Introduction

American independence from Great Britain was achieved on the battlefield, but the establishment of a new republic, conceived in liberty, was as much a product of the pen as the sword. As Thomas Paine, whose own pen contributed to the willingness of colonial Americans to take up the sword, wrote several years after the American Revolution: "[T]he independence of America, considered merely as a separation from England, would have been a matter of but little importance." It became an event worthy of celebration because it was "accompanied by a revolution in the principles and practice of governments."

This book is about the revolution in principles wrought by the pens of American statesmen, rather than the revolution won by the swords and flintlocks of American patriots. Although it is difficult, as a historical matter, to separate the two, my focus will be on the words and ideas used to justify the revolution, and their enduring impact on the "Course of human Events," most particularly the rights of men and women throughout the world.

I have always been intrigued by the Declaration of Independence. Though an important document of liberty, it is a hodgepodge of political, religious, and historical theories. It invokes the laws of nature, as if nature speaks with a single moral voice, and the law of nature's silent God, rather than Christianity's God of revelation. It describes rights as "unalienable" and declares that "all Men are created equal," and yet it presupposes the continued enslavement of men, women, and children who were certainly being denied the unalienable right to liberty "endowed" to them by their Creator. From these natural and God-given rights, the Declaration shifts effortlessly to social contract theory, declaring that governments derive "their just Powers from the Consent of the Governed" rather than from some natural or divine law. The document then moves to a series of alleged wrongs committed against the colonists by the king. Some are profound, such as rendering the military superior to the civil power and denying the benefits of a trial by jury. Some seem trivial, even whiny, such as creating new offices "to harrass our People, and eat out their Substance." Yet other descriptions of wrongs are shameful in their overt racism, such as the reference to "the merciless Indian Savages, whose known Rule of Warfare, is an undistinguished Destruction, of all Ages, Sexes and Conditions." Finally, it invokes the claim of "necessity," then proclaims "a firm Reliance on the Protection of Divine Providence" and pledges the lives, fortunes, and sacred honor of the signers to the cause of independence.

In light of this oft-conflicting rhetoric, it should come as no surprise that its words have been wrenched out of con-

text by partisan pleaders to promote parochial causes. Natural law advocates point to the "Laws of Nature." Libertarians focus on the claim of unalienable rights, especially that of "Liberty." Most recently those who would break down the wall of separation between church and state try to use Thomas Jefferson's own words as battering rams against the structure he himself helped to build. Despite the fact that the Declaration expressly eschewed any mention of the Bible—since some of the most influential of our founding fathers were deists who did not believe in the divine origin of the Bible—modern-day advocates cite the Declaration's invocation of "Nature's God" and "Creator" as proof that we are a Christian or a Judeo-Christian nation founded on Scripture.

In the pages to come, I will examine the various intellectual, religious, and political currents that run through this complex and often misused document of liberty and explore its appropriate place in our structure of government.

This book seeks to reclaim the Declaration for all Americans—indeed, for all people who love liberty and abhor tyranny both of the body and the mind. A review of the history, theology, and political theory underlying the Declaration of Independence will demonstrate that its purpose was not only to provide a justification for our separation from England but also to provide a foundation for a new kind of polity based on "the Consent of the Governed" and, as Jefferson later wrote, the "unbound exercise of reason and freedom of opinion." The Declaration itself was as revolutionary as the course of conduct it sought to justify

to "the Opinions of Mankind." Yet we must exercise considerable caution in extrapolating the words of the past to the issues of the present. As I will try to show, the very meanings of words and concepts change markedly with the times. As Oliver Wendell Homes Jr. wisely observed, "a word is not a crystal, transparent and unchanged; it is the skin of a living thought and may vary greatly in color and context according to the circumstances and time in which it is used." Even words as apparently timeless as "God," "nature," "equal," and "rights" convey somewhat different meanings today than they did in 1776.

But first, a brief word about the actual revolution that was the particular subject of the Declaration will place that document in its historical, political, and military setting. The Declaration of Independence, as we all know, was approved on July 4, 1776, but the struggle for independence began well before that iconic date and was to continue for some time thereafter. Historians disagree as to the specific event that marked the beginning of our revolution, since there was no formal declaration of war or any other specific signpost on the long road to separation. Some go back as far as the Boston Massacre of 1770, while others point to the Boston Tea Party in 1773. Most focus on the first actual battle between British soldiers and American patriots, at Lexington and Concord in 1775, where "the shot heard round the world" was fired. The reality is that, as with most complex historical epics, there was no singular event that marked its commencement. The American Revolution was an ongoing process, as the British would surely have argued had they won the war and placed our

revolutionaries—from Samuel Adams to James Madison—in the dock for treason.

