

The *Declaration of Independence* and Interpretation

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The *Declaration of Independence* is the founding document for the United States of America. The founding generation simply declared, through the pen of Thomas Jefferson, their independence from England and the reasons supporting their action. The document is concise and clear, and readers should have no problems understanding its simple message. However, from the very beginning of the nation, Americans have varied widely in their estimations of its place in American development and their interpretations of its meaning. As America enters an era seen as being "post-modern," Americans are more disparate in their views of the *Declaration* than in any other time in their history. Scholarship has devoted much effort to the *Declaration*, but, instead of clarifying understanding, it has multiplied the number of views. The dominant perspectives in approaching the *Declaration* are found in the areas of history, political theory, linguistics, and style. Each area of study and variations within each area yield different results when considering the *Declaration*. Though a comprehensive survey of all perspectives is beyond the scope of this paper, a brief and partial survey of current thought in each field will illustrate the differences in the fields when interpreting the *Declaration*.¹

History

In the last decade of the twentieth century, the *Declaration of Independence* is innately a historical document, and most discourses about it reflect a historical method to some degree. Three methodological schools—universalism, contextualism, and post-structuralism—encompass most efforts at historical interpretation. Universalism holds to the notion that a great text can transmit timeless ideas and transcendent truths. In explaining the universalist approach, John Patrick Diggins uses the metaphor of a pearl, reminiscent of a parable by Jesus of Nazareth. Diggins argues that we can appreciate the jewel without knowing the forces of nature that produced it. The pearl corresponds to an idea in a text. As a pearl continues to be a jewel when removed from the oyster that produced it, so an idea continues to have meaning outside of its originating context. Accordingly, universalists resist rigid adherence to context.²

Contextualism stresses the formative context of a text and the intent of the original authors. Contextualists contend that universalists distort history and any valid understanding of a text. As an answer to the pearl metaphor, contextualists maintain that true meanings cannot be transferred beyond their particular moments of origination. Post-structuralism, the most recent

school, is allied with universalism in opposing contextualism. Post-structuralists argue that original authorial intent is unknowable and should be dropped as a subject of enquiry. Context does not fare much better. As context is studied, it becomes broader and broader till an enquirer is awash in a sea of contextual material, much of which can never be recovered. But post-structuralists are not friends with universalists since they do not accept the possibility of transcendent truths being passed on in historical texts. Richard Rorty expresses the post-structural perspective when he asserts that words may be persuasive but do not establish objective reality or timeless truth. A reader can derive insight or guidance from a text without attaining truth in contextual or timeless form. In fact, the post-structural paradigm subverts all scholarship aimed at finding reliable truth whether factual or philosophical.

Without identifying all contentions among the three methodological schools, an examination of their impacts on interpretation of the *Declaration* discloses limits in each. Universalists view the *Declaration* as a set of principles that are timeless in themselves and that should be held to timeless standards. By judging Jefferson's intentions and discovering autonomous meanings in the text, readers can disclose transcendent truths. Adrienne Koch and Diggins are representative of the universalist school. Koch assumes that American democracy was transcendently significant since the Enlightenment spirit passed from Europe to America through the *Declaration*. Koch draws upon the metaphorical tradition of the shining city on a hill that tied American development to the rest of humanity. Though her emphasis on the experimental nature of American democracy smacks of pragmatism, Koch's overall search is for timeless ideals.

Diggins does not share Koch's warm appraisal of the American Enlightenment and the *Declaration*. He applies a universalist approach that is highly critical of thought in the *Declaration*. Diggins reproaches Jefferson for a weak view of virtue in a republic and condemns his scientific morality, which Diggins traces to the Enlightenment and Deism. Instead of a glorious transmigration of the Enlightenment soul from Europe to America through the *Declaration* and American Revolution, Diggins suggests that the soul of American politics was lost. When Diggins compares the *Declaration* to the set of transcendent truths that he discerns in Christianity, he finds failure in Jefferson at a transcendental level. But Diggins does not stress comparison with a Christian view, rather he focuses on the contrast between Jefferson's views and classical republicanism. Diggins disagrees with Gordon Wood who interprets the *Declaration* as part of an effort to establish an organic republic in an classical Aristotelian tradition.³

The virtue of the individual held a central place in Jefferson's writings which partly leads Diggins to question that he was a classical republican. In Diggins' view, Jefferson's faith in individualism, self-sufficiency, and limited government was at odds with republican theory and placed virtue in a private realm. As a result, when Jefferson wrote about the "pursuit of happiness," he distorted the meaning of the phrase from the public basis that Aristotle posited. Diggins accuses Jefferson of incoherency and of eclipsing American politics. At this point, Diggins departs from a purely universalist approach as he considers the context of Jefferson's other writings. However, Diggins' total enterprise deals in transcendental ideas as he discloses Jeffersonian thought in the *Declaration* and compares it with timeless concepts in republicanism

and Christianity. Most universalists, like Koch, find positive truth in the *Declaration* that they hope will influence the world of the present. Though Diggins is not favorable toward Jefferson's ideas in the *Declaration*, he is seeking universal principles.⁴

