THE SPIRIT OF INDEPENDENCE: ESTABLISHING THE CHARACTER OF THE DECLARATION OF INDEPENDENCE

BY

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A Thesis Submitted to the Graduate Faculty of

WAKE FOREST UNIVERSITY GRADUATE SCHOOL OF ARTS AND SCIENCES

in Partial Fulfillment of the Requirements

for the Degree of

MASTER OF ARTS

Communication

May, 2021

Winston-Salem, North Carolina

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Acknowledgements

This thesis has been an incredible journey. I received more help than I could ever hope to repay. Even so, I want to acknowledge a few people as a token of my thanks. My committee members mean a great deal to me. Margaret Zulick has been all I could ask for in an advisor. The discussions we had on rhetorical theory were a rich source of insight for this project and the subject generally. Likewise, Jarrod Atchison helped me think in new and interesting ways about my topic. His comments have made me into a better scholar. Peter Mancall was also generous with his time and feedback, despite living on the other side of the continent. I can’t thank him enough for his participation. Indeed, all of my committee members helped make this thesis what it is. It was a pleasure to work with them.

I would be remiss to leave my family out. My parents both worked hard to help me reach where I am. They cultivated my talents and encouraged me to use them to the best of my abilities. This thesis is as much a product of their love as it is hours of combing through Jefferson’s letters. And, above all, I wish to acknowledge God for endowing me with the perseverance to see this project through. May it prove helpful to all.

No doubt there are names I have missed, many integral to my life and the project. However, in the interest of time, I must stop here. I hope they will be satisfied with a general acknowledgment of all they have contributed to my life and work. Thank you all for your support.
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Abstract

The Declaration of Independence is a document with a rich history in American public discourse. Countless books, speeches, and films have relied on its rhetoric to argue their points. However, it is not clear what method we should use to apply Declaration outside of its original historical context. This thesis develops a rhetorical lens for validly applying a text to contexts other than its own. It argues that texts contain a spirit. The spirit of a text is its general personality, composed of moral, practical, and relational values hidden in the text. By discovering the spirit of the text, rhetoricians can apply classic texts to contemporary controversies. Thus, this thesis both develops the idea of textual spirits and explores the Declaration of Independence’s textual spirit. In doing so, it provides a means for bringing classic texts back into public discourse.
Introduction

“Four score and seven years ago our fathers brought forth, upon this continent, a new nation, conceived in liberty, and dedicated to the proposition that ‘all men are created equal,’” so began one of America’s most cherished speeches. It may seem strange to begin a thesis on the Declaration of Independence with a quotation from the Gettysburg Address. The wars that inspired their documents were more than “four score” years apart. One was designed to create a country, the other designed to preserve it. As Garry Wills notes, the two texts were written under entirely different literary movements.¹ The Gettysburg Address was a child of American Romanticism; the Declaration was the product of Enlightenment optimism.² Despite these differences in contexts, Lincoln found his eloquence in the Declaration of Independence. He was not alone. Americans in every time and place have found the Declaration of Independence a rich rhetorical resource for arguing about the meaning of America.³ These rhetors collectively engage in Declaration discourse, the attempt to settle public controversies by appealing to the Declaration of Independence. The Gettysburg Address stands alongside William Lloyd Garrison’s abolitionist editorial “To the Public,” Wendell Phillips’ invective against the murder of Elijah Lovejoy, and South Carolina’s “Declaration of Causes” in the genre of Declaration discourse.⁴ The genre did not die in the 1860s, either.

² Wills.
⁴ Clearly, Declaration discourse can be used for good or ill.
In recent years, authors have appealed to the Declaration for purposes ranging from equality to fighting the Deep State. The project Lincoln epitomized carries on to this day.

Unfortunately, Declaration discourse is alive, but not well. The sheer number of contradictory interpretations suggests the document is endlessly protean or incoherent. Authors would have us believe the Declaration is a document of small government and large, equality and meritocracy, the welfare state and libertarianism. Like many great texts, the real meaning of the Declaration has disappeared behind a sacred aura. The vast procession of yearly visitors to the document’s resting place testifies to its quasi-religious status. Martin Luther might very well have compared the scene to those visiting the bones of St. Peter. Housed beneath the rotunda’s vaulted ceiling, murals of the Founding Fathers above it, the Constitution and Bill of Rights lying beside it, the Declaration of Independence has taken its place in the American Magisterium. No wonder so many seek its authority, and no wonder so many misunderstand it. The glow of the Declaration reflects what we want to see more often than illuminates what we need to know.

It is tempting to leave the Declaration on its mountain. However, that would ultimately do a disservice to the document. The Declaration does not hover above history, but moves through it. To ignore these facts is to plaster over the real qualities of the document with our own imaginings. To recover the meaning of the Declaration, the reader must drag it down from the heavens and into the world of mortal concern.

Unfortunately, joining the mortal world comes with its own problems. Mortals die. Their

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actions carry consequence, but they only make sense in their original context. The same is true of the Declaration of Independence. How can an 18th century document, written to justify separating colonies from an empire that no longer exists, validly say anything about 21st century America? The Herculean task it was written for is finished.

The primary issue confronting the Declaration is the great tension between the immanence and transcendence of the text. On one hand, the Declaration of Independence was written to achieve a concrete political goal, bound by 18th century geopolitics. Its meaning is therefore particular to its rhetorical situation. On the other hand, the Declaration has taken on immense importance as a document of political philosophy. Despite its original rhetorical context, its meaning remains relevant to this day. One manner of reconciling the tension between past and present is to divide the document in two. The first half of the Declaration becomes a philosophical text that applies universally, while the charges against King George III are left safely in the past.

However, using only part of the document misses important insights the text can provide. The charges against King George III make up the bulk of the Declaration, and Declaration discourse ought to account for them. Rhetors need a method to systematically interpret and apply the text outside of its original context. Thus far, no one has attempted to create such a method. Declaration discourse, then, is left with an unenviable problem. Either we continue to use the document in an unwieldy fashion, never confident of our application’s validity, or we simply leave the Declaration in 1776.

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6 I have reviewed several touchstones in the literature on this topic, such as Becker’s The Declaration of Independence: A Study in the History of Ideas, Wills’ Inventing America, Allen’s Our Declaration, and Eicholz’s Harmonizing Sentiments. These texts are all valuable in their own right, but none discusses a method to systematically apply the text’s meaning.
I still believe in the Declaration of Independence. A document does not have to be divine to be important. If the likes of Lincoln, Phillips, and Garrison believed that great document had something to say for their time, I find it hard to believe it is mute now. The tradition of Declaration discourse should be repaired, not abandoned. This thesis is an attempt to begin the project of validly interpreting the Declaration of Independence. It does not pretend to be a wholly original interpretation, or an attack on all pre-existing interpretations. Its contribution to the field of rhetoric is primarily theoretical. The goal is to create a lens for establishing the character of a text, its “spirit.” The spirit of a text is a text’s general personality. By finding the spirit of a text, it is possible to validly apply the text outside of its original context. In this way, the rhetorical critic grants the text an afterlife. To that end, the thesis is divided into two parts. Chapter 1 establishes the rhetorical theory behind the present project. Chapters 2 and 3 carefully analyze the text of the Declaration, drawing out the traits that constitute its character. Regrettably, there is insufficient room to apply the Declaration to a later controversy. That will have to wait for a later project. For now, let us meet the Declaration of Independence.
Chapter 1: Rhetorical Theory and the Spirit of the Text

Before we can begin analyzing the Declaration of Independence, we must understand the theoretical problem lurking behind Declaration discourse. The genre of Declaration discourse is premised on the idea that a rhetor can validly use a text out of context. We assume that, even though the Declaration of Independence was written for a different time, place, and audience, we can somehow make it fit our rhetorical goals. However, it is not clear how we can apply a text to a radically different context without changing it in important ways. We are forced to carve down the text to fit our context, and the more we carve away, the less meaningful citing the Declaration becomes. We are without a way to validly apply the document. Since the goal of Declaration discourse is to solve problems in the present, this is quite the conundrum.

The problem of valid application is ultimately a hermeneutical problem. The word “hermeneutics” derives from the Greek word “hermeneuein,” which means “to interpret.”\(^7\) Originally associated with the Oracle of Delphi, the word dealt with bringing the wisdom of the gods to mortal ears.\(^8\) However, if mortals are to grasp such wisdom, they need it translated into a form they can understand, the job description of the god Hermes.\(^9\) The idea of the translator as the bridge between two “worlds” of meaning\(^10\) is


\(^8\) Palmer, 13.

\(^9\) Palmer, 13.

\(^10\) Palmer, 31.
the sense of hermeneutics most relevant to this project. The Declaration needs a bridge between its world and our own.

There are two levels of understanding we must have to bridge the Declaration’s world and our own, what E.D. Hirsh Jr. calls “meaning” and “significance.” According to Hirsch Jr., “meaning...is what the author meant by his use of a particular sign sequence; it is what the signs represent. Significance...names a relationship between that meaning and a person, or a conception, or a situation...” In order to understand significance, an audience must understand the text’s meaning. The two are causally connected. Unfortunately, the meaning and significance of the Declaration are not always easy to grasp.

**Meaning**

Let us begin by examining the problems we have understanding the Declaration’s meaning. In a sense, the Declaration’s meaning has been lost in translation. Garry Wills was righter than he realized when he described the text as “written in the lost language of the Enlightenment.” Language is a system of signs that communicates meaning. Meaning arises when the mind of an author links a sign and its object. The author then sends the sign to a receiver. The receiver decodes signs on a probabilistic basis. If a

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11 By using the word “hermeneutics,” I do not mean to import the entire conversation of philosophical hermeneutics. I am only interested in the understanding of texts, not the understanding of understanding itself.


13 Hirsch, Jr., 8.

14 Wills, *Inventing America*, xviii.

15 Some readers may object that this model reduces interpretation to a math problem. However, there is no reason to think interpretive probability is anything more sophisticated than naïve induction. We observe the sun rise every day, so we rightly suppose that it will rise tomorrow. We know the word “door” usually
speaker says the word “door,” then the receiver will compare that utterance to all the other times he has heard the word “door.” If, in virtually every other case, the word “door” refers to an opening between two places, then one will conclude the author means the same in this particular utterance. Two people sharing a “world of meaning” really just share assumptions about the probability of a sign’s referent. However, what if the author intends “door” to mean “boat”? The receiver’s usual assumption would be wrong. The receiver will misunderstand the text. This is the great epistemological peril of reading historical texts. Unless the reader shares the author’s sign-probabilities, one is likely to misunderstand what the author means.  

Readers of the Declaration today do not share some of the sign-probabilities of the men who wrote it. Thus, we are likely to miss the nuances of the Declaration’s meaning. In doing so, we miss what Declaration discourse is truly after: Significance.

The reader may object that what the author means is irrelevant to what the text truly says. The New Critics famously declared this the “Intentional Fallacy.”  

