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Editing the Declaration

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Having spent the better part of 25 years editing the *Claremont Review of Books*, I am happy to confess an occupational bias. This would be a better world if we had more and better editors. In their absence, without their authority, book publishing, journalism, politics, and the web have grown anarchical and ugly. The world grows hyper-Protestant—every man his own priest *and editor*, or non-editor. All id and no ego or superego.

Although editors are not perfect, at their best they introduce an element of reflection, circumspection, and regard for the audience and the argument that even the best authors could use from time to time. This is true even of Thomas Jefferson, “Author of the Declaration of American Independence,” as he styled himself on his tombstone, one of the three accomplishments he thought worthy of inclusion there. (The other two were author of “the Statute of Virginia for religious freedom” and “Father of the University of Virginia.” He discreetly omitted president of the United States, vice president, US secretary of state, governor of Virginia, and other, lesser achievements.)

Properly speaking, however, Jefferson was not author but draftsman of the Declaration, inasmuch as he drafted it as an official paper of, and for, the Second Continental Congress. He refrained from using the definite article and calling himself “the” author because he served as one of five members of the committee appointed by the Congress to produce a declaration of independence, which the Congress edited and then ratified. He didn’t call himself its “principal” author, either, presumably because, as Thomas Hobbes wrote, shared honors are diminished. So he left it at the

proud but slightly ambiguous or even misleading “Author of the Declaration of American Independence.” To be fair, Jefferson was not always so possessive about his authorship. In his famous letter commenting on the subject, he wrote to Henry Lee on May 8, 1825:

All American Whigs thought alike on these subjects. when forced therefore to resort to arms for redress, an appeal to the tribunal of the world was deemed proper for our justification. this was the object of the Declaration of Independance . . . to place before mankind the common sense of the subject; [in] terms so plain and firm, as to command their assent, and to justify ourselves in the independant stand we were compelled to take. . . . 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. all it's authority rests then on the harmonising sentiments of the day, whether expressed, in conversns in letters, printed essays or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney Etc.¹

Fascinating in several respects, that letter traces the Declaration's authority not to Jefferson's role as its author but to “the harmonising sentiments of the day,” including the sentiments of at least four authors of “elementary books of public right,” and, it seems, common sense, none of them American. Jefferson is the advocate who arranges and pleads the American case before the jury of mankind.

The story of how the Declaration was drafted and edited has been well told—so far as we understand it, for there are still gaps in our knowledge of the process—by Carl Becker in his classic *The Declaration of Independence: A Study on the History of Political Ideas* (1922) and 75 years later by Pauline Maier in her impressive *American Scripture: Making the Declaration of Independence* (1997). But the story does not draw out its own implications. In this chapter, I ponder the significance of Jefferson's draft and the editorial changes to it that yielded the official text—and especially their

significance for the understanding of natural rights and the common good in the American Revolution.

Editing by Committee

The Committee of Five, appointed by Congress to draft a declaration of independence, consisted of Jefferson, John Adams, the old and gout-ridden Benjamin Franklin, Roger Sherman of Connecticut, and Robert Livingston of New York. They left no minutes of their meetings; to understand them we must basically gaze backward from later accounts—mostly much later accounts, between 25 and 50 years later, contradictory and incomplete, left by Jefferson and Adams. In his autobiography of 1805, Adams said the Committee of Five deputed a subcommittee of two, Jefferson and him, to prepare a first draft. Adams then persuaded Jefferson that the Virginian should take the lead. In 1823, the 80-year-old Jefferson remembered it differently. The Committee of Five met, he recalled, and “unanimously pressed on myself alone to make the draught.” He consented, but before sending his draft to the Committee he sent it separately, Jefferson said, “to Dr. Franklin and Mr. Adams, requesting their corrections, because they were the two members of whose judgments and amendments I wished most to have the benefit. . . . Their alterations were two or three only, and merely verbal.”²²

Perhaps the most improving and memorable changes to Jefferson’s initial version were by his own hand. Before sending the draft to Adams, Jefferson changed “We hold these truths to be sacred and undeniable” to “We hold these truths to be self-evident.”²³ Self-evident is stronger, shorter, and more specific, connecting to Aristotle’s logical writings and to the textbook definition of a self-evident truth (following Aristotle, among others) as one in which the meaning of the predicate is contained in the subject. Every self-evident truth is undeniable, but not everything undeniable (e.g., the conclusion of logical demonstrations) is self-evident. By raising the topic of self-evidence so boldly, Jefferson’s revision raises the

question of whether all five of the truths discussed in the Declaration's great second paragraph are self-evident. (This is the question pursued in Michael Zuckert's chapter of this book.)