Contextualists have as many conflicting interpretations of Jefferson's intended meaning in the *Declaration* as the conflicts in the other two schools. Paul Conkin concentrates on Jefferson's use of natural law arguments and the ubiquity of natural law thought and expression among colonists at the time of the Revolution. Conkin discerns an ethical tradition from the Greeks, to Aquinas, to Locke, and to Jefferson. For Conkin, it is clear that Jefferson's words about the "unalienable rights" of individuals against oppressive governments and about "self-evident" truths are a continuation of natural law discourse. Morton White also looks to natural law tradition but comes to different conclusions about Jefferson's place in it. White focuses on the term, "self-evident." An old philosophical tradition dating to Aquinas teaches that a truth that is self-evident to some is not to others. An example is a truth that a learned man might see that an unlearned, especially illiterate, man would miss. White discerns, among the leaders of the revolution, evidence of a belief in this unequal capacity to reason. He concludes that the *Declaration* had elitist implications that left the door ajar for oppressive government while seeming to oppose it. Clearly, Conkin and White disagree about an important element of the context of the *Declaration* and thus their conclusions. Some contextualists would argue that the need is to better understand Jefferson's immediate context and to examine revolutionary tracts and other writings. In *The Ideological Origins of the American Revolution*, Bernard Bailyn does just that. However, even after an examination such as Bailyn's, the disagreement between Conkin and White cannot be settled. As the post-structuralists claim, there is no end to context, and broadening the context confuses, rather than clarifies, a question of intention. Interestingly, though there has been little agreement on specific issues of intent, contextualists still accept the basic tenet that original intent is discoverable.⁵

Post-structuralists contend that a text suggests possibilities that an author never intended and may never have imagined. Sifting through these possibilities is a creative act of interpretation that occurs in the life of a text and cannot be avoided. Post-structuralists put the creative nature of text interpretation to the fore since objective truth cannot be found. Putting the *Declaration* in historical context compounds the task of interpretation for a reason additional to the one already considered. The multiplication of contextual texts translates into a multiplicity of interpretations since each text also goes through a process of creative understanding. It is at this point that post-structuralists and universalists coincide in urging that texts must be autonomous and not understood in their contexts. This agreement in no way abridges their fundamental disagreement between universality and relativity of truth. In terms of the *Declaration*, the difference is most poignant when interpreting "rights." Rights, as seen by universalists, link humans to a nonhuman reality. Something beyond humans demands that people be allowed inalienable rights that no human is authorized to abridge. Post-structuralists see no point in striving to understand something beyond reach. While the rhetoric of rights may be persuasive and important, rights are merely rational conventions that can be superseded in shifting circumstances.

The limits of the three methodological schools determine the goals of the different lines of historical enquiry into the *Declaration*. The universalist method sees the *Declaration* as

embodying a set of principles. In trying to discover timeless standards, universalists judge Jefferson's intentions on one hand and the autonomous meanings within the text on the other. The contextualist method seeks to eliminate the distorting influence of presentism and to evaluate the *Declaration* on its own terms. Once the true meaning, namely, Jefferson's original intent, is discovered, it is already a dead fact that existed in the contingency of its genesis. The post-structuralist method abandons hope of discovering truth and simply seeks to accept the *Declaration* as a persuasive text. In the study of the *Declaration*, political theorists have a perspective different from historians.⁶

Political theory and jurisprudence

When political theorists, from both political science and jurisprudence, consider the *Declaration of Independence*, they look at it within the larger scope of early American political thought and theory. The *Declaration* is obviously a crucial document in the formation of American politics. What is not so obvious is its relationship to the developmental process of the American political system and, in particular, to the *Constitution*. In recent decades, the specific relationship of the *Declaration* to the *Constitution* has dominated the foreground of discourse about the *Declaration*. The purpose has been to delineate principles by which courts should interpret the *Constitution*. Two main views, that can be termed as conservative originalism and liberal nonoriginalism, have captured the spotlight.⁷

Conservative originalists argue that the original intent of the Framers should be the determinative principle in constitutional interpretation. To discover original intent, they must determine the milieu of thought and the historical context in which the *Declaration* and *Constitution* were drafted. The only way to give meaning and life to original intent is to construe it "in light of the moral and political principles" from which it arose. The most important times on which to focus are the moments of drafting and ratifying the two documents—that is, determine what the Framers intended as they actually wrote, edited, and agreed upon these documents. Conservative originalists contend that the Supreme Court should enforce only the rights found in original intent. The *Declaration's* "unalienable rights" should be construed narrowly and carried over to the "Bill of Rights." These conservatives are combating a long history of liberal court decisions and judicial activism.⁸