The text, they claim, stands on its own; its meaning is grounded in the public mind. The idea that a text has some meaning beyond what an author intends has merit, but not for the reasons the New Critics believe. “The public” never reads anything. Individuals read. Individuals may share their sign-probabilities with one another, and that may constitute a public.

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16 This is a version of the famous “hermeneutic circle.” To understand a message, it seems you must already understand part of the message.


18 Wimsatt and Beardsley, 471.
However, there never has nor ever will be an entity called “the public” that reads a text. A shared opinion is not a shared mind, and it is the mind that decodes a message.

Aside from the problems with grounding meaning in the public, there are other reasons to believe authorial intention is the source of meaning. Communication, whatever else it is, requires moving meanings from one place to another. Almost every model of communication includes at least a sender, a message, and a receiver. Even the Shannon-Weaver Model, which does not concern itself with meanings, includes as much. A sender tries to say something, which is put into a symbolic message of some kind, and is then interpreted by the receiver. The meaning forms as the sender links signs to referents. The sender does this by an intentional process, so it is the sender’s intent that is coded into the message. The message, as it reaches the receiver, contains no information whatsoever from the receiver’s mind. The receiver’s mind has yet to interact with it. It only contains information linked to its signs by the sender. The goal of the receiver is to comprehend the information inside the message by re-linking signs to referents. In doing so, the receiver traces the sender’s intentions, thereby understanding the sender’s meaning.

I contend the common-sense model of communication I described makes the most sense of our experience. Consider the consequences of denying it. If we say meaning emerges as the receiver decodes a message, then the receiver is not actually interpreting any information from the sender. The receiver just interprets oneself. If we say meaning

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is intrinsic to the message, we are forced to say signs have intrinsic meaning. However, that is plainly false. Saying “I love you” sincerely and “I love you” sarcastically uses the exact same set of signs, but they carry different meanings. Appealing to mysterious subconscious processes does nothing to bypass intention, either, for all that does is describe influences on the intention. The subconscious never directly interacts with verbal communication by virtue of being subconscious. Its influences are always mediated through the conscious intention.

Deconstructionism is even worse an objection. Derrida’s deconstructionism is “reading with a fidelity that finally betrays the contradictions hidden within the text—fundamental contradictions that cause what is built on them to falter and collapse.”

Deconstructionism approaches all texts with an untenable assumption, that at bedrock, a text must be contradictory. But all contradictions are necessarily false. It follows, therefore, that all texts are false— including Derrida’s. Against this claim, we can only react as Diogenes did upon hearing Zeno of Elea’s arguments against the existence of motion. He simply walked away, refuting the paradoxes by action more than by word.

Why should anyone accept the claim everything a person says is fundamentally false? Were our ability to communicate so egregiously crippled, it would be a miracle we are here to talk at all. Nonetheless, we all communicate all the time without endless

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trepidation about whether we are able to say anything true. Deconstructionism, then, is not an adequate response to intentionalism.

Two final prominent objections to intentionalism are that the author’s intention is irrecoverable\(^\text{22}\) or simply nonexistent. However, both of these objections make intention into something far greater than it really is. They assume that intention is an elaborate thought process that a critic must venture outside the text to discover. It is not. Rather, intention is merely an act of will associating one entity with another. Prior forces may shape that will, and these forces are worth studying, but the act of will is still the associator between sign and referent. Meaning arises from this association, for the fundamental trait of meaning is that it directs the mind to think of something beyond the immediate senses.\(^\text{23}\) The only way for a sensed object to direct thought to something unsensed is if the mind associates the sensed object with some other entity. That association is triggered by the sensed object. All of these associations exist within the ontology of the text. The question is whether the reader shares the same associations as the author. Again, what matters for the reader is that they share the same sign-probabilities as the author. Going outside the text to discover the author’s intent only helps insofar as it helps us adopt the author’s sign-probabilities. If it distracts us from them, it hurts instead. Although we can never decode a text with certainty, we can still


know what the text means with reasonable probability. The author’s intent is by no means irrecoverable unless the text itself is indecipherable.

Having eliminated all possible sources of meaning except the author’s intention, it follows that this is where the meaning of the text derives from. What does a stalwart commitment to authorial intention mean for multiple meanings in a text (polysemy)? If a text’s meaning is determined by the author, can it have more than one meaning? The answer depends on the type of polysemy. Ceccarelli’s magisterial paper classified three types of polysemy: “resistive readings,” “strategic ambiguity,” and “hermeneutic depth.”

“Resistive readings” are readings that seek to alter the power dynamic of author and audience, wherein the audience has its own meaning for the text different from the author’s. On the face of it, resistive readings are invalid, for they ground meaning in the audience. However, the core goal of resistive readings—subverting power dynamics—is still possible with slight conceptual tweaking. The resistive reader is not creating a new meaning for the text. Instead, the reader is assigning new sign-probabilities to that text, appropriating the author’s language to empower the audience. “Strategic ambiguity” and “hermeneutic depth” are less challenging for the intentionalist to engage. Authors are capable of intending multiple meanings for a single utterance, often for achieving a multifaceted rhetorical goal. Likewise, when multiple authors write a single text, polysemy always results due to their varying intentions. Polysemy, therefore, is not just possible but often necessary for intentionalism.

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25 Ceccarelli, 400.
The point of the above digression on authorial intent is to show why the Declaration of Independence needs translation. In an important sense, the meaning of the text is bound to its 18th century authors. Many of their ideas and their language is unfamiliar to us. They would use and interpret words in ways we do not today. Without understanding their rhetorical goals, we are likely to read our own meaning into the text instead of drawing the true meaning out of it. Moreover, the Declaration was written by multiple authors. Jefferson may have drafted the document, but it was edited eighty-six times before Congress signed it.26 Such a multitude of inputs implies the document has polysemic meaning. If we fail to understand the meanings of the text, then we are all the more likely to fail in grasping its significance for us. We must, therefore, learn to see the Declaration as its authors saw it.

**Significance**

If we were merely trying to appreciate the literary style of the Declaration, we could stop at translating the meaning of the text. To apply the text, we must grasp its significance for us, significance being the relationship a text has with an audience.27 Unfortunately, it is not at all clear what the rules for grasping a text’s significance are. Hirsch’s definition of significance is so broad that it covers every relationship a text has with something else. Imposing order on the roiling sea of textual relationships seems like an impossible task. Nonetheless, there are clearly different types of significance. Without defining them, Hirsch suggests at least three kinds of significance: personal, conceptual,  

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and situational. In addition to these, there are two more types of significance crucial for the problem of application: Historical and public. We will briefly examine each in turn.

Personal significance is the relationship a text has with a person. It can be established from two directions, from the direction of the text or from the direction of the reader. A text may address its meaning to a person, which would automatically give the text significance to the addressee. A wedding invitation, for instance, automatically creates significance for the recipient by forcing a decision. The recipient can either choose to RSVP or decline to RSVP. Even if the recipient never opens the invitation, it still is significant to them because the text is aimed at them. However, personal significance can develop from the other way around. Instead of the text explicitly addressing a reader, a reader can grow attached to a text. A devoted reader of *Lord of the Rings* may find deep personal significance in the text simply because one finds its themes fascinating, or reading it allows him to escape from difficult circumstances. What is important about personal significance is that it is an *individual’s* relationship to a text, not a collective’s relationship.

Conceptual significance is the relationship a text has to ideas. A good example of conceptual significance is the history of philosophy. Throughout philosophical history, philosophers have written texts in response to ideas they encountered in other texts. Kant’s idealism was a reaction to David Hume’s skeptical philosophy. Hume could not have known his work would inspire the birth of Kantianism, but his texts nonetheless

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28 Hirsch, Jr., 8.

retain a significance to Kant’s ideas. Conceptual significance is necessarily more abstract than other types of significance, but it is no less important.

Situational significance is the relationship a text has to a situation or a type of situation. Although all texts contain some situational significance, for we are always reading within a situation, some types of texts are especially concerned with situational significance. Legal texts, for instance, are concerned with defining some situations as legitimate and others as illegitimate. What separates a legal text from a treatise on moral philosophy is that legal texts are more concerned with the situation than the character of the reader. However, legal texts are not alone in their concern with situational significance. Religious texts are often concerned with designating some situations as sacred and others as profane. Situational significance, therefore, is in many ways the opposite of conceptual significance. Where conceptual significance is concerned with the relationship between texts and ideas, situational significance is concerned with the relationship between a text and concrete realities.

Historical significance is a text’s relationship to events. At first glance, it would appear there is no difference between historical significance and situational significance. Both deal with concrete realities instead of abstract ideas. However, situational significance is more concerned with space than it is with time. An analysis of situational significance would examine a text’s relationship to various types of situations, whether legal, domestic, military, religious, etc. In contrast, historical significance examines a text’s relationship to a set of events. Analyzing *Common Sense*’s role in the American Revolutionary War is an example of historical significance.
Lastly, a text’s public significance is the relationship a text has to a collective. Just as individuals may come to hold a special relationship with a text, so too can a community. Again, the bond can form in two ways. The community can choose a text, or the text can choose it. The elite class of Victorian Britain was well educated in the classics, despite the *Iliad* having been written eons ago to a culture long dead. The British chose to adopt the *Iliad*, not the *Iliad* the British. In contrast, the Jewish Torah is said to have been given to the Jewish community by God. In both of these cases, the text’s relationship is to a community, rather than an individual.

The above list of categories is not exhaustive. If Hirsch is right and there is a type of significance for every relationship a text can have, what I have described is only the tip of a massive iceberg. Nonetheless, these categories are the most important for understanding how to apply texts, for these are the contexts we try to apply texts to. For the Declaration especially, what matters most are conceptual, situational, and public significance. Declaration discourse usually breaks down into three branches. The first branch asks what the Declaration’s place is in the history of political thought. The second branch uses the Declaration to comment on current political situations. The third branch asks what the Declaration means for the American identity. These three branches map onto conceptual, situational, and public significance, respectively.

These three types of significance raise questions of validity. In the case of personal significance, no one will claim it is invalid for a person to have a special bond with a book they care about. The reader created that bond. However, it is a different case when politicians claim the Declaration of Independence speaks to the President’s latest executive order. In such cases, we assume that the text’s significance has some kind of
normative value for us. We may ask whether it is legitimate for a text that knows nothing about a President of the United States to weigh in on political situations involving him. The 18th century meaning of the text constrains its significance. For the Declaration to validly have significance for contemporary situations, it must find a way to transcend its contexts.

Some Prominent Theories of Textual Transcendence

The principle driving force of hermeneutics has been to apply authoritative texts, such as the Bible, to new contexts. Therefore, hermeneuts have long held an interest in textual transcendence. Many of these theories were developed for Biblical interpretation, but their principles are general enough that critics might use them elsewhere. It behooves a theorist trying to develop a new lens for interpretation to cover some of these theories and explain why they are not wholly adequate for our task.