The final two truths might seem to follow from the first three, in which case the final two would not, strictly speaking, be self-evident. The draftsman and the printers of the Declaration took care to link the five truths by beginning each clause with the word "that," as we can see:

We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed,—That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

But Jefferson and his coadjutors may have indicated a bit of the ambiguity in the connection between the first three and the last two truths by inserting in the broadside edition, published in Philadelphia by John Dunlap on July 4, a double dash after the word "Happiness," thus separating even as they connected the two sets of truths. Eighteenth-century punctuation, capitalization, and spelling often varied, of course, as a comparison of the committee's drafts would show; and so it is difficult to draw firm conclusions from this evidence.⁴

Subsequently, Jefferson edited the rest of that great sentence, which had initially stated "that all men are created equal and independent, that from that equal creation they derive equal rights, some of which are inherent and inalienable."⁵ There were too many "equals" there, and men are better off being "endowed by their Creator with certain unalienable

Rights” than having to derive those rights themselves (presumably) from their equal creation. “Independent” doesn’t really add anything to “created equal,” and besides, as Becker commented, after “self-evident,” the paragraph doesn’t need a second word ending in “-dent.”⁶

It was the Continental Congress itself, meeting as the Committee of the Whole, that performed the most extensive editorial work on the Committee of Five’s draft Declaration. The Congress pored over it for three successive days. Several paragraphs were greatly altered and a few, “fully a quarter of his text,” according to Maier, omitted altogether.⁷ She judges it one of the most successful exercises in group editing of all time. I would agree. But Jefferson didn’t see it that way, decrying the Congress’s “depredations” and taking the occasion to record one of the classic stories by and about Franklin, who was sitting near Jefferson in Independence Hall.

Franklin “perceived,” Jefferson later recalled, “that I was not insensible” to the Congress’s “mutilations” of his and the committee’s text. “I have made it a rule,” said Franklin,

whenever in my power, to avoid becoming the draughtsman of papers to be reviewed by a public body. I took my lesson from an incident which I will relate to you. When I was a journeyman printer, one of my companions, an apprentice Hatter, having served out his time, was about to open shop for himself. His first concern was to have a handsome signboard, with a proper inscription. He composed it in these words: “John Thompson, Hatter, makes and sells hats for ready money,” with a figure of a hat subjoined. But he thought he would submit it to his friends for their amendments. The first he shewed it to thought the word “hatter” tautologous, because followed by the words “makes hats” which shew he was a hatter. It was struck out. The next observed that the word “makes” might as well be omitted, because his customers would not care who made the hats. If good and to their mind, they would buy, by whomsoever made.

He struck it out. A third said he thought the words “for ready money” were useless as it was not the custom of the place to sell on credit. Every one who purchased expected to pay. They were parted with, and the inscription now stood “John Thompson sells hats.” “Sells hats” says his next friend? Why nobody will expect you to give them away. What then is the use of that word? It was stricken out, and “hats” followed it, the rather, as there was one painted on the board. So his inscription was reduced ultimately to “John Thompson” with the figure of a hat subjoined.⁸

That’s a marvelous Franklin story, suggesting the former printer’s appreciation of the ruthless business of editing. At the same time, it was advice to his young friend Jefferson to beware of expecting an author’s satisfaction from a draftsman’s commission.

And it was also a subtle lesson in self-evidence and the approach or access to truth. It wasn’t necessary to advertise that a hatter makes hats for, and sells them to, human beings, rather than for other kinds of animals, nor that one hat per head at a time was both the customary and natural usage. Nor that the image of a hat on the signboard was not meant to advertise the only model of hat Thompson produced and sold; it was clear that the image showed one of an infinite or at any rate very large number of hats of various sizes, colors, patterns, and styles that could be purchased or commissioned therein. One might imagine that, if prompted, Franklin might have advised his young friend that it wasn’t necessary to say everything explicitly, to decide questions not yet ripe or relevant, and to call George III a would-be tyrant, for example, twice in the same state paper. Indeed, the Declaration remains silent on a surprising number of themes, never mentioning, for example, the regime types of the states officially themselves made free and independent by this Declaration. The term “republic” never occurs, nor “democracy,” nor “commonwealth.”

The majority of the Congress’s editorial changes to the Declaration concerned the long, central recitation of the charges against George III, attempting to prove he had “in direct object the establishment of an

absolute Tyranny over these States” and that “a Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be a ruler of a free people.” It is these “mutilations,” including the wholesale striking of his long paragraph on the evils of the slave trade, with which Jefferson was presumably struggling when Franklin noticed his friend’s unease. These were the words on the Declaration’s signboard that the Committee of the Whole was so blithely expunging. These were the deletions Franklin was endeavoring to reassure the suffering author were not as ruinous as he feared.