Liberal nonoriginalists opt for judicial discretion. They see the *Constitution* as a living document that grows and adapts to succeeding generations and changing issues. Justices must have latitude to interpret the *Constitution*, particularly in the area of rights, to meet developments that the framers did not and could not foresee. In this view, the *Declaration* is a beginning point for political theory which took its single most important step in the *Constitution* and is perpetuated by Justices in the tradition of judicial activism. Conservatives believe that liberal nonoriginalism endangers the rule of law by opening the *Constitution* to personal bias and allowing Justices to decide by fiat.⁹

Conservative originalism tends to make the *Declaration* equal with the *Constitution* in respect to the original intent of the Framers. The *Declaration* is considered a key text expressing that intent. Liberal nonoriginalism minimizes the importance of the *Declaration* and understands the text as marking a starting point, not as expressing crucial political principles. Recently, another view, called liberal originalism by Scott D. Gerber, has gained attention. Though the nomenclature might be new, the ideas in it have always found room, varying in accommodations, in American political theory. Liberal originalism stresses the primacy of the *Declaration* in theoretical discourse and constitutional interpretation.¹⁰

Liberal originalism anchors constitutional interpretation in natural rights as expressed in the *Declaration*. When the *Declaration* speaks of "unalienable rights" including "life, liberty, and the pursuit of happiness," the founders were not just expressing a thought to get America started, as the liberal nonoriginalists claim. Also, such words have more meaning than just an original intent of a group of men to authoritatively guide political thought and development, as conservative originalists contend. These words in the *Declaration* are part of and a continuation of a metadiscourse on natural rights. John Locke, an intellectual ancestor of the founders, was the most prominent spokesman for natural rights in the direct lineage of American political leaders of the Revolution. Next to the Bible, Locke's writings were the most quoted source in revolutionary literature. In the view of liberal originalists, the Framers were disciples of Lockean natural rights theory, and, more importantly, they reified natural rights in the *Declaration* and guaranteed them in the *Constitution*.¹¹

Intent is important to liberal originalism, but not as important as to conservative originalists. Liberal originalists seek to discover original intent only to the degree to which they can better understand the American flavor of natural rights embodied in the *Declaration*. Natural rights theory in general is a transcendent theme that informs all understanding of the *Declaration* and its place in political thought. At the point of understanding natural rights, as implemented in America, liberal originalists share a common method with conservatives in assessing the context of the *Declaration*. Whereas conservatives are content with conclusions about original intent, liberals jump to transcendent natural rights and use the conclusions found in context to inform theorists about natural rights development in America. Ellis Sandoz sees the *Declaration* as "the rearticulation of Western civilization in its Anglo-American mode" and as a summary of American political theory. The *Declaration* is the eminent expression of natural rights in American political documents and qualifies as the preeminent document of American political theory. Consequently, jurists must submit their interpretations to the transcendent filter of natural rights as colored by the *Declaration*. For liberal originalists, the text of the *Declaration* emerges from its context and becomes autonomous.¹²

Since both conservative and liberal originalists look to the context in which the *Declaration* was written, some political theorists are content to limit their inquiries to the political persuasions of the founders. The position that Lockean theory held in the minds and writings of the Framers inevitably comes up in such studies and is usually the focus. A common question studied is whether Jefferson was a conduit from Locke to the *Declaration* for natural rights thought. Long tradition places Lockean ideas in the very center of American revolutionary thought because Locke was the writer who linked natural rights to revolution—the kind of

revolution that Americans accomplished. By the middle of the twentieth century, theorists had come to refer to this tradition as the "Lockean consensus" and proposed that American revolutionary leaders entertained a consensus in political theory. The idea of a Lockean consensus downplays disparate voices in the literature of the time. In reaction to this consensual stranglehold on scholarship, many researchers responded with a republican philosophy. They contended that Jefferson reflected a classical republican tradition that extended back through Rome to Aristotle. In this tradition, freedom and rights were tied to civic participation instead of individual pursuits. The once prevalent understanding of the *Declaration* as establishing a liberal creed of individualism was replaced by a conservative republicanism. Proponents of this republican view say that, throughout American history, Americans have simply misunderstood the theoretical base of their political system. Instead of finding liberal concepts of individualism, property, and happiness in the *Declaration*, these republicans find a stress on civic virtue in the tones of Aristotle and Machiavelli. Though this new republicanism overthrows much traditional thought, it has been a potent force in American political theory for more than a quarter of a century.¹³