Among the most influential hermeneutic theorists of last century was Hans-Georg Gadamer, who wrote *Truth and Method*. Gadamer’s theory of textual transcendence is most clearly conveyed in his commentary on the concept of the classical. According to Gadamer,

…the classical is what is preserved precisely because it signifies and interprets itself; ie that which speaks in such a way that it is not a statement about what is past, but says something to the present as if it were said specially to it. What we call ‘classical’ does not require the overcoming of historical distance, for in its

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own constant communication it does overcome it. The classical, then, is certainly ‘timeless’, but this timelessness is a mode of historical being.\textsuperscript{31} For Gadamer, there is no problem of application validity to solve. The text is always speaking into a new context, even if that context is not the one it was originally created for. The text has something to say to each new generation.

Gadamer’s theory makes the text its own autonomous entity. In certain respects, this must be right. A text is not just the same thing as its author, even though it derives from its author. It must be a separate entity. Nonetheless, Gadamer’s theory is flawed. It assumes that the text is in “constant communication” with present audiences.\textsuperscript{32} Perhaps that is enough to allow an audience to validly grasp the text’s meaning, but it does not help the audience validly apply that meaning. Suppose a classical text does continue to validly communicate its message to future audiences. What is its significance? Does the \textit{Odyssey} have situational significance for planning a vacation? Is its significance purely conceptual, such that it is only important for how it relates to later epics? Does the \textit{Odyssey} have public significance for the American identity? In two of these cases, the answer is plausibly “Yes.” However, it would be a peculiar trip if someone planned a vacation on the assumption that Poseidon was going to blow them off course for several years. Gadamer’s theory cannot explain why two of these significances could apply and a third could not. He simply explains the mechanism by which meaning remains important to people from one context to the next. The reader latches onto the classical text, rather


\textsuperscript{32} Gadamer, 257.
than the classical text to the reader. Therefore, the text cannot prescribe action to the reader in the same way a text specifically written to them could.

A more promising theory of textual transcendence is Bultmann’s project of demythologizing. For Bultmann, the true meaning of the Bible is hidden behind a veil of “mythological language.”\(^\text{33}\) Such language is “inappropriate to the subject matter”—the Word’s “existential meaning.”\(^\text{34}\) Therefore, the job of the critic is to isolate the text’s implications for humanity’s being in the world from the language that conceals it.\(^\text{35}\) In Hirschian terms, a critic must disentangle the meaning from the text to understand its significance.

Bultmann’s project developed in the context of Biblical interpretation, but its principles are broadly cross-applicable to other texts. Demythologization has its virtues. In demythologization, we see a systematic attempt to draw out a text’s essence and apply it to a new context. Bultmann’s insistence that the meaning of the text should be taken seriously, rather than hastily applied to any situation, is a maxim any critical method should obey. Moreover, demythologization grasps an important point: Something resides within the text that can transcend its original context. The core of a message is transcendent, not the extra trappings we decorate that core with.

Unfortunately, demythologization carries limitations, too. For one, Bultmann wrongly assumes that language clouds interpretation, preventing the reader from properly understanding the text’s transcendent meaning and significance.\(^\text{36}\) Nothing could be

\(^{33}\) Robinson, “Hermeneutics Since Barth,” 32.

\(^{34}\) Robinson, 33–34.

\(^{35}\) Robinson, 34.

\(^{36}\) Robinson, 34.
further from the truth. Language is a guiding light to the text’s transcendent meaning. Without it, we wander in the darkness, always trying and failing to figure out just what a text is saying to us. As we have established, meaning derives from the author, and language is a bridge between the author and audience. Attempting to remove meaning, and therefore significance, from language is to destroy that bridge and any hope of understanding. Bultmann’s hermeneutic ultimately disrespects the text. It takes a paternalistic attitude toward it, as though its language is in need of uplifting by a more enlightened reader.\(^3^7\) Second, Bultmann does not firmly establish what the essence of a message is. He establishes what sort of significance he is after—personal—but he never says what exactly we are looking for in the text. Is it some implied meaning, an ideology, or something else? Without knowledge of what we are searching for, we are unlikely to ever find it. If we do chance upon it, then we will never know we found what we needed to apply the text validly. Bultmann is a step in the right direction, but he remains inadequate for our purposes.

If Bultmann is the great demythologizer, Ricour is the great mythologizer. Ricour’s hermeneutics sees interpretation as the understanding of all the various meanings of symbols, through which the interpreter acquires “self-understanding.”\(^3^8\) His hermeneutics has a distinctly phenomenological flavor.\(^3^9\) Ricour’s means of transcending contexts is the reverse of Bultmann’s. Rather than take the text out of context, Ricour takes the reader out of context and makes the reader “contemporary with the text.”\(^4^0\)

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\(^3^8\) Ricour, 3.

\(^4^0\) Ricour, 16.
Readers thus absorb the meaning of the text, making any reading of the text a reading of themselves.\textsuperscript{41} By making the text’s meaning his own, the reader grows “self-understanding.”\textsuperscript{42}

Ricour’s theory of textual transcendence is fraught with problems. First, it focuses solely on the reader. On Ricour’s view, the reader is not reading the text to understand the author’s meaning; the reader is just acquiring a better understanding of himself. There is something solipsistic about this approach. As stated earlier, the fundamental trait of communication is moving messages from author to audience. In Ricour’s theory, the author has mysteriously disappeared, leaving just the text and reader. As Hirsch notes, this leaves the reader to impute any meaning onto the text.\textsuperscript{43} The result is interpretive chaos. We may feel safe applying Ricour’s theory to poetry, but when a bank teller is interpreting a check, the teller is certainly is not searching the check for self-understanding. The bank wants to know what the writer of the check meant. Ricour might object that his hermeneutics was never meant to be used in a bank’s context, but if it cannot be used in that context, it raises doubts about the theory’s validity as a theory of general hermeneutics. Second, Ricour’s theory is highly limited where it does work. The goal of Declaration discourse is to use the meaning of the Declaration to determine its significance for us. At best, Ricour’s theory allows us to understand the Declaration’s personal significance for us, and then only from the direction of the reader. Ricour, then, fails to give us a means to apply the Declaration.

\textsuperscript{41} Ricour, 17.

\textsuperscript{42} Ricour, 17.

\textsuperscript{43} Hirsch, Jr., \textit{Validity in Interpretation}, 3.
These three hermeneutic theorists are representative of the most influential ideas regarding textual transcendence. However, in each case, they fail to show how meaning relates to significance. Where they do touch on significance, they cover it in a very private fashion. Their theories, therefore, are inadequate for studying public discourse. They are especially inadequate for studying the Declaration of Independence. For us to apply the Declaration, we must examine how meaning relates to public significance, not just private significance. We need a new lens to explain the relationship between meaning and significance, one that allows the text to transcend a context. For that, we must turn to the spirit of the text.

**Spirit and Text**

Every text contains a spirit. Traditionally, “spirit” refers to that part of the self that is one’s core essence. Some treat it as immortal, immaterial, and indestructible. Furthermore, “spirit” is traditionally associated with the vital force. A dead body is a body absent a spirit to move it. An army that no longer has the will to fight has lost its “fighting spirit.” Spirit ties together disparate parts. The difference between a collection of athletes and a team is the presence of “team spirit.” Lastly, spirit is intimately connected to a being’s ability to think. Descartes’ famous conception of the mind as an immaterial “thinking thing” is an illustration of the association between the mental and the spiritual.\(^4\) I do not argue here that texts are literally composed of an immaterial substance and a material substance. Rather, the point is that “spirit” is a useful metaphor for describing the character elements of the text. Texts contain a character (spirit) that

provides its rhetorical force, unifies its individual elements, thinks about problems, and carries on beyond its original context. We implicitly recognize textual spirits when we use phrases like, “You’re following the letter of the law, not the spirit of the law.” The implication is that the reader is not being authentic to the essence of the message.

Unfortunately, spirit receives little treatment in the field of rhetoric. The theorist who came closest to a comprehensive theory of a text’s spirit is Emilio Betti. Betti described a text as “the objectification of man’s spirit (Geist) expressed in sensible terms.”

Translated from the language of German idealism to an Anglo-American philosophical context, the text is a conjunction of signs (language) that represent psychological content, the author’s “spirit.” However, Betti’s ontology raises a problem. Earlier, I argued that a text’s meaning is grounded in the intent of the author. To have knowledge of a text’s meaning requires correctly understanding the author’s intention. If a text is just an “objectification” of that intent, then is not the text just a “clone” of the author? Texts have no character of their own, on Betti’s view. They merely borrow the character of their author. Here is where I hope to find a compromise between intentionalists and anti-intentionalists.

I make a distinction between individual utterances and a text. While the meaning of individual utterances is determined by authorial intent, the whole character of the text is not. If the whole character of a text were determined by authorial intent, then the text would merely be one colossal sign. Texts are not just one sign, however. The meaning of the whole text is a composite of all its signs. Combining signs together into a single text creates structures of logical implication, and implications go beyond what the author

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intends. Much like buildings arise from the combinations of bricks and building materials, a text arises from the relationship between its individual parts. An architect may have a vision for how a building will turn out, but there is no guarantee the vision will be fulfilled. Nonetheless, the architect’s choice of building materials will have an impact on the character of the building. A poorly built brick building is still a brick building. By analogy, the individual utterances (bricks) can combine more or less successfully into a text (building). Skilled rhetors know how to conform texts to their intent. This emergentist account of textual meaning allows for texts to have a character that is more than the character of their authors. Nonetheless, their character is grounded in the author, not the audience.

If a text contains a character, then there must be some method of finding it. Of course, some would object to the claim that we need a method to interpret texts. However, it is hard to describe some approaches to interpretation as anything else. Methods are simply systematic approaches to investigation. We use them because they work. If we find a given approach repeatedly works when interpreting texts, we should not shy away from calling it a method.

We have already examined some methods to elevate a text from its context, however much those authors would object to that language. All three were inadequate for this thesis. However, the materials for evaluating the spirit of a text already exists. We may find them in the field of rhetorical character.

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47 See especially Gadamer, *Truth and Method*. 
A Brief History of Rhetorical Character

The study of character has long held a venerable place in rhetorical studies. It is difficult to say which of the ancients first theorized the concept of rhetorical character. Some scholars, such as Frobish, place the first implicit theory of rhetorical character as far back as Homer.\textsuperscript{48} The Hebrew Bible also features ample discussion of the relationship between speech and character.\textsuperscript{49} Outside of the Mediterranean world, rhetoricians in China had their own ideas about the relationship between character and discourse.\textsuperscript{50} However, no ancient culture treated the concept of rhetorical character as thoroughly as the Greeks of 5th century B.C. Athens.

Athens, the wellspring of the Western rhetorical tradition, produced many ideas about what they called ethos. To the ancient Greek mind, ethos referred to the “customs” of a group.\textsuperscript{51} The Athenians had their markets and sailors, the Spartans had their austere soldiers, the Persians had their King of Kings, and so on. Each people had a unique way of life informed by their “habits.”\textsuperscript{52} Rhetoricians shifted the word from a collective to an individual context. The Greek Sophists recognized that the imitation of an eloquent speaker was likely to reproduce eloquence in the student.\textsuperscript{53} Indeed, the concept of


\textsuperscript{49} See texts like Proverbs 18:6-7.