One can sympathize with Jefferson’s concern. He had arranged the Declaration as a kind of legal and political brief, beginning with a statement of the relevant laws, in this case the “Laws of Nature and of Nature’s God”; the Americans’ rights and duties under those laws; and the willful injuries against those rights and duties by the king (that long central indictment) and culminating with the injunctive relief the Americans sought from the tribunal of mankind—to sever the political bands linking them to the British Empire and to be recognized as free and independent states, conducting a just war for their independence against the tyrant who intended to oppress them.

Neither the Congress nor the Committee of Five had altered this basic structure of the Declaration’s argument as Jefferson had conceived it—even though, as Franklin perhaps indicated gently, they found the argument a little overdone. Although Adams wrote that he liked the “flights of oratory” in Jefferson’s draft, including what Adams called “the vehement philippic against Negro slavery,” meant as the crescendo of the case against George III, Adams much later (in 1822) admitted

there were other expressions which I would not have inserted if I had drawn it up, particularly that which called the king tyrant. I thought this too personal; for I never believed George to be a tyrant in disposition and in nature; I always believed him to be deceived by his courtiers on both sides of the Atlantic, and in his official capacity only, cruel. I thought the expression too

passionate, and too much like scolding, for so grave and solemn a document.⁹

Still, Adams not did object either in the Committee of Five or in the Committee of the Whole. Though the king may not have been a natural tyrant, he was acting the part rather convincingly, Adams suggested, so much so that rebellion and independence were *necessary*—there was no other choice.

Thoughts on Government

The Declaration's need to arraign George III's character as tyrannical depended, of course, on the implicit refusal of both the drafting committee and the Second Continental Congress to follow Thomas Paine's argument in *Common Sense*, published in America to great acclaim in January 1776. Paine had excoriated both hereditary monarchy in general and the mixed regime of the British constitution in particular as reactionary, irrational, and evil. For Paine, one didn't need to prove George III a tyrant; it was enough that he was a hereditary monarch, the effectual truth of which was tyranny anyway.

Common Sense attracted hundreds of thousands of readers in America but not one vote in Congress. The Declaration of Independence, therefore, had to prove or illustrate the long train of tyrannical abuses and usurpations of which George III was accused, thus establishing beyond reasonable doubt that at some point he had ceased to be a *king*, nominally or presumptively, seeking the common good of his people, and had on the contrary revealed himself to be a *tyrant*, out to pursue his own good above all else. The rhetorical and logical burden of proof assumed by, and in, the Declaration shows how far apart the Continental Congress's frame of mind stood from Paine's.

That difference would have been emphasized still further had the Committee of Five and the Congress entered another subject already alluded

to, which they avoided for the most part—namely, the former colonies’, now independent states’, need for new constitutions. Starting in the fall of 1775, the Congress had named five members, including Adams and Richard Henry Lee of Virginia, to a committee to reply to an entreaty from New Hampshire asking what the colony should do for a government, now that it had driven out the royal governor. Adams, as the chairman of the committee, offered a resolution “recommending to the provincial convention of New Hampshire” that it “call a full and free representation of the people” to establish a new form of government that in their judgment “will best produce the happiness of the people.”¹⁰ In our day, to resort to popular sovereignty may seem like plain common sense, but in 1775, it was a revolutionary suggestion.

By April 1776, Adams had turned his ongoing correspondence into the short pamphlet *Thoughts on Government*, in which he proffered advice on what kind of government the new states should in general adopt. Adams recommended republican government, with a bicameral legislature, a strong executive, an independent judiciary, and separation of powers. To the question why the Declaration itself did not enter into this subject, Adams would have had a good answer—that was another committee’s job, the committee consisting of him and Richard Henry Lee.

Adams’s suggestions were already *implicit*, and in later iterations would become *explicit*, criticisms of Paine’s simpler or more populist brand of republicanism. Paine’s cardinal principle, as he put it in *Common Sense*, was “a principle in nature which no art can overturn, viz. that the more simple anything is, the less liable it is to be disordered, and the easier repaired when disordered.”¹¹ By the light of this principle, Britain’s complicated regime of mixed government—of constitutional checks and balances among the one, the few, and the many—was profoundly misconceived, a combination of the injustice of monarchy with the folly of hereditary succession. Adams’s prescription for complicated republican regimes in the American states, overflowing with checks and balances, struck Paine as a foolish attempt to emulate the corrupt British model. Much better, simpler, and more republican, Paine insisted, would have

been unicameral legislatures with weak executives and judiciaries. This was a debate that was only beginning among the Americans, but it represented another fault line that could have begun to move earlier or more joltingly than it did.