Recent political theorists have sought to integrate traditional views with the evidence produced by classical republicans. A significant contingent of scholars, especially Jeffersonian, never doubted a connection between the founders and Locke. Consistent with these scholars, theorists have replaced the strangulating tone of "Lockean consensus" with a "Lockean sympathy." In this revised sympathetic view, Locke's influence is allowed without being determinative. A multitude of voices among revolutionary leaders have places without creating a cacophony of beliefs that defies understanding and synthesis. "The early Americans were not programmed with a unified political theory by a language paradigm or any single writer." The sympathetic view recognizes the importance of language in shaping views of reality and actions based on those views. In reference to the *Declaration*, natural rights language did not determine the declaration or the political events set in motion by it. However, natural rights language obviously influenced the *Declaration* and American political developments in a complex interaction within the context of the time and cannot be equated with present liberalism.¹⁴

Jurisprudence considers specialized issues within political theory, and recent jurists have emphasized the *Declaration* and natural rights. In the past, the *Declaration* has not greatly influenced the Court in interpretation of the *Constitution*, and few decisions refer to it. A recent group of jurists argue that the *Declaration* should be a key document and that natural rights should be guiding principles in constitutional interpretation. Robert J. Reinstein, in making his argument, extends context for the *Declaration* into its future instead of its past. The *Constitution*, as written, did not fully embody the *Declaration* because the Framers skirted the issue of slavery for the sake of founding a new country. "The founders denounced slavery, but they were not prepared to challenge it in the Constitution. The compromises in the Constitutional Convention over slavery were deemed essential to preserving the union." But the issue of rights and freedoms did not end with the ratification of the *Constitution*. Early in the new nation's history, many people, particularly anti-abolitionists, supported a main-stream argument that the Due Process Clause of the Fifth Amendment guarantees the *Declaration's* natural rights against Congress for all citizens of the United States, born or naturalized. The *Declaration* became the secular credo

of abolitionists and the unifying document for the Republican Party. The southern States did not accept the argument and seceded.¹⁵

After the Civil War, many Republicans believed that they must complete the task of the founders, that is, do what the founders would have done except for slavery. In 1866, Republicans passed a Civil Rights Act that enforced, by law, the *Declaration's* doctrine of equal rights. In 1868, they enacted the Fourteenth Amendment that put the principles into the *Constitution*, the supreme law of the land. Some senators wanted to transplant the plain words of the *Declaration* into the Fourteenth Amendment and avoid tortuous legalese. Regardless of the language used, the amendment implemented more fully the principles of the *Declaration*. Further, it added an Equal Protection Clause that guarantees equal treatment, a right not in natural rights theory. Reinstein argues that the Gettysburg Address and the Equal Protection Clause retroactively gave new meaning to the *Declaration*. Hence, the future context of the *Declaration* adds meaning to it and to natural rights theory. Since the founders would have completely incorporated the *Declaration* in the *Constitution* and since Republican Reconstructionists did so, then the Court is bound to enforce the intent and actions of the Legislature. Reinstein concludes that the Court must honor the *Declaration* and natural rights theory when interpreting the *Constitution*. As noted, political theorists differ from historians in their approaches to the *Declaration*, and pragmatists differ from both.¹⁶

Pragmatics

Benjamin Lee approaches the *Declaration of Independence* from the perspective of pragmatics with a stress on context, self-reference, and intentions makes that his discussion particularly relevant. According to Lee's argument, the *Declaration* announced the formation of a sovereign people. Today, that announcement does not strike readers as stunning, but, in 1776, the idea that a nation embodied and represented a sovereign people was startling. John Locke had taken a logical step in the seventeenth century toward the idea when he proposed a social contract as a basis for society, but he did not remove God as the source. Americans, searching for a valid basis for independence, relocated the performative source for a new nation in the people who formed a social contract. The crucial moment came when American leaders created a new structuring consciousness for a new nation in the writing and signing of the *Declaration*. The availability of print capitalism was critical to the emergence of this new consciousness.¹⁷

Earlier ideologies of printing constructed the printed page as merely the extension of face-to-face communication. However, in the bourgeois public sphere, reform minded people began to understand the potential of unlimited dissemination. A print-mediated discourse was much more expansive than the world of letters that learned people often exchanged. Even when these same people wrote for a broader audience, their style, similar to their letters, was to disclose personal thoughts. The Americans who produced the *Declaration* perceived the transformation of written communication to a potentially limitless discourse in which narrated texts assert themselves long after the print on the page has dried. The Framers intended for the

Declaration to be read aloud to all people across the colonies. As the text was read over and over, the Framers counted on an independent life in the text that involved readers in the creation of a national consciousness of independent people.¹⁸