\textsuperscript{52} Sattler, 55.

character was so central to the Sophistic project that Isocrates founded a school to cultivate it. Eloquence was not merely a gift some had and others did not. It was fundamentally a habit, a habit anyone could (theoretically) develop. The recognition that character involves habit was the first great step toward a rhetorical knowledge of spirit.

The theory of rhetorical character’s next great innovation came through Aristotle. The Philosopher’s rhetorical treatise subtly changed the usage of ethos once more. Prior to Aristotle, rhetoricians made no distinction between a rhetor’s actual character and the character of the rhetor in the speech. Aristotle created a subtle distinction between the two. He claimed that some types of argument, like arguments from character, are created by the artifice of the speaker. It is impossible to overstate how important an advance this was. Bifurcating the projected character in a speech from the true character of the speaker created a separation between rhetorical criticism and biography. For the first time, character was located in the text, not outside of it. Later theories of character, like the Second Persona and its offshoots, retain Aristotle’s original distinction.

Aristotle went further and divided ethos into three components: arete (virtue), phronesis (practical wisdom), and eunoia (goodwill). Phronesis, or “good sense,” is what it sounds like. We might call someone with phronesis someone who is street

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54 Kennedy, 41.


57 Aristotle, 2.1.2.

58 Aristotle, 2.1.2.
smart. Such a person does not merely have theoretical knowledge, but the ability to solve concrete problems in the real world.\(^59\) *Eunoia*, “goodwill,” is also what it sounds like.\(^60\) A person with goodwill shows that they mean to benefit their audience.\(^61\) *Arete* (virtue) is a more difficult concept than the other parts of character. Virtue carries a different meaning in Aristotle’s *Rhetoric* than it does elsewhere in his writings. In the *Nichomachean Ethics*, Aristotle uses the term *hexis* to describe virtue, whereas *Rhetoric* describes virtue using the term *dynamis*.\(^62\) *Hexis* describes a state of being; *dynamis* describes an ability a person has.\(^63\) In the *Ethics*, a person’s moral character will dictate whether their deeds are right.\(^64\) In the *Rhetoric*, virtue is not so much a character trait as a “capacity” for moral action.\(^65\) Both cases of the word are concepts of moral character, but with different emphases.

The Greeks, therefore, gift us three important insights into the nature of rhetorical character. Rhetorical character is (a) constructed by the rhetor, (b) composed of character traits, and (c) concerned with habits of eloquence. The rhetor does not exercise absolute control over the character of a text, but does contribute to it. The character of a text emerges from its collected character traits. Following Aristotle’s distinctions, these traits


\(^{60}\) Aristotle, *Rhetoric*, 2.1.2.

\(^{61}\) Aristotle, *Rhetoric*.


\(^{63}\) Allard-Nelson, 245.

\(^{64}\) Moss, “Virtue Makes the Goal Right,” 205.

concern how a text relates to practical action, audience analysis, and moral virtues. Perhaps most importantly, the emergent character of a text reveals its habits - those attitudes a text will hold regardless of its context. Here is where we find the solution to the problem of application.

**Character Calculus and The Problem of Application**

I began this chapter by outlining the twin problems preventing a valid application of Declaration discourse. The first problem, the problem of translation, is solvable with sufficient historical investigation. We can find the meaning of the text by stepping into the authors’ world of meaning. The second problem, the problem of valid application, requires understanding the text’s public and situational significance for us. We can discover those by doing what Bultmann could not: Isolating the core essence of the text, its values. By examining the rhetoric of a text, we discern a set of values that constitute character traits. Character reveals habits, and habitual behavior remains regardless of context. Batman will fight crime regardless of whether he is in Gotham City or New York City. It is in his character to fight crime. The Declaration, likewise, will “behave” a certain way regardless of whether it is used in 1776 or 2021.

What are the practical mechanics of determining a text’s character? As mystical as the language of “spirit” sounds, the process is not unlike solving a math problem. The formula for discovering the spirit of the text is as follows: Practical Values + Moral Values + Relational Values = The Spirit of the Text. These variables are modernizations of Aristotle’s three components of *ethos*: *phronesis*, *arete*, and *eunoia*. All a rhetorician must do is carefully examine the language of a text for these variables. I call this the character calculus. Obviously, it is not a truly mathematical algorithm. An enterprising
rhetorician could not, for example, tell a computer to solve for the spirit of the Declaration of Independence. However, the rhetorician can make qualitative judgments about the textual data. The character calculus is not a quantitative method, but it is a method nonetheless.

A brief example of the character calculus is in order. Suppose I were reading a *Batman* comic, and I sought to understand the spirit of its text. I would first begin by examining what sort of practical wisdom is portrayed in a positive light. Batman traditionally defeats his villains through advanced technology, physical violence, and forensic investigation. These concern practical goals, so they would fall into the Practical Values variable. *Batman* comics extol certain moral values, as well. Batman never kills his enemies, even when they have done horrific deeds. Nonetheless, he does brutalize his villains regularly. He feels a moral warrant for acting beyond the bounds of the law. These would fall under the Moral Values variable. Finally, *Batman* comics care little about protecting the reader from graphic violence or painting a grim view of the world. The frequent atrocities suggests that it assumes the reader can handle the evil it depicts. We therefore have data to fill the Relational Values variable. The equation for the usual *Batman* spirit looks something like this:

Practical Values (Technological Sophistication + Physical Violence + Methodical Investigation) + Moral Values (Deterrence Over Lethal Force + Right Action Transcends Legal Authority) + Relational Values (Do Not Shelter Others From Evil) = The Spirit of *Batman* comics
Rhetoricians can argue over what exactly the values of *Batman* are. The point is that these character traits exist in the text. Once a rhetorician has the matrix of character traits constituting the *Batman* comic, the rhetorician can see how that comic might have public significance. We can examine how it “behaves” toward police violence, racism, religion, etc.

Of course, most people are not going to cite *Batman* on matters of great civic significance. *Batman* lacks the authority of a text like the Declaration of Independence. However, what works for *Batman* works for the Declaration, too. The Declaration of Independence has its own ideas about what counts as practical wisdom, virtue, and goodwill. Understanding the spirit of the Declaration allows us to analyze what the Declaration *would say* now, if it were written for our context. That solves the central problem of Declaration discourse: How to apply a text meant for another world. Let us now attempt to discover the spirit of the Declaration.

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66 Note that I am referring to the character of the *Batman* comic as a whole, not the character “Batman” within the comic. The character “Batman,” as the protagonist of the *Batman* comic, has an outsized impact on the spirit of the comic. However, other elements do, too. The Joker, Commissioner Gordon, the art style, the plot, and so on all have an impact.
Chapter 2: Moral Virtue in the Declaration of Independence

Of all the Declaration’s character traits, perhaps none are so interesting as its moral values. Declaration discourse often asks questions concerning morality. When Prince Hall petitioned Massachusetts to end slavery, he used the moral language of the Declaration.\footnote{Prince Hall, “Petition for Freedom (Manuscript Copy) to the Massachusetts Council and the House of Representatives, [13] January 1777” (January 13, 1777), Massachusetts Historical Society, http://www.masshist.org/database/557.} Generations later, Abraham Lincoln did the same in the Gettysburg Address.\footnote{Abraham Lincoln, “Gettysburg Address - ‘Nicolay Copy’” (Speech, Gettysburg, PA, November 13, 1863), https://www.loc.gov/exhibits/gettysburg-address/ext/trans-nicolay-copy.html.} Indeed, the first questions are always the moral questions, so it is in the moral realm we must begin.

First, let us establish what a moral value is, as opposed to a practical or relational value. Aristotle’s \textit{Nichomachean Ethics} identifies virtue as an “excellence of the soul.”\footnote{Aristotle, \textit{Nichomachean Ethics}, trans. H. Rackham, vol. 19 (Cambridge, MA: Harvard University Press, 1934), 1.13, http://www.perseus.tufts.edu/hopper/text?doc=Perseus%3Atext%3A1999.01.0054.} Moral excellencies guide action toward the Good.\footnote{Aristotle, 19:1.13.} In Moss’ words, “Virtue makes the goal right; phronesis is responsible only for what contributes to the goal. That is, practical intellect does not tell us what ends to pursue, but only how to pursue them; our ends themselves are set by our ethical characters.”\footnote{Moss, “Virtue Makes the Goal Right,” 205.} Modern treatments of virtue usually do...
not differ much from Aristotle’s original definition.\textsuperscript{72} An analysis of moral virtue in the Declaration, then, must ask what it considers excellent.\textsuperscript{73}

The most famous phrase in the Declaration is the best place to start an inquiry into its public morality. Paragraph 2.1-2 says, “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.”\textsuperscript{74} Perhaps no line in the Declaration resonates so strongly across generations. Few today could recite the charges against King George III, but many can still quote this line. Its universal character lends itself a transcendence that the rest of the document struggles to attain. Fortunately, it can lift the rest of the document with it. In this one sentence, we find the most important moral values of the Declaration, moral values that transcend its context.

The natural inclination of the reader is to see the “Life, Liberty, and the pursuit of Happiness” as the complete statement of the Declaration’s virtues.\textsuperscript{75} However, we ought to note that this list of virtues is not exhaustive. Before listing the famous triad, it says “among these.”\textsuperscript{76} The moral imagination of the Declaration of Independence goes beyond the triad’s ideals. We can and shall find other moral values concealed by the rhetoric of the document. What is chiefly important about “Life, Liberty, and the pursuit of


\textsuperscript{73} Note a subtle distinction here. I am not evaluating whether the Declaration’s morality is correct. That question is best suited for philosophers and theologians. I am interested in identifying what the Declaration’s moral framework is.


\textsuperscript{75} The United States of America, “Declaration of Independence.”

\textsuperscript{76} The United States of America, para. 2.1-2.
Happiness” is that those words allude to Locke’s *Second Treatise on Government*. According to Locke, it is permissible for a people to replace their government if that government “acts against the trust reposed in them, when they endeavor to invade the property of the subject, and to make themselves, or any part of the community, masters, or arbitrary disposers of the lives, liberties, or fortunes of the people.” The Declaration copies the syntax of Locke’s last line nearly exactly. An educated reader familiar with Locke’s argument would recognize the Declaration’s language and link the argument to Locke’s political theory. The triad of rights listed in the Declaration’s preamble, therefore, serve a double purpose. They direct the reader to Locke’s theory and they list some of the rights Britain has infringed upon. They are not the only moral values that matter for the Declaration.