By the following month, May 1776, Adams had moved a resolution, which Congress had approved, to recommend to all the remaining colonial administrations that they “adopt such Government as shall in the Opinion of the Representatives of the People best conduce to the happiness and safety of their Constituents in particular and America in general.”¹² The Declaration never mentions dissolving government without mentioning at once the need to institute a new form of government, and Adams and Jefferson would become personally involved in those efforts to write new constitutions in their home states—in Jefferson’s case, well before the Declaration had been approved by the Congress. The implicit constitutionalism of the Declaration—which can be most strikingly discerned in the indictment of George III’s *unconstitutional* actions—was broad enough to countenance Jefferson’s and Adams’s own somewhat divergent thoughts about republican government, and perhaps even to encompass Paine’s and Adams’s even more divergent thoughts about the best form of republicanism.

Both the drafting committee and the Congress accepted Jefferson’s *other* rhetorical and constitutional presumption in the draft Declaration as well—namely, that the only legitimate connection between the American people and the British Empire ran through the king alone, not George III only but his predecessors, too, each of whom had used his prerogative powers to extend the empire’s military and commercial protection to the colonists in exchange for their pledge of obedience to him as the head of the empire.

Even though a lot of ink had been spilled by the Americans protesting against “taxation without representation,” Parliament’s asserted right to tax the colonists had nothing, or at least very little, to do with the *casus belli*, which was overwhelmingly the king’s fault, according to the Declaration. Jefferson had been arguing this way for at least two years, since

his 1774 pamphlet *A Summary View of the Rights of British America*. James Wilson had come to the same conclusion even earlier, in *Considerations on the Nature and Extent of the Legislative Authority of the British Parliament*, as had Franklin more discreetly; and the First Continental Congress, too, though with great reluctance. Hence the Declaration of Independence accuses the king of combining “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.” The “others” referred to here means Parliament, an institution the Declaration refuses in its final form to dignify by even mentioning.¹³ In its rough draft, however, the Committee had treated of Parliament’s authority succinctly: “That in constituting indeed our several forms of government, we [the colonies] had adopted one common king . . . but that submission to their parliament was no part of our constitution.”¹⁴

Natural Right and Political Right

But what then was “our constitution” to which the Declaration referred? No written constitution for America existed yet, nor would one be agreed to until the Articles of Confederation. (The committee to draw up the Articles of Confederation—one member from each state—had been appointed at the same time as the Committee of Five to draw up a declaration of independence, but the two did not cross paths; the Articles would not be drafted until 1777, nor ratified unanimously by the state legislatures until 1781.) After the Articles of Confederation would come, in due course, the Constitution of the United States, proposed in convention in Philadelphia in 1787 and adopted in 1788.

In the Declaration of Independence, “our constitution,” with a lowercase “c,” means the British constitution in America or the joint Anglo-American constitutional order as understood and, more or less, practiced in America. This was the unwritten or mostly unwritten constitution that incorporated the legal habits or norms of the British Empire, until those norms

had been violated or contradicted, alas, by the empire's "pretended Legislation," since the Stamp Act. "Our constitution" included not only the positive laws or statutes passed by Parliament and the king, but also the Magna Carta and those rights of Englishmen secured by courts and juries, as well as the divisions of power between the mother country and the colonial governments, which were fundamental to the health and freedom of the empire. "Our constitution" thus extended also to the common law and those principles of natural justice or natural right (such as no taxation without representation) that informed or were supposed to inform the structure of the British form of government.

In its appeal to both positive (or legal) right and natural right, then, to "our constitution" and "our laws," the Declaration deploys a kind of Aristotelian argument. In one of his more enigmatic passages, Aristotle, in Book V of the *Nicomachean Ethics*, defines political right as partly natural and partly conventional or legal, suggesting that in politics natural right and conventional right come wrapped up together in concrete political situations.¹⁵ The Declaration seems to agree with that suggestion, at least insofar as it moves from an account of pre-political natural rights to a defense of "the Right of the People" to choose a new form of government in or through politics, which form not only secures their individual natural rights but also embodies and enacts their *opinion* of what conduces to "their Safety and Happiness"—the alpha and omega of political life, as Aristotle and his tradition had argued. That is to say, those kind of judgments concerning what is required by the common good and the circumstances of political action are seen in the Declaration as complements or completions of natural right, in the sense that Aristotle might recognize as political right.

In the three days it spent editing the Committee of Five's version of the text, for example, the Congress tightened some and relaxed others of Jefferson's strictures against the king: George III's actions put the Americans under "the necessity which constrains them" not "to expunge" their former systems of government, as Jefferson had emphasized, but merely "to alter" them. Whereas Jefferson accused the king of "unremitting" injuries, the Congress preferred "repeated" injuries and dropped

the charge that his conduct contained “no solitary fact to contradict the uniform tenor of the rest.”¹⁶ In one case, however, the Congress intensified Jefferson’s charges. He had condemned the king’s “transporting large Armies of foreign Mercenaries” to America. That was an act, Congress added, “scarcely paralleled in the most barbarous ages” and “totally”—Congress’s term—“unworthy the Head of a civilized nation.” Thus Congress emphasized Jefferson’s own recognition that barbarism was possible even in very advanced or civilized nations and times and went beyond his recognition by specifying that modern barbarism could be even worse than primitive barbarism.