Lee's observations about the potential of the print media reflects a context oriented approach, but it is different from contextualist method of historians. Contextualists look to the context of ideas, as preserved for the historians gaze, for the purpose of understanding what was in the minds of the Framers, particularly the mind of Jefferson. Lee's pragmatic approach looks at the context of the process, and asks how the interaction of the text with readers influenced communication. A historian following a contextualist approach seeks a static understanding of Jefferson's intent at the time he penned the *Declaration*, whereas a pragmatic approach looks at the context of a dynamic process to determine how it influenced communication. The approaches are not mutually exclusive. To the contrary, they complement each other. Pragmatics is an approach to discourse that deals mainly with three concepts: meaning, context, and communication. The approach of the contextual historian could help a pragmatist in working with meaning. The approach of the pragmatist could aid a historian in evaluating the dynamic context of the times and, thus, in determining causal relationships among historical events. In the specific case of the *Declaration*, a better appreciation of dynamic interpretations among the people of the time would help clarify the degree to which it was related to the *Constitution* as it was actually drafted and ratified and the degree to which it was involved in the shaping of national identity. This question about national identity is how historians frame one question with which Lee deals, namely, the structuring of a new consciousness among the colonists.¹⁹

As Lee deals with the forging of a new identity for Americans, he considers context a bit more. According to Lee, it is now difficult for readers to understand the impact of the *Declaration* "as ushering in a new social form of modernity." Americans gave a new and modern definition to the word, "revolution." With the *Declaration* a new epoch in history was beginning with a new story that had never been told before. The "meaning of its plot became manifest to actors and spectators alike." Lee agrees with the historian, Edmond S. Morgan, who asserts that people rely heavily on fictions that they routinely call by exalted names and "may proclaim . . . as self-evident truths." Fictions are so important that we keep them alive by moving the facts and making the world conform more closely to what we want it to be. Ultimately, "the fiction takes command and reshapes reality." In the case of the founding fathers, they invented a new sovereign people with a newly structured consciousness. Lee briefly explores the crisis of those men who constituted a new government while being unconstitutional themselves. After considering the immediate crisis brought about by their declaration of independence, Lee stresses the text from then on. His pragmatic orientation manifests itself in distinction to that of a historian. He treats the text as autonomous which allies him with universalists and post-structuralists.²⁰

As mentioned, the context of a pragmatist differs from the context of a contextualist, and Lee moves into overtly linguistic considerations of the *Declaration*. The crisis for the Framers was a vicious circle of foundation and legitimation. A basic question was who could sign with a declarative act to found a new institution in government? The "we" of the declaration speaks in the name of the people, but that people does not exist yet. The way out? The signature invents the

signer, or the signer invents himself retroactively. Jacques Derrida argues that the constative is a linguistic necessity inherent in every performative event of legitimation. Thus, the founding moment of the *Declaration* contained its own constative backing. Performativity and constativity continue to be inextricably intertwined as the "we" of the *Declaration* becomes the "we the people" of the *Constitution* which becomes a key text for the founding moment of the *Declaration*. The *Constitution* authorizes its own continuous revision, and each revision further establishes the authority and validity of its author, "we the people." Every act amending the *Constitution* retroactively reaffirms the "we" of the *Declaration* which thus announced and created a new people. With such statements, Lee has moved away from the prosaic descriptions of the founding documents provided by traditional historians.²¹

Performatives have another important quality. They are self-referential. They refer to the realities that they themselves constitute. They create the act to which they seem to refer. The "we hold" and the "we . . . do formally publish and declare" of the *Declaration* and the "we the people" of the *Constitution* are one self-referential subject. This "we" establishes necessary political authority that derives directly from the pure performativity of the people in promising and making social contracts. The ratification process knowingly chose constitutional conventions instead of State legislatures as the authoritative voice of the people, the "we" of the *Constitution*. The goal was to allow the *Constitution* to rest on the people and not be at the mercy of the States. Thus, the text became the embodiment of the people. The *Declaration* announced and created the people, and the *Constitution* cataphorically embodied or instantiated them. Though differences in the people can be identified during the process, one self-referential people began and consummated a creative act. The *Constitution* refers to the twelfth year of independence and links itself to the performative moment of the *Declaration*. The reference indicates the continuity of the "we" in both documents. Lee concludes that "the mixture of oral and textual models of performativity are at the heart of the authority and legitimacy" of a new constitutional people.