Aside from the triad of rights, then, there is also an implicit commitment to three other moral goods: Equality, religion, and integrity. Equality is a precondition for the triad of rights, and the text pursues a religious justification for why these rights exist. Denial of either the equal distribution of rights or their divine origin threatens the

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79 There is some debate over how much influence Locke has over the Declaration. The classic case for a Lockean political philosophy is stated in Carl Becker’s *The Declaration of Independence: A Study in the History of Political Ideas*. The more radical critics of Becker include Garry Wills, who seems to deny any Lockean influence in the Declaration at all. He grounds the Declaration’s argument in Scottish Enlightenment thought. Both authors probably overstate the influence of their respective theorists. As we shall see, the Enlightenment was not the central idea motivating the Declaration, but a reverence for the values of the English constitution. See Carl Becker, *The Declaration of Independence: A Study in the History of Political Ideas* (New York: Harcourt Brace, 1922); Garry Wills, *Inventing America: Jefferson’s Declaration of Independence* (Garden City, NY: Doubleday & Company, Inc, 1978).
philosophical foundation of the Declaration’s argument. Furthermore, at the heart of the Declaration’s argument is a protest against the unprincipled use of power. Therefore, life, liberty, the pursuit of happiness, equality, religion, and integrity are the moral values the Declaration considers excellent. Let us examine each of them in turn.

Equality

What does the Declaration mean by the word “equal”? The answer is less straightforward that it first appears. It cannot mean what modern political commentators think it means. In the ages since Gettysburg, equality has meant something like a level playing field for all identities in public life. However, the very line presenting the word “equal” proscribes such a definition. According to the Declaration, “all men [emphasis mine] are created equal.”80 Contemporary readers often interpret this phrase as a metonymy for all human beings, but that is far from clear in its original context. Jefferson and his editors certainly did not believe women deserved an equal place in public life. In a 1788 letter to Anne Willing Bingham, Jefferson expressed his general sentiments on the role of women in society: “But our good ladies, I trust, have been too wise to wrinkle their foreheads with politics. They are contented to soothe and calm the minds of their husbands returning ruffled from political debate. They have the good sense to value domestic happiness above all other, and the art to cultivate it beyond all others.”81 The belief that men occupied the political world and women the private world was hardly atypical for his era. There is little reason to believe Jefferson’s opinion was radically


different in 1776. Nor does the Declaration seem to include black people or Native Americans in its conception of equality, for both are castigated later in the document.\footnote{Rakov, The Annotated U. S. Constitution and Declaration of Independence, 94.} It is true that Jefferson’s original draft of the Declaration condemned the slave trade, but it did not make the final document.\footnote{Thomas Jefferson, Autobiography of Thomas Jefferson (New York, NY: G.P. Putnam’s Sons, 1914), 33, https://library-biblioboard-com.go.libproxy.wakehealth.edu/viewer/94895b44-6311-4808-a155-2dd11c3653bd/67.} Even if it did, the document never comes close to asserting full equality between whites and blacks.

What, then, are we to make of the Declaration’s claim that “all men are created equal”? Marcin Gajek’s interpretation is most likely correct: “The intention of those who signed under the statement that ‘all men are created equal’ was merely to state the equality of the Americans (precisely: the citizens of American colonies) to, say, British or French.”\footnote{Marcin Gajek, “The Myth of Equality and the Quasi-Constitutional Status of the Declaration of Independence,” Ad Americam 15 (2014): 33, http://search.proquest.com/docview/1639369873/abstract/B2A4DB0D3CD4577PQ/1.} Here is one place where the transcendent value of the Declaration clouds its actual meaning. Far removed from its original rhetorical context, we forget that the Declaration was a document of international diplomacy. The debate over whether to declare independence was driven in part by the prospect of forming an alliance with France.\footnote{Jefferson, Autobiography of Thomas Jefferson, 27.} If the Americans were “free and independent states” that had their own “separate and equal station,” then they could treat with foreign powers for aid.\footnote{The United States of America, “Declaration of Independence,” para. 1.1, 32.1.} They had no such power as rag-tag rebels. The most important sense of being equal for the Declaration is being equal to other peoples. In other words, the political class of America
was entitled to engage with the political class of France, Spain, and other potential allies in Europe.

American elites needed to prove they had the legitimacy to act as a political power. The American elites, like those who made up Congress and the officers of the Continental Army, were a world apart from the elites of France, Spain, and other European powers. The political elite of Europe were great landed aristocrats, while the elites of American society were often tradesmen.\(^\text{87}\) Most of the Second Continental Congress was comprised of lawyers, merchants, and a few plantation owners.\(^\text{88}\) John Adams, Lawyer of Massachusetts, had all the prestige of a candle next to a descendent of Louis XIV, the Sun King of France. The Americans had to prove to the rest of the world that they were a power in their own right, not merely a collection of farmers waiting to be co-opted by some other foreign empire. They had to assert their equality with other great nations.

If Gajek’s interpretation is correct, then an appropriate rephrasing of the equality clause might be: “All peoples are created equal.” The Americans, as a distinct people, are no less entitled to their rights than any other people. The equality clause, then, is an assertion of national identity. It is not primarily talking about individual equality, but collective equality.\(^\text{89}\)

The collective interpretation of the equality clause makes much more sense in context than the individual interpretation for two reasons. First, the rest of the

\(^{87}\) Allen C. Guelzo, “The American Revolution: Course Guidebook” (The Great Courses, July 8, 2013), 79.


\(^{89}\) Rakove, The Annotated U. S. Constitution and Declaration of Independence, 98.
Declaration’s language speaks in collective terms. It explicitly states its purpose: to describe why it was “necessary for one people to dissolve the political bands which have connected them with another.”\(^90\) The Declaration of Independence is the story of one people’s grievances with another. It does not document the grievances of one segment of society against another. Again, this fits the text’s genre as a document of international diplomacy. Declarations were a recognized form of government discourse in the eighteenth century.\(^91\) While they were often used as domestic propaganda, they also contained a diplomatic purpose as well.\(^92\) For a close analogy, consider the purpose of a declaration of war. Declarations of war are state papers that tell not just two parties, but the whole world, that a war is about to commence.\(^93\) They also justify the act of war.\(^94\) However, declarations of war are not issued from one group of private citizens to another. They are the province of states representing peoples.

The Declaration’s collective language reflects Jefferson’s own belief that Americans were, in fact, a different people from the British. According to Jefferson, they became a separate people by emigrating from Britain to North America, thereby rejecting the social contract of Britain.\(^95\) What bound them together was a shared sovereign, the

\(^{90}\) The United States of America, “Declaration of Independence,” para. 1.1.


\(^{92}\) Lucas, 150.

\(^{93}\) Lucas, 149.

\(^{94}\) Lucas, 149.

British crown. In his view, King George III’s rule over Americans was not an extension of his rule over the English. It was more like the Crown’s claim to rule over Scotland. The American colonies had entered into something like a union with the English and Scots. Consequently, they were the equals of the English and Scots. Jefferson’s theory is subtly reflected in the Declaration. Garry Wills aptly notes that Jefferson references “the circumstances of our emigration and settlement” near the conclusion of the Declaration, a link to Jefferson’s theory in A Summary View. Few recognize just how radical a divide Jefferson’s theory creates between the people of England and the colonies. His view was certainly not the majority in the colonies, but it still lurks within the Declaration. It establishes the text as a document between two equal peoples who (formerly) shared a common sovereign. What matters is that the equality the Declaration cares about is ultimately equality between peoples, not individuals.

The second reason to take a collectivist interpretation of the equality clause is that it better fits the Declaration’s use of Lockean political theory. Much is made of Locke’s “state of nature” argument in his Second Treatise. In Chapter II, Locke does take a highly individualistic view of political authority. He argues that the “state of nature” is a state of “perfect freedom” and “equality.” However, the chapter of Locke most pertinent to the Declaration’s rhetorical situation is Chapter XIX, “Of the Dissolution of Government.” In that chapter, Locke speaks more of the behavior of collectives than

97 Wills, Inventing America, 110; The United States of America, “Declaration of Independence,” para. 31.2.
98 Locke, Two Treatises of Government, 122.
99 Locke, 122.
individuals. He makes a subtle distinction between the destruction of a “government” and the destruction of “society.”\textsuperscript{100} The former can be destroyed without destroying the latter, but destroying society always destroys its government.\textsuperscript{101} If a society’s government is destroyed, then the society has a right to create a new government, since the first right all societies have is to ensure their own survival.\textsuperscript{102} Locke specifically had in mind the legislative branch of government, as any society needs the power to create laws.\textsuperscript{103} The meddling of executives and foreign powers in the affairs of a local legislature are reasons it might break down and force the people to replace it.\textsuperscript{104}

The Declaration applies Locke’s theory to its own situation. Americans were not in a state of nature but in an already formed society threatened by another. Consequently, the Declaration used Locke in the way most fitting their circumstances. The grievance list makes several charges against King George III that echo Locke’s criteria. For example:

He has refused for a long time, after such dissolutions, to cause others to be elected; whereby the Legislative powers, incapable of Annihilation, have returned to the People at large for their exercise; the State remaining in the mean time exposed to all the dangers of invasion from without, and convulsions within.\textsuperscript{105}

\textsuperscript{100} Locke, 233.
\textsuperscript{101} Locke, 233.
\textsuperscript{102} Locke, 237.
\textsuperscript{103} Locke, 237.
\textsuperscript{104} Locke, 233–37.
\textsuperscript{105} The United States of America, “Declaration of Independence,” para. 8.
The sixth grievance supports the idea that King George III was attempting to subjugate American society by destroying its legislatures, which is grounds for revolt by Locke’s standards.\textsuperscript{106} Another example that broadly supports Jefferson’s use of Locke is the twenty-fifth grievance:

He is at this time transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.\textsuperscript{107}

According to the Declaration, these were George III’s instruments to reduce Americans to “absolute Despotism.”\textsuperscript{108} Locke argues that the primary way a society is destroyed is through military conquest, the destruction of society resulting in the destruction of its government.\textsuperscript{109} The Declaration, then, paints King George III as ruler who first attempted to impose despotism on America by dissolving its legislatures. When that did not work, he resorted to the other means of destroying a government: Destroying society through force of arms. For the Declaration, George III’s actions were similar to him declaring war on the Scots, eliminating their representation in Parliament, and subjugating them with a foreign army. Such an invasion would have been a violation of the trust the Scots showed by joining the Union. Likewise, the British army’s attacks on America were a violation of the trust the Americans placed in the British Crown. The American people were not

\begin{itemize}
\item \textsuperscript{106} Locke, \textit{Two Treatises of Government}, 236–37.
\item \textsuperscript{107} The United States of America, “Declaration of Independence,” para. 27.
\item \textsuperscript{108} The United States of America, para. 2.3.
\item \textsuperscript{109} Locke, \textit{Two Treatises of Government}, 233.
\end{itemize}
accorded the rights a people deserved. Thus, following Locke’s theory, the whole society had the right to cut ties with their sovereign.\footnote{The United States of America, “Declaration of Independence.”} However, the decision to revolt is the decision of a whole people, not merely an individual.

The Declaration, then, gives a collective slant to Locke’s individualist political theory. It does not wholly dispense with individual rights, but they are not nearly as valuable as “the Right of the People to alter or to abolish it [Government], and to institute new Government.”\footnote{The United States of America, para. 1.1-2.} The Declaration’s equality clause was meant to set the Americans and the French on the same level. Since all nations share the same set of natural rights, the Americans had the grounds to speak as de jure equals with France, even though they were not as powerful. When national survival is at stake, the humblest shopkeeper can treat with the mightiest king.