Above all, the Committee of the Whole balked at Jefferson’s long discussion of the slave trade. In notes made at the time, Jefferson blamed the decision on “complaisance” to South Carolina and Georgia, which needed more slaves and wanted the slave trade to flourish, and on the consent of “Northern brethren” who did not own many slaves but had been “pretty considerable carriers of them to others.”¹⁷ There seemed to be sufficient guilt to go around, in short, without coming to Jefferson’s conclusion that the king alone or in particular deserved to be condemned for allowing the slave trade to continue. But that is the tack he took. “He has waged cruel war against human nature itself,” Jefferson declared,

violating its most sacred rights of life and liberty in the persons of a distant people, who never offended him, captivating and carrying them into slavery in another hemisphere. . . . This piratical warfare, the opprobrium of *infidel* powers, is the warfare of the *Christian* king of Great Britain, determined to keep open a market where MEN should be bought & sold, he has prostituted his negative [i.e., his royal veto] for suppressing every legislative attempt to prohibit or to restrain this execrable commerce.¹⁸ (Emphasis in original.)

Admittedly, it would be useful in our contemporary debates over the 1619 Project and similar attempts to simplify our thinking about slavery

and the founders if we could point to words in the Declaration that explicitly identify blacks as MEN (all capitals)—that is, human beings—too (and which also implicitly identify black women as human beings), as well as words that condemn slavery as unjust because it is an unholy violation of humanity's rights to life and liberty.

Jefferson's proposed words, which did all that, would also have fed an interesting debate about Islam's responsibility for promoting slavery and the slave trade; the "infidel powers" referred to are, of course, mainly Muslims. But that George III deserved to be blamed for fostering the slave trade because he was a bad "Christian king" who wouldn't approve Virginia's and a few other colonies' efforts to outlaw or regulate the slave trade is a stretch. For one thing, it leaves out those states, such as South Carolina and Georgia, that persistently favored a more robust market "where MEN should be bought and sold."

Jefferson was not finished, however. "And that this assemblage of horrors might want no fact of distinguished die," he continued in the deleted paragraph,

he [George III] now is exciting those very people, to rise in arms among us, and to purchase that liberty of which *he* has deprived them, by murdering the people among whom *he* has also obtruded them: thus paying off former crimes committed against the *liberties* of one people, with crimes which he urges them to commit against the *lives* of another.¹⁹ (Emphasis in original.)

Here was an echo of the offer by Lord Dunmore, the royal governor of Virginia, to free any slaves who were willing to join the British army's war against the Patriots. (The Congress also included an earlier indictment against George III for exciting "domestic insurrection amongst us," meaning among our fellow citizens, not just slaves.)²⁰

Despite the advantages that Jefferson's language would have brought to future discussions, the Congress did not hesitate to strike out the entire

paragraph. It was, we may conjecture, over the top; too good to be true; too clever by half. Jefferson was effectively claiming in this paragraph, after all, that neither America as a whole nor, say, Virginia in particular was responsible, even partly, for the slave trade and slavery. That those were at worst South Carolina and Georgia's fault. Before all, they were the king's fault. George III saw to it that blacks were brought from Africa in chains, and then he offered to have those chains removed only if the blacks would kill their former masters. Whether offering enslavement or emancipation, the king was in the wrong. The Americans were more or less innocent victims of his tyrannical ploys. Jefferson's interpretation of events came close to what today we would call virtue signaling. Whichever way the king turned, he was on the wrong side of history, and the Americans were on the right side.

Jefferson meant for this last item in his long indictment of George III to be its climax. He saved the most awful words to describe it—"murdering," "piratical warfare," "opprobrium," and "execrable commerce," and he still had to resort to italics and capital letters to convey his horror. His indignation at having it eighty-sixed by the Congress was deep-rooted. Jefferson's heartfelt crescendo had something to do with his desire, shared in a slightly different way with Paine, to draw a bright line between Britain's mixed regime and America's new republican ones, between hereditary and elective political authority, between Britain's past and America's future, between the Old World and the New. Adams has his own way to describe that difference, as we shall see.

For its part, the Committee of the Whole apparently did not believe that the question of slavery was ripe for such a summary discussion, nor that a philippic against it, to borrow Adams's term, would help persuade other countries to support the American war for independence, which after all was a principal aim of the Declaration. With the self-evident truth that all men are created equal already declared, there was little or no doubt about the wrongness of slavery in the abstract—that is, as a question of natural right. The question concerned what to do about slavery as a matter of political right.

