insisted, both in reality and in the text itself. “It was the act of one people.” This was important to say in principle not just because a few states

were refusing to follow federal laws in 1831, but also because “in the history of the world, this was the first example of a self-constituted nation proclaiming to the rest of mankind the principles on which it was associated.”

That Adams could make the argument, and that he had to make the argument, shows that the Declaration has been a bedrock of American nationality – and that nationalism has had limits in a union of states. It was the beginning of a long history of arguments about the nation-state’s evolving federal structure and about the nature and content of American national identity.

X. The Racialist Way

There have always been those who insist that America belongs to the descendants of those party to the original compact. The nationalism and the populism of 1776 lend tremendous importance to presumptions of who precisely the people were, are, or can be.

The Declaration’s first paragraphs point toward human equality, but the twenty-seven complaints culminate in a different way, pointing toward divisions among Americans as well as with British people. The worst and most recent of the king and Parliament’s abuses are “waging war” on the Americans. And not just with an already occupying army and “mercenaries” from Europe, but by “circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous Ages.” This talk of barbarism sets up an accusation that everyone in 1776 would have understood as doubly racial: “he has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers the merciless savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.”

Since the beginning of the war the press in the colonies had contained predictions that the British would mobilize Africans and indigenous people against their colonial “brethren.” What could be more barbarous? In ancient times, “barbarians” had been people who spoke unintelligible languages and warred indiscriminately. Coming after an accusation that “fellow citizens taken captive on the high seas” had been forced to kill “their friends and brethren,” the Declaration grounds American identity in opposition to war crimes that had, as their epitome, joining with people of color and fighting like them in a supposedly different way than Europeans warred with each other.

At the very least, the “one people” invoked by the Declaration excludes loyalists, Africans, and Natives. There is no room here for Blacks and Indians who supported the patriot cause. There are only true American patriots, disloyal

brethren, merciless savages and domestic insurrectionists. Europeans had always seen the presence of large numbers of those people increasingly called “black” and “red” in the eighteenth century as part of what America different, what made it American. Now, a normative American identity declared itself as un-British, but simultaneously un-Black and un-Indian. If one doesn’t notice, it might be because it so quickly became common sense.

XI. Culmination: The Antislavery Way

The longest part of Jefferson’s original rough draft that the Congress decided to cut out denounced the enslavement of Africans, blaming it on the British. This passage would have come last, as the culminating demonstration of the state of war that made independence necessary. It isn’t nearly as well known as it should be. Because it isn’t actually in the Declaration, only scholars interested in Jefferson pay any attention to it. And even by them, it is usually dismissed as preposterous excuse-making. But in the context of national and racial ways of reading of the Declaration, it can help us understand why so many have insisted on reading Congress’s Declaration as antislavery even while others have seen it as racist and implicitly proslavery.

In the deleted paragraph Jefferson defines the slave trade as “cruel war against human nature itself” and uses the language of captivity, which has already been introduced as illegitimate and oppressive when Britons do it to sailors forced to serve in the Royal Navy. The capture and transport of Africans are “piratical warfare,” an “execrable commerce” – and then he mocks the “*Christian king of Great Britain*” for encouraging it, in what would have been the sole specific mention of Christianity in the document. This king has vetoed “every legislative attempt to prohibit this execrable commerce,” another demonstration of monarchy as bad government. And finally, worst of all, the king “is now exciting those very people to rise in arms among us.”

It’s easy and true to dismiss this as hypocritical, as pure smoke, coming from a Virginia plantation owner. But then why was it, even briefly, there?

It makes more sense if we remember the international audience. The patriots asked for sympathy, aid, alliances, and belief in their enlightened future. They wanted to be seen as innocent victims, not as the hypocrites that Tories were making them out to be, in part because of slavery. In his 1774 *Summary View of the Rights of British America*, Jefferson had made a similar move, claiming that it had been “the ardent wish of these colonies” to suspend the slave trade but that the king had refused to allow it. In the Declaration, this is implicitly one

of the examples of George III “prostitut[ing] his negative” on colony laws for unjust purposes.

Congress recognized that declaring slavery British rather than American – an example of ministerial tyrannies rather than propertied white liberties – and pronouncing the African slave trade to be war crime, would have created a clear precedent, even a promise, for abolition in the new nation. Too many, if not most, of the delegates to Congress weren’t willing to wager the future of slavery on the need for consistency or international approval of independence. Looking back, Jefferson would blame northern “carriers” of slaves, as much as their southern customers, for the missed opportunity.

Did writing yet erasing the paragraph enable Jefferson and his colleagues to have their antislavery sentiments and their slavery too? The forgotten key to understanding its presence lies in how the forgotten, erased screed – this American palimpsest -- displays every one of ten the ways of seeing the Declaration described above. Enlightened and republican objections to war and corruption and the prevention of good legislation; egalitarian sentiments; national distinctions; whining, to be sure – and a picture of a race war that might have just begun.

And, something else: natural, and national, rights – for Africans. Lost in the condemnation of the trade and the horror at domestic insurrection (the part that survived Congress’s red pen), we can easily miss that Jefferson has defined Africans as “MEN,” after asserting that all men are created equal and have natural rights. Jefferson, in his original intent, would have preserved the white American “us,” but he recognizes Africans as an oppressed people and explicitly compares these “oppressions” to those experienced by the Americans.

He proposed to solved the self-evident American hypocrisy problem that had become harder and harder to finesse with rhetoric, and he failed. But it was and is more than that. It was an attempt to preserve, if not return to, first principles, where the Declaration started. So Jefferson himself preserved the original draft, sent it to friends like James Madison and included it in his unfinished autobiography.

Where it comes to slavery, the Declaration is a palimpsest: a text composed and written over, with both racial, proslavery meanings and traces of original, contested antislavery intentions that can be seen, at a squint, if one is inclined to do that. Already in 1776, Lemuel Haynes, a Black former indentured servant from Massachusetts, wrote a speech he called “Liberty Further Extended” in which he cited “all men are created equal” with natural rights as the basis for

an argument against slavery as it existed. White antislavery activists followed suit, quoting the Declaration to call fellow patriots on their hypocrisy. Abraham Lincoln ratified this sense when he observed that the abstract language of natural rights and equality in the Declaration didn't do anything to actually establish independence: it was placed there by the Congress for "future use." Lincoln's original intent of the founders, then, was to apply the principles in ways they actually had not.

Americans fought a civil war in the 1860s over how to interpret the Declaration of 1776 as well as the Constitution of 1787. These disagreements have been difficult and sometimes even deadly. Bringing the Declaration back into the conversation has been one way of addressing what has been or ought to not to be American – including discrimination, corruption, and executive overreach. It really hasn't been a matter of whether original intent matters so much as which of many intentions to preserve or let fade.

The Declaration asks each of us to decide what is politically important as part of a common political process that makes, and remakes, the nation. The results have been at once centripetal and centrifugal: both out of many, one, and out of one, many.