What is the moral value we can derive from the above discussion of equality? If anything, the equality of the Declaration implies a deeply anti-imperialistic attitude. It demands that the rights of a people should be taken seriously, regardless of whether the people are “great” or “small.” A chauvinism that exalts one culture as inherently superior to another is antithetical to the spirit of the Declaration. The Declaration’s anti-imperialistic attitude does not imply cultural relativism- if it did, the complaints against Britain would not make sense. Rather, the idea is that all societies start on a level moral playing field, secure in the same rights. There are no peoples who are “naturally”
subservient to another. The Declaration foreshadows a democracy of nations, where there are no “highborn” nations and “lowborn” nations.\textsuperscript{112}

The astute reader will notice a tension between the demand that all peoples be taken seriously and the Declaration’s implicit defense of slavery in the twenty-fifth grievance. This tension is real. For the Declaration to remain consistent with its philosophical principles, it would have to argue that the African nations slaves were taken from deserved to be enslaved. However, it makes no such argument. Indeed, Jefferson tried to reconcile the tension by arguing against the slave trade.\textsuperscript{113} The tension between slavery and the Declaration’s insistence that all nations share a common right to secure their liberty reflects a split-mindedness that mirrored its authors. Jefferson, his editors, and the Congress who signed the Declaration were all of different opinions on the matter. In the end, we must settle for the dissatisfying conclusion that the Declaration of Independence is not a consistent document. Nonetheless, its general tenor is against imperialism, not for it.

The equality clause also contains a latent nationalism. The Declaration’s insistence that Americans had a right to treat with the French requires the belief in a distinct nation called “America.” The presence of a nationalist spirit in the Declaration is unsurprising. It declared the existence of thirteen new, independent states. However, this was a declaration the states made together. It created an implicit bond forged in the fires of revolution. Even though the states did not yet perceive themselves as subordinate entities under a single federal government, the people of those states were becoming

\footnotesize{\textsuperscript{112} Perhaps it is not an accident that the United States proposed the creation of a League of Nations.}

\footnotesize{\textsuperscript{113} Jefferson, \textit{Autobiography of Thomas Jefferson}, 33.}
something more than Virginian and New Yorker. A common American nation was emerging from its shared struggle against Britain.\textsuperscript{114} Hence, the Declaration’s twenty-fourth grievance could speak of “our fellow Citizens taken Captive on the high Seas to bear Arms against their Country.”\textsuperscript{115} The belief that all peoples are created equal requires a belief in peoples.

In summary, the Declaration’s equality clause is not about the expansion of individual rights inside a society. The equality clause is a statement that the American people are the \textit{de jure} equals of the great European powers.\textsuperscript{116} The moral value of equality contributes an anti-imperialistic attitude to the Declaration’s spirit, an attitude that also implies a kind of nationalism. Now, let us turn to the next cardinal value of the Declaration: Religion.

\textbf{Religion}

The Declaration is a profoundly religious document, albeit in an unconventional fashion. It references God in four places: Once in the introduction, once in the preamble, and twice in the conclusion. Each of these references provides a religious justification for the Declaration’s argument.

The question we are tempted to ask is, “Which religion does the Declaration endorse?” Indeed, one application of Declaration discourse has been the quest to settle whether America is a Christian nation. The Declaration of Independence, however, is the

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\textsuperscript{114} In some ways, the ideology of the Declaration resembles the unification of Germany in the 19\textsuperscript{th} century, when the smaller German states united under a common identity. The Declaration’s nationalism, however, is implicit. German nationalism was explicit.

\textsuperscript{115} The United States of America, “Declaration of Independence,” para. 28.

\textsuperscript{116} This interpretation is not wholly novel. See, for example, Danielle Allen, \textit{Our Declaration: A Reading of the Declaration of Independence in Defense of Equality}, 122.
\end{flushright}
wrong place to look for that particular Holy Grail. The Declaration never claimed to hold an opinion on any particular religion, nor does it prescribe one for the United States. It does, however, carry an implicit attitude toward religion more generally. A close examination of the Declaration shows that it values religious freedom and toleration.

To understand the Declaration’s attitude toward religion, one must grasp the religion of its authors. Discussions of the Declaration’s authorship justifiably tend to focus on its drafter, Jefferson. However, Jefferson was not the only person involved in the Declaration’s creation. Danielle Allen makes a compelling case that the Declaration is a paradigm example of “democratic writing.” Rather than the work of a single genius, the Declaration was written together by Jefferson and his editors. In Allen’s words, “Democracies require a distinctive art of writing, where groups have to weave together words that they will live by— the words in which they will clothe themselves.” We may debate just how democratic the Declaration’s writing was. Lawyers and tradesmen or not, the Continental Congress was still primarily composed of America’s elite political class. Nonetheless, it is true that the Congress had differences they had to overcome, such as religious differences. The Congress’ diversity of religious beliefs led to a neutral language that favors no particular denomination but still believes in a morally superior monotheistic God that serves as the legitimator of human morals.


119 Allen, 47.

120 Allen, 47.
A brief survey of the Congress’ religious beliefs shows a variety in their religious convictions. Ministers and former ministers signed the Declaration.\(^{121}\) Lyman Hall was a Congregationalist minister before he became a physician.\(^{122}\) John Witherspoon, in contrast, was an embattled Presbyterian minister who emigrated to America from Scotland.\(^{123}\) The rest of the Congress was by no means irreligious. We may divide these members according to the relative conservatism or liberalism of their beliefs. On the right, Samuel Adams was a committed Puritan who never wavered from his convictions.\(^{124}\) On the left of the religious spectrum, Thomas Jefferson was famously a deist.\(^{125}\) The Anglican Church occupied a sort of middle ground between Puritanism and America’s many smaller denominations.\(^{126}\) This was also reflected in the Congress. George Wythe was an Anglican, like many other Founding Fathers.\(^{127}\) Indeed, although Jefferson was the quintessential religious liberal of the era, even he was part of the Anglican church.\(^{128}\) The Declaration had to accommodate Congress’ religious pluralism.

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\(^{121}\) “Signers of the Declaration of Independence.”


\(^{125}\) Holmes, 36.

\(^{126}\) Holmes, 35.

\(^{127}\) Holmes, 36.

\(^{128}\) Holmes, 36.
In addition to pleasing the members of Congress, the Declaration also had the rhetorical task of navigating religious tensions abroad. Although the Anglican church claimed many Founders as members, it was also the state church of England, the defender of which was King George III. Declaring independence from Britain was also to declare independence from the English church’s defender. Moreover, America’s most likely ally- France- was a Roman Catholic monarchy. America was overwhelmingly Protestant, seeing as more than 80% of Americans held some type of Calvinist beliefs. The Declaration’s religious language was, therefore, constrained by the need to respect the religious sensibilities of its authors and audiences.

How did the Declaration navigate the religious diversity of its rhetorical situation? Some commentators conclude that the Declaration’s religious language is deistic. Deism argues for a “watchmaker God” who created the system of nature and now no longer interacts with it. More than anything, what differentiates deism from orthodox Christianity is its denial of God’s activity in the world. Consequently, deists could never approve of miracles, divine law-giving, or any sort of special revelation. Instead, it falls to humans to derive moral principles from nature. Jefferson, the arch-deist of the Founders, famously created his own Bible where he extracted all passages containing

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129 Holmes, 11.


131 Allen Jayne, 24.

132 Allen Jayne, 24.

133 Allen Jayne, 40.
miracles in an effort to isolate Jesus’ moral truths.\textsuperscript{134} It was not as though Jefferson cared nothing about metaphysical questions. By the time he was old, he regularly spent time reading his excerpted gospel and prayed.\textsuperscript{135} However, his religious practice was still well aligned with deist convictions. As Gordon-Reed and Onuf note, for Jefferson, “prayer signified a posture of patient and hopeful expectancy.”\textsuperscript{136} It was less about asking God to intervene than trusting that the Watchmaker’s clock would tick correctly. Thus, even in his religious practice, Jefferson was ultimately a deist. Jefferson was a deist, Jefferson wrote the Declaration, and the Declaration uses phrases like “the laws of Nature and Nature’s God.”\textsuperscript{137} Therefore, the Declaration must be a deistic document, so the argument goes.

There are two problems with the deistic interpretation of the Declaration’s religious language. The first is that it ignores the last two invocations of God. In the final paragraph, the Declaration speaks of God as “the Supreme Judge of the world” and trusts in “the protection of divine Providence” for their cause.\textsuperscript{138} A good deist would never use this language. According to deists like Bolingbroke, a profound influence on Jefferson, for God to interfere in nature would prove the inadequacy of his design.\textsuperscript{139} There is no “divine providence” to trust, nor is the Watchmaker going to play the part of “Supreme

\textsuperscript{134} Thomas Jefferson, “The Life and Morals of Jesus of Nazareth Extracted Textually from the Gospels Greek, Latin, French, and English” (1820), https://americanhistory.si.edu/JeffersonBible/the-book/.

\textsuperscript{135} Annette Gordon-Reed and Peter S. Onuf, “Most Blessed of the Patriarchs”: Thomas Jefferson and the Empire of the Imagination, Reprint edition (Liveright, 2016), 274, 281.

\textsuperscript{136} Gordon-Reed and Onuf, 281.

\textsuperscript{137} The United States of America, “Declaration of Independence,” para. 1.1.

\textsuperscript{138} The United States of America, para. 32.

\textsuperscript{139} Allen Jayne, Jefferson’s Declaration of Independence, 23.
Judge.” These are both terms that imply divine activism, wholly antithetical to core deist beliefs. The second problem is that Jefferson wrote almost none of the Declaration’s religious language. Franklin and Adams added the word “Creator” and the Congress supplied the activist religious language in the conclusion. The Congress, as we have seen, was not primarily deistic. It was a complex amalgamation of Presbyterians, Congregationalists, Anglicans, and more. The Declaration’s theology was, therefore, not deistic.

The skeptical reader might argue that the Declaration’s language was still deistic on account of Franklin and Adams’ influence, as well as other possible deists in the Congress. After all, it does sound deistic. They could have simply been “bad deists” who used language contrary to their own beliefs. It is undoubtedly true that some deists were inconsistent with their religion, but there comes a point when we must ask whether they are really part of that religion at all. For any system of beliefs, there must be a set of essential doctrines that distinguishes that system from all others. The closest we can find to such beliefs for deism is the aforementioned denial of divine activism and the existence of God. If someone claims to be a deist but denies either of these doctrines, they are a deist in name only. Instead of trying to categorize certain Founding Fathers as “Christian deists,” “non-Christian deists,” and “atheists” as Holmes does, it is better to claim that some of them believed a generic monotheism. Whatever they called it is

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140 Allen, Our Declaration: A Reading of the Declaration of Independence in Defense of Equality, 74.
141 Allen, 74.
142 Allen Jayne, Jefferson’s Declaration of Independence.
143 Holmes, The Faiths of the Founding Fathers, 133–42.
irrelevant to what their beliefs actually were and whether those beliefs are reflected in the Declaration.