Lee also looks at the structure of the *Declaration* and maintains that it follows a speech act model of performativity that comports well with the practice of being read aloud. The structure of the document moves from the general to the performative. The opening sentence frames itself "in the course of human events." An unidentified "we" holds certain "truths to be self-evident." This self-referent is not disambiguated until the end where the "we" is clearly delineated as the "people of these colonies" who "solemnly publish and declare" their independence and, inescapably, their existence. The performative is signaled by the use of metalinguistic verbs: publish, declare, and pledge. The linguistic structure of the document points to the performative moment of speaking and signing. Lee asserts that both the linguistic and rhetorical structure of the document indicate that it was meant to be read aloud. The rhetorical structure enhances the performative at the end by setting out necessary conditions that must be true. The linguistic structure contains its performative and constative from the very beginning. Descartes' performative, "I think, therefore I am," was that he thought which contained his constative. The *Declaration's* performative is that "we hold" which is America's constative.

Style

All of the approaches to the *Declaration of Independence* considered so far count context as important, and some make context the critical issue. Though the pragmatic approach considers context, it stresses linguistic and philosophic points. In de-emphasizing context further, we come to a stylistic approach. Stephen E. Lucas looks at the "stylistic artistry" of the *Declaration*. He probes microscopically at the levels of syllable, word, phrase, and sentence. The main context that he considers is the prevalent writing style of Jefferson's time. From his comparisons of style, Lucas concludes that the *Declaration* is a masterful work of political prose style consonant with eighteenth century composition. His detailed examination of the text of the *Declaration* yields different information from the perspectives considered so far.²²

Concerning the *Declaration*, Lucas' goal is to "shed light both on its literary qualities and on its rhetorical power as a work designed to convince a 'candid world' that the American colonies were justified in seeking to establish themselves as an independent nation." The *Declaration* consists of five logical parts: introduction, preamble, indictment of King George III, denunciation of the British people, and conclusion. The introduction is a paragraph made up of a single, lengthy, periodic sentence. Taken out of context, the sentence could begin any declaration by any oppressed people. In context, it lifts the American cause from a petty squabble to a major event in world history. Instead of the *Declaration* being merely a persuasive tract in a political dispute, the introduction redefines itself as declaring transcendent philosophical truth applicable to all people. An important word is "necessary" which transforms the Revolutionary drama into events that are determined for Americans. They are compelled to do as they are doing and cannot debate the propriety of the actions. The Revolution is inescapable, and Americans can only declare events. "Necessary" alludes to the English Civil War of 1642 when Parliament declared the "necessity to take up arms." Not only are the Americans acting in the grand tradition of English freedom, they are justified by the law of nations which allowed recourse to war only when it was necessary. And, it was necessary "for one people to dissolve the political bonds which connected them to another." This declaration declared that the confrontation was necessary war, not just civil war.²³

The preamble is also universal in scope and sets forth a philosophy of government that justifies revolution. It serves well as a one paragraph distillation of John Locke's *Second Treatise of Government* and is "brief, free of verbiage, a model of clear concise, simple statement." The preamble consists of five propositions that expressed political principles commonly held at the time. The style conforms to the concept of the time that text was speech written. Jefferson was a student of rhythm, accent, timing, and cadence in discourse, and his learning produced a majestic example of an eighteenth century style called Style Periodique. The sum effect of the preamble is to establish the right of revolution against tyrannical authority.²⁴

After framing American independence and revolution as a major scene in the drama of Western history, the *Declaration* gets down to specific indictments against King George III. The accusations are based in actual events but are worded vaguely so that response is difficult. John Lind prepared a British response that exposed many charges as being flimsy at best, but his

response took 110 pages. The *Declaration* was less than two dozen sentences and easily carried the day as the more effective rhetoric and propaganda.

The denunciation of the British people is artful and simple. The closing words, "enemies in war, in peace friends," are a particularly effective chiasmus that provides a way to dispel enmity among the two peoples. By the time the *Declaration* ends with its pledge of lives and "sacred honor," a crucial metamorphosis in the text is completed. The *Declaration* begins with a philosophic and impersonal voice. It ends in personal terms expressing the inherent tensions of a major historical drama. To satisfy Kenneth Burke's dramatic language, the *Declaration* had to make the transition. The introduction and preamble did not satisfy or setup all five elements necessary for true drama: scene, purpose, act, agent, and agency. The first two sections only established the scene, America, and agency, the *Declaration*, for the revolution. If events were determined as the first two sections avow, there could be no purposeful action by agents—only inexorable motions of fate. By the end of the *Declaration*, there are agents, the American people, who are acting with the purpose of righting the wrongs being done to them by a tyrant. If people are going to grasp and adopt the drama of the American revolution, then all elements must be present. If any element is missing, people will not fully accept the presentation. Not only is the *Declaration* artistic in its style, but it succeeds admirably in drawing people into the drama of the American revolution.²⁵

Conclusion

Representative thought from history, political theory, linguistics, and style have been considered. Each perspective has presuppositions and approaches that yield valuable insights into the *Declaration of Independence*. Most people who approach the *Declaration* have a purpose or goal in coming to grips with it. Few people have a need or inclination to understand every aspect of the *Declaration* and its impact on American life. In the interest of efficiency, people should choose the school of thought that is most likely to answer their questions. For example, a person wanting to evaluate the *Declaration's* place in guiding principles for human life would look to universalism in history or to liberal originalism in political theory. Or a person wanting to understand philosophical issues such as the ontology of America would turn to a field such as pragmatics.