A Memorable Epoch

The Congress was not through with its editorial work. It tinkered with the draft's penultimate paragraph and then boldly rewrote the final paragraph. The former concerned the American revolutionaries' relation to the British people they were leaving behind, as opposed to the guilty king whom they had spent many paragraphs, the whole central section, denouncing. The Committee of Five concluded the next-to-last paragraph with a kind of valedictory:

We might have been a free & a great people together; but a communication of grandeur & of freedom it seems is below their dignity. Be it so, since they will have it: the road to happiness & to glory is open to us too; we will climb it apart from them, and acquiesce in the necessity which denounces our eternal separation!²¹

The Congress struck almost all these sentiments, including the exclamation point—the draft's only one. Perhaps having excised the long paragraph on slavery and the slave trade, the Congress felt keenly the hypocrisy or awkwardness of now celebrating, even by comparison with the British people, the Americans' grandeur, freedom, happiness, and glory. The Committee of the Whole retained only the sober parting words,

We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred. . . . They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity, which denounces our Separation, and hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.

The final paragraph's tone is higher, more honorable. Jefferson had always intended for the Declaration to end with the phrase "sacred

honor,” and indeed from the first he had it closing with the triad, “And for the support of this Declaration, we mutually pledge to each other our Lives, our Fortunes, & our sacred Honor.”²² The Congress interposed two changes, two invocations of God. To the first sentence of the closing paragraph it added, after this noun of address, “We, therefore, the Representatives of the United states of america, in General Congress, Assembled,” the phrase “appealing to the Supreme Judge of the world for the rectitude of our intentions.” To the final sentence of the paragraph, the Congress added, after the words “and for the support of this Declaration,” the phrase “with a firm reliance on the protection of divine Providence.”

The Declaration in its final form contains five references to God, broadly speaking. Three came from the Committee of Five, two in the opening two paragraphs of its draft—“the Laws of Nature and of Nature’s God” in the first paragraph and “all men are created equal” and “endowed by their Creator with certain unalienable Rights” in the second—and one from the draft’s closing sentence (“sacred Honor”). The other two references to God came from the Congress—namely, “appealing to the Supreme Judge of the world” and “with a firm reliance on the protection of divine Providence.” The Committee of the Whole’s edits thus produced a marked increase in the religiosity of the Declaration. If we count only more or less explicit invocations of the living God, calling Him by one of His names (legislator, Creator, Supreme Judge, and divine Providence), the Congress inserted fully half, two of the four. (Strictly speaking, “sacred Honor,” though compatible with the biblical God, does not imply or require Him.)²³ In any case, the Declaration is difficult to defend as a purely deistic document, especially after the Congress’s editorial changes to it.

Less often remarked is how what one might call the moral tone of the Declaration revealed itself in the course of its editing. The Declaration pays “a decent respect to the opinions of mankind”—not to mankind’s passions or interests, so that, by the famous definition of *Federalist* 10, for example, the Declaration cannot be accused of stirring up a popular faction against the British government or against government in general. There is

a public-spiritedness or a high-mindedness to the Declaration. It stakes its case on “certain unalienable rights” and “self-evident” truths; it declines to derive those rights from the desire for self-preservation or from any anterior passions, much less from the prevailing culture or values. In the Declaration, human equality tends to be seen in the light of the high rather than the low—in the light of opinions, of humans’ “endowment” with rights and reason, of God as Creator, Judge, Legislator, and Providence, and of the duty to risk life and fortune for sacred honor. That closing vow in the Declaration’s concluding sentence is made by its signers to “each other,” not to the people or to mankind or to the right side of history.

During its editing, the Declaration’s appeals to the sacred, to what is high in the sense of holy or godly, shifted noticeably. At first, the Committee of Five hailed “these truths,” including human equality, as “sacred and undeniable.”²⁴ They thought better of that and tightened the holy of holies to a subset of *self-evident* truths. In the term’s next appearance, Jefferson condemned the king for waging “cruel war against human nature itself, violating its most sacred rights of life & liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery.”²⁵ The distinction between the “most sacred” and less sacred human rights may have proved inconvenient or slippery.