Among the most prominent defendants would have been those courageous men who evaded British arrest and made it to Philadelphia to attend the First and Second Continental Congresses, in 1775 and 1776. The actual resolution by which the Continental Congress officially voted to separate from Great Britain—the primary overt act of treason—was submitted on June 7, 1776, by Richard Henry Lee (hardly a household name) and was approved on July 2, 1776 (hardly a memorable date). It was an eminently forgettable bare-bones resolution that simply affirmed what everyone already knew to be the fact: that, as Thomas Paine had correctly observed, the period of debate was over and the time had come to declare that "these United Colonies are, and of Right ought to be, Free Independent States, that they are absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great-Britain is and ought to be totally dissolved."

The Declaration of Independence, approved two days later, was, essentially, an explanation and justification for the action already taken. It was analogous to a judicial opinion delivered several days after the actual judgment had been rendered by a court.

The Continental Congress decided on this bifurcated approach in early June 1776, when, following the introduction of Lee's resolution, it appointed a committee to "prepare a declaration to the effect of the said first resolution."

Thomas Jefferson, John Adams, Benjamin Franklin, Roger Sherman, and Robert Livingston were appointed to serve on the committee. There is some disagreement as to how Jefferson came to draft the Declaration. Adams recalled that Jefferson had proposed that the two of them jointly produce a first draft, but that he deferred to Jefferson because the younger man was a better writer—"you can write ten times better than I can"—and a Virginian. Adams also believed that he himself was "obnoxious, suspected, and unpopular," while Jefferson was "very much otherwise." Jefferson remembered it differently. The committee simply chose him to draft the Declaration: "I consented: I drew it [up]."

There is no disagreement about the fact that Jefferson did compose the first draft and that most of the words of the final document—including its most memorable ones—were his. In his biography of John Adams, David McCullough described the drafting process:

> Alone in his upstairs parlor at Seventh and Market, Jefferson went to work, seated in an unusual revolving Windsor chair and holding on his lap a portable writing box, a small folding desk of his own design which, like the chair, he had specially made for him by a Philadelphia cabinetmaker. Traffic rattled by below the open windows. The June days and nights turned increasingly warm. He worked rapidly and, to judge by surviving drafts, with a sure command of his material. He had none of his books with him, or needed any he later claimed. It was not his objective

> to be original, he would explain, only to "place before mankind the common sense of the subject."

In Jefferson's own view, his draft of the Declaration neither aimed at "originality of principle or sentiment, nor yet copied from any particular and previous writing, it was intended to be an expression of the American mind, and to give to that expression the proper tone and spirit called for by the occasion."

While Jefferson was busily writing the words that would help define our new nation—if it were to prevail on the battlefield—George Washington was receiving word that a British fleet of 132 vessels had sailed from Canada and was expected to attack New York. Another 53 warships were approaching Charleston, South Carolina. The most powerful armada and the greatest army ever to reach this continent were poised to attack our cities and seaports. As the historian Joseph J. Ellis reminds us, the members of the Continental Congress were "preoccupied with more pressing military and strategic considerations in the summer of 1776 and did not regard the drafting of the Declaration as their highest priority." But for the man assigned to draft it, nothing could be more important.

Jefferson understood that the immediate purpose of the Declaration was to aid the war effort, both by rallying the troops and in soliciting the support of potential allies. But he had a longer view of the Declaration's ultimate purpose. In a 1826 letter he wrote to the chairman of the 50th anniversary celebration of American independence just days before his own death, Jefferson explained that he

intended the words of the Declaration to be "to the world . . . the signal of arousing men to burst the chains under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of self-government." In the ensuing chapters we will try to understand what Jefferson, and those who edited and ratified his draft, meant by these ambitious ideas. We will also see how difficult it is to invoke words written at one point in history as definitive guides to the resolution of issues that divide a very different people at a very different time, and yet how important it is to remain inspired by the revolutionary spirit that animated these powerful words and ideas.