Though the fields vary, there are overlaps. The three schools of historical thought correspond to the three schools of political theory: universalism and liberal originalism, contextualism and conservative originalism, and post-structuralism and liberal nonoriginalism. Though these approaches correspond in important ways, the goals differ. Historians seek to fit the *Declaration* into the American narrative. Political theorists want to find the *Declaration's* place in a dynamic political process. In general, pragmatics deals with linguistic issues, and, in particular, with philosophical issues of existence, authority, and communication. The perspective of style looks at the *Declaration* as a part of literature and composition. One factor is common to

all four fields: context. Each field looks at the *Declaration* in the context of its origination. The specifics being sought vary, but context remains important. Apparently origins are important to Americans. The all-time bestseller in America is the Bible which begins with "In the beginning, God made" which is found in *Genesis*, a book of origins.²⁶

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Bibliography

- Appleby, Joyce. "Recovering America's Historic Diversity: Beyond Exceptionalism." *Journal of American History* 79 (September 1992): 419-431.
- Bailyn, Bernard. *The Ideological Origins of the American Revolution*. Cambridge, MA: Harvard University Press, 1992.
- Burke, Kenneth. *A Grammar of Motives*. Berkeley: University of California Press, 1945.
- Burstein, Andrew. "Jefferson and Sterne." *Early American Literature* 29 (1994): 19-34.
- Bybee, Keith J. "To Serve These Rights: The Declaration of Independence and Constitutional Interpretation." *Political Science Quarterly* 111 (Summer 1996): 375-76.
- Conkin, Paul K. *Self-Evident Truths*. Bloomington: Indiana University Press, 1974.
- Darnton, Robert. "The Pursuit of Happiness." *Wilson Quarterly* 19 (Autumn 1995): 42-52.
- Derrida, Jacques. "Declarations of Independence." Translated by T. Keenan and T. Pepper. *New Political Science* 15 (Summer 1986), 3-19.
- Dienstag, Joshua Foa. "Serving God and Mammon: The Lockean Sympathy in Early American Political Thought." *American Political Science Review*. 90 (September 1996): 497-511.
- Diggins, John P. "The Oyster and the Pearl: The Problem of Contextualism in Intellectual History." *History and Theory* 23, no. 2 (1984): 154-71.
- Drumney, James J. "Their Sacred Honor." *The New American* 13 (June 24, 1996): 31-6.
- Gerber, Scott D. *To Secure These Rights: The Declaration of Independence and Constitutional Interpretation*. New York: New York University Press, 1995.
- Gleason, Philip. "How Catholic is the Declaration of Independence." *Commonweal* 123 (March 8, 1996): 11-14.
- Graglia, Lino A. and Harry Jaffa. "God and Man in Court." *National Review* 47 (August 14, 1995): 27-32.
- Lee, Benjamin. "Performing the People." *Pragmatics* 5 (June 1995): 263-80.
- Lucas, Stephen E. "The Stylistic Artistry of the Declaration of Independence." Derived from "Justifying America: The Declaration of Independence as a Rhetorical Document," in Thomas W. Benson, ed., *American Rhetoric: Context and Criticism* (1989). National Archives and Records Administration, <http://www.nara.gov/exhall/charters/declaration/decstyle.html>.

- Lustick, Ian S. "History, Historiography, and Political Science: Multiple Historical Records and the Problem of Selection Bias." *American Political Science Review* 90 (September 1996), 605-18.
- McCabe, J.P. "The Declaration of Independence and the Frailties of Historical Method." *Historian* 57 (Summer 1995): 859-872.
- Morgan, Edmund S. *Inventing the People: The Rise of Popular Sovereignty in England and America*. New York: W. W. Norton, 1988.
- Onuf, Peter S. "Thomas Jefferson, Federalist." From *Essays in History*. Vol. 35, Corcoran Department of History at the University of Virginia.
<http://www.lib.virginia.edu/journals/EH/EH35/onuf1.html>.
- Oxford, Edward. "Documents of Destiny." *American History Illustrated* 6 (January 1992): 24-37.
- Reinstein, Robert J. "Completing the Constitution: The Declaration of Independence, Bill of Rights, and Fourteenth Amendment." *Temple Law Review* 66 (1993): 361-418
- Sandoz, Ellis. "Philosophical Foundations of our Democratic Heritage: A Recollection." *Presidential Studies Quarterly* 24 (Summer 1994): 669-73.
- Semel, Wendy Ann. "Defender of the Natural Rights Faith." *The Yale Law Journal* 105 (March 1996): 1427-32.
- Schiffrin, Deborah. *Approaches to Discourse*. Oxford: Blackwell, 1994.
- White, Morton. *The Philosophy of the American Revolution*. New York: Oxford University Press, 1978.
- Wood, Gordon S. *The Creation of the American Republic 1776-1787*. New York: W. W. Norton, 1969.