After the Congress had removed the whole discussion of slavery, only a single mention of “sacred” remained in the Declaration: “And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.” Here, the document implies that our lives and fortunes are *less* sacred or valuable than our honor. Admittedly, “honor” is closer to “liberty” as a concept than to life and fortune, combining the disdain of the honor lover for mere life or mere prosperity with the risk-taking traits of the freedom lover. In any case, the Declaration’s signers distinguish themselves as a group or elite, *inter alia*, by taking *responsibility* for holding “these truths to be self-evident,” for asserting human equality and capacity for self-government, and in particular by assembling the case that George III is pursuing a “design to reduce them under absolute Despotism,”

and hence that it is now “their right, it is their duty” to overthrow his government and institute a new one. That coincidence of right and duty speaks not only to the honor of the signers or founders but also to their virtue. As Adams explained in *Thoughts on Government*, “Honor is truly sacred, but holds a lower rank in the scale of moral excellence than virtue.”²⁶

Jefferson’s reliance on Franklin and Adams among the Committee of Five was not merely because of his friends’ genius but also, to be sure, because their votes gave him three out of five—a majority of the committee. No interpretation of the Declaration’s writing and editing could ignore that elementary fact. Likewise, no interpretation of the Declaration could ignore the well-known facts that the remarkable consensus of opinion embodied in the Declaration of Independence, and likewise the later remarkable unanimity hailed in *The Federalist* as informing the writing and ratification of the US Constitution, were succeeded rapidly by the bitter partisan battles of the 1790s. Or how, in turn, that decade of partisan warfare was itself quickly succeeded by the collapse of Adams’s Federalist Party and, in fact, the virtual disappearance of party conflict in general temporarily in the so-called Era of Good Feelings. At least one distant root of these later partisan disagreements and reunifications is already visible in the way Adams and Jefferson talked about their magnificent joint handiwork—the Declaration.

Admittedly, it is easy to read the later disagreements back into 1776—and I would not go so far as, say, Danielle Allen does in distinguishing what she calls the Adams Declaration (which is, at any rate, not our Declaration of Independence but rather a proclamation from the Massachusetts General Court, drafted by Adams in January 19, 1776) from Jefferson’s Declaration.²⁷ Still, as they approached the 50th anniversary of the great document and as they contemplated the prospect of their own death, the two main authors and editors of the Declaration sized up its significance very differently.

Jefferson’s letter to Roger Weightman (on June 24, 1826) as he was declining due to ill health the invitation to visit Washington, DC, on July 4, 1826, is well-known. He saluted the Declaration with his

characteristic faith or hope in human progress. “May it be to the world,” he wrote,

what I believe it will be, (to some parts sooner, to others later, but finally to all.) 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. . . . All eyes are opened, or opening to the rights of man. the general spread of the light of science has already laid open to every view the palpable truth that the mass of mankind has not been born, with saddles on their backs, nor a favored few booted and spurred, ready to ride them legitimately, by the grace of god.²⁸

Much less well-known is Adams’s reply to John Whitney, on June 7, 1826. Whitney, the mayor of Quincy, Massachusetts, where Adams lived, had invited Adams to a similar celebration of the anniversary there. Adams declined to attend, for the same reason as Jefferson, but left the following written tribute. The 50 years since independence he hailed as “a Memorable epoch in the annals of the human race; destined, in future history, to form the brightest or the blackest page, according to the use or the abuse of those political institutions by which they shall, in time to come, be Shaped, by the *human mind*.”²⁹ (Emphasis in original.)

No promise of worldwide liberation or enlightenment, no suggestion that palpable or scientific truths would come to the rescue of self-evident or moral truths, no claim that the human mind would prove permanently or inevitably progressive, but instead a sober prediction that the future will be like the past in terms of reason’s susceptibility to virtue and vice and, hence, humanity’s susceptibility to both good government and misgovernment.

This is not to suggest that Jefferson and Adams offered competing or incompatible visions of what the Declaration had to say. Both men, in fact, shared a core understanding of natural right as the human being’s or the

rational animal's (at least *rationis capax*, as Jonathan Swift reminded that generation) participation in morality; but their own political opinions and judgments added or subtracted from that core to yield discrepant versions of political right. Jefferson understood, as Adams did, that no human being had by nature the right to rule another as any human had the right to rule a horse or other brute creature—that was the enduring core of natural right and rights. But Jefferson understood this to be a kind of Enlightenment discovery, a token of “the general spread of the light of science.”

When Adams was asked about this by his son, Charles, in 1794, he replied that the “modern doctrine of equality” is in truth based on “that eternal and fundamental Principle of the Law of Nature, Do as you would be done by and Love your Neighbor as yourself.” The modern doctrine of equality was thus as old as Christianity, if not older. “How the present Age can boast of this Principle as a Discovery, as new Light and modern Knowledge I know not.” By equality Adams meant “not a physical but a moral equality . . . all equally in the Same Cases intitled to the Same Justice.”³⁰

For Jefferson, natural right, though based in natural species and their permanent differences, was to some extent forward-looking, a projection of the movement from the state of nature into civil society and onward to tomorrow's civil society. For Adams, the permanence of nature, and particularly of human nature, with its cognate customs and institutions, was more profound. Neither founder thought that, for example, the distinction between a horse and a human being was transitory or a mere 18th-century relation. But that left them plenty to argue over.