The Declaration’s quasi-deistic language is not a result of any philosophical commitment to deism. Rather, it is the natural result of trying to create a document that appeals to a wide variety of religious traditions. Puritanical language like that of a “city on a hill” would have put off the non-Puritan strand of the Congress and certainly would have run contrary to potential Catholic allies. Instead, the document appeals to the beliefs most readers of the era held in common. Puritan, Anglican, or Catholic, almost every religious soul believed in a monotheistic God who guided history and was the ultimate moral judge. It was to this God that the Congress appealed.

In the very language of the Declaration, we see a commitment to religion in public life and toleration of its varieties. The Second Continental Congress was engaged in a public act of war. For them, the American Revolution was not merely an earthly power struggle but an event that shook both heaven and earth. God was watching their deliberations and would surely pass judgment on their cause. They trusted that their cause was just, and that a just God would weigh in on their side. However, the precise nature of God was not a debate they could afford to engage in if they were to defeat the British. They chose to subordinate their differences to a transcendental cause, the cause of independence. Thus, we see that religious toleration is a value hidden within the rhetoric of the Declaration of Independence. As important as religion is to the document, it is not the document’s central value. Indeed, the most central value is, in fact, the most hidden from the average reader. The concept is everywhere in the text, that is, the idea of integrity.
Integrity

Integrity is the principled use of power. It is the silent guarantee that, even though we have the ability to break our word, we will not. A functional society depends on a people’s abilities to follow certain social norms. It is particularly important for the elites of a society to obey these norms, for they have the most power to ignore them. Hence, elite culture has always been constrained by an ideology that justifies their power to the population. The particular ideology may vary, whether it is the divine right of kings or Hobbes’ social contract theory.\textsuperscript{144} However, every elite trades the ability to wield power arbitrarily for the legitimacy to wield that power at all. No individual is strong enough to overcome the concerted will of the masses. If enough people believe that a group does not deserve their power, they will find a way to topple the elite class.\textsuperscript{145} Elites, therefore, must walk a thin line. If they wield too much power, they risk public backlash. If they wield too little, they risk losing their elite status. The elite-public dialectic is kept in tension by the elite’s integrity. As long as the public is convinced that elites will not wield their power arbitrarily, they are content. The Declaration of Independence is an example of what happens when they are not. Its central charge is that the elite class of England, King George III and Parliament, are wielding power arbitrarily over the American public. The Declaration argues that elite integrity was so violated that reconciliation with Britain was impossible. The only solution was to separate from their


\textsuperscript{145} This is a characteristic feature of revolutions.
power altogether. In so arguing, the signers of the Declaration set themselves up as elites with greater integrity than the British elite.

The ideological justification for power, in the eyes of the American resistance movement, was found in the English constitution. The English constitution was not conceived as a written document, but rather as an evolving tradition of laws and customs that guaranteed the liberties of Englishmen.146 Its chief end and legitimacy was found in its ability to restrain the elites, especially the King, from preying on the people.147 To that end, it divided the judicial, legislative, and executive branches between an independent judiciary, Parliament, and the monarchy.148 Without the protection of the English constitution, Americans would suffer under what Montesquieu called “tyranny”- arbitrary rule.149 Thus, in the context of the British Empire, the line elites had to toe was thin. The English constitution, not pinned down to any particular document, was a fertile ground for interpretive conflict. Any particular case of elite power could, with the right rhetoric, be spun into an example of tyranny. The Declaration is thus a rhetorical exercise in interpreting the British elite’s actions as tyrannical.


149 Montesquieu, 1:177.
The Declaration’s central charge— that King George III was trying to implement an “absolute Tyranny”— was not exclusively against King George III. Rather, it was against the entire British political establishment, of which King George III was the head.\footnote{Rakove, \textit{The Annotated U. S. Constitution and Declaration of Independence}, 78.} King George III is functionally a metonym for the entire British political elite, who Americans had come to see as hopelessly corrupt.\footnote{Wood, \textit{The Creation of the American Republic, 1776-1787}, 1998, 12.} The Declaration attempts to prove that the British elite were trying to collapse the distinctions between powers as articulated by Montesquieu. Montesquieu argued that the state had three powers: Judicial, legislative, and executive.\footnote{Montesquieu, \textit{The Spirit of the Laws}, 1:177.} The only way to preserve liberty is to keep these powers apart.\footnote{Montesquieu, 1:177.} For Montesquieu, it did not matter who or how these powers combined. Whether usurped by an oligarchy or combined into the person of a king, the conjunction of these powers in a single body results in tyranny.\footnote{Montesquieu, 1:177.} Moreover, the more powers combined into a single power, the worse the tyranny becomes.\footnote{Montesquieu’s favorite example of having all three powers combined into one person is the Ottoman Sultan, whose subjects suffer “the most frightful oppression.” See Montesquieu, 1:177.} The King and Parliament’s acts of tyranny, therefore, demonstrated a lack of integrity for failing to abide by the English constitution. Let us examine some of these failures.

The Declaration accuses the King of trying to collapse the distinction between executive and legislative power. Grievances 1-6 state something to this effect, focusing centrally on King George III.\footnote{The United States of America, “Declaration of Independence,” paras. 3–8.} Grievance 3, for example, says “He has refused to pass
other Laws for the accommodation of large districts of people, unless those people would relinquish the right of Representation in the Legislature, a right inestimable to them and formidable to tyrants only.”\textsuperscript{157} The grievance charges that King George III is attempting to exert undue influence on colonial legislature, functionally making the crown and them one and the same. Many grievances are variations on this theme. Grievance 13, for example, makes a similar charge about collapsing the distinction between legislative and executive, but with an unusual twist.\textsuperscript{158} It indicts Parliament for conspiring with the king in his tyranny.\textsuperscript{159} Thus, the Declaration’s tyranny charges accuse both Parliament and the King of trying to collapse the American legislative power under the weight of British authority.

If the attempt to destroy Americans’ rights to legislate were not bad enough, the Declaration also accuses the British elite of usurping the judiciary under its power. Again, the charges are divided between King George III’s own attempts and his conspiracies with Parliament. Grievance 9, for instance, states: “He has made Judges dependent on his Will alone, for the tenure of their offices, and the amount and payment of their salaries.”\textsuperscript{160} This charge is particular to King George III. However, Grievance 19 accuses the king of “depriving us in many cases, of the benefits of Trial by Jury.”\textsuperscript{161} This

\textsuperscript{157} The United States of America, para. 5.

\textsuperscript{158} The United States of America, para. 15.

\textsuperscript{159} The United States of America, para. 15.

\textsuperscript{160} The United States of America, para. 11.

\textsuperscript{161} The United States of America, para. 20.
charge falls under the subheading of the crimes he committed in league with Parliament. Under Montesquieu’s criteria, these grievances count as establishing a tyranny:

Again there is no liberty, if the power of judging be not separated from the legislative and executive powers. Were it joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control; for the judge would then be the legislator. Were it joined to the executive power, the judge might behave with all the violence of an oppressor.162

We see again what amounts to an accusation against the entire British elite class, even if King George III takes the brunt of the blame.

The Declaration also argues that the king runs afoul of Montesquieu’s criteria for a non-despotic military. Montesquieu argues armies should “consist of the people, and have the same spirit as the people.”163 Above all, the people should be wary of a “standing army, composed of the most despicable part of the nation.”164 The king, however, was “transporting large Armies of foreign Mercenaries to compleat the works of death, desolation and tyranny, already begun with circumstances of Cruelty & perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the Head of a civilized nation.”165 Not only was the king sending a standing army, but one completely foreign to the people.

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163 Montesquieu, 1:187.
164 Montesquieu, 1:187.
165 The United States of America, “Declaration of Independence,” para. 27.
By the standards of America’s favored political philosophy, the British elite were completely without integrity. However, their actions were even more egregious according to Jefferson’s theory of American independence. Recall that earlier, I argued Jefferson’s idea that the colonies were independent peoples is reflected in his use of Locke. If true, then the implication is that the crown the colonies swore to had conspired with a foreign elite to subjugate them. The historicity of Jefferson’s theory aside, the Declaration’s accusations imply an even deeper lack of integrity in the King than the Parliament. Of course, not everyone accepted Jefferson’s theory. Among the signers, George Wythe was the only person who definitely did. However, they were willing to let it slide by as long as it was not especially noticeable.

The Declaration’s accusations of tyranny were not made solely through political philosophy. It also relies extensively on allusions to great historical despots. American leaders were well-read in world history, ranging from classical times to their recent past. The Declaration’s allusions appeal to this vast knowledge of history. Grievance 11 includes an allusion to Caesar: “He has kept among us, in times of peace, Standing Armies without the Consent of our legislatures.” Julius Caesar famously refused to disband his army at the command of the Roman senate, choosing instead to march on

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167 Wills, Inventing America, 379.


Rome. Men as schooled in the classics as John Adams and Thomas Jefferson would have quickly made the connection between King George III using a standing army and Julius Caesar. The analogy is not perfect, but for the Declaration’s purposes, it does not have to be. It contributes to the Declaration’s general depiction of British society as one in decay. The analogy is primarily to the Late Roman Republic, an era the Founders were fascinated by. If Britain was the declining Rome, then King George III was its Caesar.

Some other historical tyrants the Declaration alludes to are more closely connected to English history. The numerous grievances charging George III with interfering with colonial legislatures echo Charles I and James II, the would-be absolute monarchs of England in the seventeenth century. Charles I refused to convene Parliament between 1629 and 1640. When he needed money, he simply expanded already existing revenue streams, which resulted in accusations that he was illegally taxing his subjects. Parliament executed him for these and other abuses. James II fared little better. A Roman Catholic ruling a country of Protestants, he was accused of

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172 Rakove, The Annotated U. S. Constitution and Declaration of Independence, 84.


174 Cressy and Cressy, 10.

175 Cressy and Cressy, 10.
trying to establish a tyranny and was subsequently ousted in the Glorious Revolution.\textsuperscript{176}

For the writers of the Declaration, King George III was more a Stuart than a Hanoverian.

These allusions to classical and seventeenth-century tyrants tell us something about the \textit{persona} of the Declaration’s authors. As implied in the text, the Second Continental Congress was the Senate to Caesar, the Long Parliament against Charles I.\textsuperscript{177}

In other words, they were the virtuous elite who had the integrity the decadent British elite lacked. They would, by their “sacred honor,” preserve the liberty that the British elite had betrayed.\textsuperscript{178} The Declaration is far away from being a democratic document, indeed. It is a statement from one elite to another that it is more deserving of power than they are. Of the men who signed the Declaration, not one was a “mechanic”- the term for the middle order of colonial society.\textsuperscript{179} They were landowners, merchants, doctors, and lawyers.\textsuperscript{180} Whatever democratic values authors of the Declaration may have had, the text itself is a document that values elite integrity. The elite deserve their power only if they obey certain rules. When they do not, tyranny ensues.