Endnotes

1. Ian S. Lustick, "History, Historiography, and Political Science: Multiple Historical Records and the Problem of Selection Bias," *American Political Science Review* 90 (September 1996), 605-12.
2. J. P. McCabe, "The Declaration of Independence and the Frailties of Historical Method," *Historian* 57 (Summer 1995); John P. Diggins, "The Oyster and the Pearl: The Problem of Contextualism in Intellectual History," *History and Theory* 23, no. 2 (1984): 156.
3. Gordon S. Wood, *The Creation of the American Republic 1776-1787* (New York: W. W. Norton), 132-3.
4. Robert Darnton, "The Pursuit of Happiness," *Wilson Quarterly* 19 (Autumn 1995): 42-7.
5. Paul K. Conkin, *Self-Evident Truths* (Bloomington: Indiana University Press), 95-122; Morton White, *The Philosophy of the American Revolution* (New York: Oxford University Press), 7-9; Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge, MA: Harvard University Press), 2-21.
6. Philip Gleason, "How Catholic is the Declaration of Independence," *Commonweal* 123 (March 8, 1996): 11-14.
7. Keith J. Bybee, "To Serve These Rights: The Declaration of Independence and Constitutional Interpretation," *Political Science Quarterly* 111 (Summer 1996): 375-76.
8. Wendy Ann Semel, "Defender of the Natural Rights Faith," *The Yale Law Journal* 105 (March 1996), 1427-32.
9. Lino A. Graglia and Harry Jaffa, "God and Man in Court," *National Review* 47 (August 14, 1995): 27-9.
10. Scott D. Gerber, *To Secure These Rights: The Declaration of Independence and Constitutional Interpretation* (New York: New York University Press), 7-18.
11. Graglia, "God," 30-32.
12. Ellis Sandoz, "Philosophical Foundations of our Democratic Heritage: A Recollection," *Presidential Studies Quarterly* 24 (Summer 1994): 669-73.
13. Joshua Foa Dienstag, "Serving God and Mammon: The Lockean Sympathy in Early American Political Thought," *American Political Science Review* 90 (September 1996): 497-506.

14. Peter S. Onuf, "Thomas Jefferson, Federalist," <http://www.lib.virginia.edu/journals/EH/EH35/onuf1.html> From *Essays in History* Vol. 35, Corcoran Department of History at the University of Virginia.
15. Robert J. Reinstein, "Completing the Constitution: The Declaration of Independence, Bill of Rights, and Fourteenth Amendment," *Temple Law Review* 66 (1993): 361-82.
16. Reinstein, "Completing," 383-410.
17. Benjamin Lee, "Performing the People," *Pragmatics* 5 (June 1995): 263-8.
18. James J. Drumme, "Their Sacred Honor," *The New American* 13 (June 24, 1996): 31-4.
19. Deborah Schiffrin, *Approaches to Discourse* (Oxford: Blackwell), 190-7.
20. Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: W. W. Norton, 1988), 13-5.
21. Jacques Derrida, "Declarations of Independence," Translated by T. Keenan and T. Pepper, *New Political Science* 15 (Summer 1986), 8-10; Lee, "Performing," 268-9.
22. Stephen E. Lucas, "The Stylistic Artistry of the Declaration of Independence," derived from "Justifying America: The Declaration of Independence as a Rhetorical Document," in Thomas W. Benson, ed., *American Rhetoric: Context and Criticism* (1989), National Archives and Records Administration, <http://www.nara.gov/exhall/charters/declaration/decstyle.html>.
23. Andrew Burstein, "Jefferson and Sterne," *Early American Literature* 29 (1994): 26-34.
24. Edward Oxford, "Documents of Destiny," *American History Illustrated* 6 (January 1992): 24-9.
25. Kenneth Burke, *A Grammar of Motives* (Berkeley: University of California Press), 343-72.
26. Joyce Appleby, "Recovering America's Historic Diversity: Beyond Exceptionalism," *Journal of American History* 79 (September 1992): 419-26.