Both sought to build the American republic on long-standing American foundations—whether laid by the Pilgrims or by virtuous yeoman farmers. Neither was prepared to rely merely on a state of nature filled with abstract, unconnected masterless men. Their statesmanship sought to ground citizens in a concrete American civic project. And the Declaration of Independence, as authored and edited by them above all, declared that project to the world.

Notes

1. Thomas Jefferson to Henry Lee, May 8, 1825, Founders Online, <https://founders.archives.gov/documents/Jefferson/98-01-02-5212>.

2. See Pauline Maier, *American Scripture: Making the Declaration of Independence* (Vintage Books, 1998), 99–104. See also *The Papers of Thomas Jefferson*, ed. Julian P. Boyd, vol. 1, 1760–1776 (Princeton University Press, 1950), 413–33. For photographic reproductions of the known drafts of the document, compare Julian P. Boyd, *The Declaration of Independence: The Evolution of the Text*, rev. ed., ed. Gerald W. Gawalt (Library of Congress, 1999).

3. Becker observes in a footnote to the insertion of “self-evident” into the Committee of Five’s draft that “it is not clear that this change was made by Jefferson. The handwriting of ‘self-evident’ resembles Franklin’s.” He never mentions this uncertainty again. Indeed, much later in his book he writes confidently, “When Jefferson submitted the draft to Adams the only correction he had made was to write ‘self-evident’ in place of ‘sacred & undeniable.’” Carl L. Becker, *The Declaration of Independence: A Study in the History of Political Ideas* (1922; Vintage Books, 1970), 142, 198; and Maier, *American Scripture*, 136.

4. See Robert Ginsberg, “The Declaration as Rhetoric,” in *A Casebook on the Declaration of Independence: Analysis of the Structure, Meaning, and Literary Worth of the Text*, ed. Robert Ginsberg (Thomas Y. Crowell, 1967), 234–35.

5. For Jefferson’s original draft of the Declaration, see *The Papers of Thomas Jefferson*, 1:243–47.

6. Becker, *The Declaration of Independence*, 198.

7. Maier, *American Scripture*, 151.

8. See Maier, *American Scripture*, 149; and Becker, *The Declaration of Independence*, 208–9.

9. Maier, *American Scripture*, 122–23.

10. John Adams, *The Adams Papers*, ed. L. H. Butterfield (Harvard University Press, 1961), 3:357–59.

11. Thomas Paine, *Common Sense*, in *Paine: Political Writings*, ed. Bruce Kuklick (Cambridge University Press, 2000), 5.

12. Adams, *The Adams Papers*, 385–86.

13. Perhaps the most lucid interpretation of the Americans’ development of “the theory of the British empire” remains that in Becker, *The Declaration of Independence*, ch. 3.

14. See Becker, *The Declaration of Independence*, 168.

15. Aristotle, *Nicomachean Ethics*, trans. Robert C. Bartlett and Susan D. Collins (University of Chicago Press, 2011), 1134b18–19. “Of the just in the political sense, one part is natural, the other, conventional.”

16. *The Papers of Thomas Jefferson*, 1:245.

17. See Becker, *The Declaration of Independence*, 212–23.

18. *The Papers of Thomas Jefferson*, 1:246–47.
19. *The Papers of Thomas Jefferson*, 1:247.
20. Maier, *American Scripture*, 147.
21. *The Papers of Thomas Jefferson*, 1:426.
22. *The Papers of Thomas Jefferson*, 1:247.
23. Compare Danielle Allen, *Our Declaration: A Reading of the Declaration of Independence in Defense of Equality* (Liveright, 2014), 115–18.
24. *The Papers of Thomas Jefferson*, 1:426.
25. *The Papers of Thomas Jefferson*, 1:247.
26. See Danielle Allen, “The Adams Declaration: A Guide for Our Times,” in *Democracy and the American Revolution*, ed. Yuval Levin et al. (AEI Press, 2024).
27. John Adams, “Thoughts on Government,” in *The Political Writings of John Adams*, ed. George W. Carey (Regnery, 2000), 483.
28. Thomas Jefferson to Roger Chew Weightman, June 24, 1826, Founders Online, <https://founders.archives.gov/documents/Jefferson/98-01-02-6179>.
29. John Adams to John Whitney, June 7, 1826, Founders Online, <https://founders.archives.gov/documents/Adams/99-02-02-8023>.
30. John Adams to Charles Adams, January 9, 1794, in *John Adams: Writings from the New Nation, 1784–1826*, ed. Gordon S. Wood (Library of America, 2016), 300–1.