\textbf{Life}

The first right of any person or people is the right to exist, that is, the right to life.

For if a thing does not exist, it does not possess any rights, for a thing must exist to possess properties. Moreover, if a thing does not exist, it cannot exercise its rights even if


\textsuperscript{177} Lucas, “The Rhetorical Ancestry of the Declaration of Independence,” 151.

\textsuperscript{178} The United States of America, “Declaration of Independence,” para. 32.


\textsuperscript{180} “Signers of the Declaration of Independence.”
a non-existent thing could have rights. Thus, we may see why the right to life is foremost among the triad of rights listed in the preamble. Without life, one cannot exercise liberty or pursue happiness.

Beyond this purely conceptual exposition, the Declaration’s history can shed more light on its value of life. We have already partially treated this subject in the segment on equality. The equality clause proclaims America’s equality with Europe for the purpose of securing its rights, among them the right to exist as an independent people. It describes George III’s actions in Lockean political terms, especially with reference to the Second Treatise’s Chapter XIX, “Of the Dissolution of Government.” However, history can say more about what the Declaration has in mind for the term “life.”

Taken in the context of Western political ideology, the Declaration’s right to life is not referring to a general value of life in all contexts. It is not concerned, for example, with promoting a healthier diet. The Declaration is concerned with the impact of political power on the lives of its subjects. It wants to prevent a system where an authority can kill or maim someone for no reason but its own whims. We see these concerns reflected in the Declaration’s social contract theory.

The Declaration relies on a contractarian view of society. What this means is not immediately clear, for social contract theories come in a variety of forms. David Boucher and Paul Kelly divide them into three traditions: “moral,” “civil,” and “constitutional.”181 Moral contractarianism concerns establishing morality on the basis of


182 Boucher and Kelly, 1.
some compact to preserve “self-interest.” Civil contractarianism is a “social compact” that can “legitimize coercive political authority.” Constitutional contractarianism concerns establishing the relationship between the “people” as a concept and the ruler who rules them. Of these three, the Declaration’s contractarian theory is certainly of the constitutional variety.

Constitutional contractarianism dates back to a tradition from the Middle Ages, a tradition that tries to establish the just order between the medieval orders of society. In England, these orders amounted to three: the people, the aristocracy, and the monarchy. Versions of this division appeared as early as King Alfred the Great’s rule in the ninth century. The idea was so engrained in England that it is unsurprising it shows up even in a document like the Declaration. The Declaration’s allusions to the English constitution confirm its place in the constitutional contractarian tradition. Thus, when it uses the word “people,” it has in mind an order of society. This Medieval conception of class is pivotal for the Declaration’s argument, for it establishes George III’s obligations as a monarch and how he has failed them.

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183 Boucher and Kelly, 3.
184 Boucher and Kelly, 4.
185 Boucher and Kelly, 10.
186 Boucher and Kelly, 10.
A monarch, according to almost every Medieval political theory, had an obligation to protect the people for their obedience.\textsuperscript{189} This protection included defense from foreign invaders and enforcement of the law.\textsuperscript{190} Moreover, a king’s actions had to support the common good.\textsuperscript{191} A king who waged wars purely for selfish gain or arbitrarily imprisoned people was not a king at all. As the Middle Ages progressed, the idea of kingship thus became more of an office than a person. A person who did not act in accord with the office of king effectively abdicated his crown. The Declaration makes exactly this claim in the twenty-third grievance: “He has abdicated Government here, by declaring us out of his Protection and waging War against us.”\textsuperscript{192} This sort of accusation places the Declaration well within the English traditional political philosophy for deposing kings. As Stephen E. Lucas notes, the Declaration neatly fits into the genre of English deposition apologias, the documents written to defend a decision to depose a king.\textsuperscript{193} The genre dates all the way back to 1327, when Edward II was removed from the English throne.\textsuperscript{194} Indeed, when we examine the Articles of Accusation Against Edward II, we see precisely the same philosophical assumption behind the king and his office:


\textsuperscript{190} Dunbabin, 486.

\textsuperscript{191} Dunbabin, 488.

\textsuperscript{192} The United States of America, “Declaration of Independence,” 25.


\textsuperscript{194} Lucas, 152.
“the king is incompetent to govern in person.”

In other words, the king is no longer fit to perform the role of his office, so he must be deposed. The Declaration’s argument against King George III is an evolution of the same idea we see in the Articles of Accusation. It derives from the assumption that a king and his office are separate, and the office requires the king protecting his subjects. We should expect this sort of continuity from a constitutional contractarian document.

The point of the above argument is not to say that Jefferson and the Congress were reading Thomas Aquinas when they wrote the Declaration of Independence. Rather, the point is to recognize how outright medieval so much of the Declaration’s argument is. Analyses of the Declaration have a proclivity toward emphasizing the novelty of the Declaration, especially as a document of Enlightenment philosophy. However, the Declaration’s political values are actually quite old. They rely on assumptions that a Late Medieval lawyer would have largely agreed with, even if he would have disagreed with the direction the Americans took those assumptions.

The Declaration’s right to life, therefore, was not a radical innovation. It was a restatement of the old constitutional contractarianism in Western political thought. The first right a people has is to its own existence, and a king’s duty is to prevent “invasion from without, and convulsions within.”

When the king fails to fulfill his office, he ceases to be a king and the people are free to crown a new one. The novelty of the Declaration is not in its idea of legitimate kingship, but in the idea that the right to life

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could be secured apart from a king at all. Unlike the English deposition apologias, it does not proclaim a new king to fulfill the deposed king’s duties. The document does not even hint at a Cromwellian Lord Protector in the future. Rather, it declares that the states as a community could do what the King would not. The moral duty to protect the lives of citizens is a responsibility shared by the collective, not concentrated into the hands of a single person. The right to life in the Declaration is a guarantee that the community will do what it can to protect its citizens from an arbitrary death.

**Liberty**

Liberty is a notoriously difficult word to pin down. It is, as Richard Weaver would say, a “God term”- a word above other words. Everyone agrees that it is good, but no one can say for sure just what it means. The same was true for the authors of the Declaration. What did liberty mean to the Calvinists among them, who believed that God had elected some to salvation before the creation of the world and some to damnation? What was liberty for a man like Jefferson, who despised the slave trade yet kept slaves his whole life? Is there a difference between freedom and liberty? All of these hint toward a deeper question: When taken together, what did Jefferson, his editors, and the Continental Congress mean when they used the word “liberty”?

We may begin by asking whether there is any distinction between freedom and liberty. In the 2010s, the idea that liberty and freedom are separate concepts in American culture gained some currency following Colin Woodard’s *American Nations: A History of the Eleven Regional Cultures of North America*. Woodard argues that “freedom” is a German term that took root in America’s northern cultures and “liberty” is a Greco-

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Roman term that took root in the southern cultures. The “freedom” paradigm states that all who belong to a free society are “born free.” Under the liberty paradigm, one is not born free, but one is given liberty as a “privilege.” Is it significant, then, that the Declaration never uses the word “freedom,” instead emphasizing liberty? The short answer is no. If Woodard’s distinction exists, it is not operative in the Declaration of Independence. In his view, these philosophies are regional. “Liberty” is the ideology of the South; “Freedom” is the ideology of the North. However, the Declaration’s drafter is a counterexample. Jefferson, who came from the region Woodard most attributes the “Liberty” slave-philosophy to, endorsed the Germanic notion of freedom in his Summary View. Moreover, the Declaration describes the states as “free.” As far as the Declaration is concerned, freedom and liberty are synonyms, or close to it.

Not only are liberty and freedom effectively synonyms, Woodard’s “Germanic” view seems to be the idea of liberty Jefferson had in mind for the Declaration. In his later years, he gave a fairly systematic definition: “rightful liberty is unobstructed action according to our will, within the limits drawn around us by the equal rights of others. I do not add ‘within the limits of the law’; because law is often but the tyrant’s will, and always so when it violates the right of an individual.”

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199 Woodard, 54–55.

200 Woodard, 54–55.


in 1819, long after he wrote the Declaration, but it likely reflected his thought process then as well. Rights, for Jefferson, are not granted as privileges but are inherent in the individual. When put into the Declaration’s context, the Congress operationalized this idea to fit a whole people, not merely an individual. A free people are inherently free and attempts to subjugate them are wrong.

Many see Jefferson’s life and wonder how slavery could fit into his definition. We may wonder whether there is some subtle nuance to the idea of liberty in the Declaration that makes room for the peculiar institution. After all, South Carolina and Georgia both signed it, yet they demanded that Jefferson’s objections to the slave trade be eliminated. In the case of Jefferson, the answer is probably that he was simply inconsistent with his ideals. In the case of Congress, the answer probably lies in the idea of a “free people.” The sad truth is that the majority of white Americans did not see their black slaves as people, or if they did, they were of a lesser kind. Both those committed to slavery and those opposed to it could sign the Declaration because freedom belonged only to “free peoples,” yet the slaves were not properly people. Here lies one of the great tensions of the Declaration. In one breath, it declares that all peoples, regardless of stature, share a common right to defend their liberty. In another, it seems to deny that right to others.

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206 See Grievance 26 of the Declaration, paragraph 29: “He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian Savages, whose known rule of warfare, is an undistinguished destruction of all ages, sexes and conditions.” The “domestic insurrections” is a reference to the British promise to free slaves from their colonial masters.
The question is whether the moral value of liberty in the Declaration inherently excludes everyone except the English colonist. Again, the answer must be “No.” If the principle of liberty is that all people are created with the right to pursue their own destiny, then the concept of “people” includes more than those of Anglo-Saxon descent. Only by combining the idea that other races are somehow “subhuman” can we derive the conclusion that they have no right to liberty. The only place the Declaration comes close to endorsing that idea is in the 26th Grievance, where it describes Native Americans as “savages.” However, the most charitable reading of that clause places it in the context of war. Instead of making “savagery” somehow essential to Native Americans, it describes a particular style of warfare. It speaks of Native Americans not as lesser beings, but as enemy combatants. On the most charitable reading of the text, the doctrine of subhuman races is absent. The Declaration’s moral value of liberty is, therefore, universal.

The Declaration’s concept of liberty is not directed toward any particular good. Following Jefferson’s definition, it is merely the capacity to do as one pleases as long as one does not infringe on the rights of others. It is not about achieving some goal, but about avoiding domination. In Isaiah Berlin’s terms, the Declaration’s liberty is “negative freedom,” not “positive freedom.” This is not terribly surprising. The Declaration was,

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208 Readers may find other parts of the Declaration’s language objectionable. However, my purpose is not to write an apologia for the Declaration. It is to read the text according to its sign-probabilities, in a charitable light, and extract its values for use in other contexts.


in many ways, the final protest against Parliament’s claim that they could legislate as they pleased in the colonies.\textsuperscript{211} As a moral value, it aligns with the Declaration’s purpose of avoiding arbitrary rule by the British.

**The Pursuit of Happiness**

The Declaration’s values seem to broadly align with Lockean political philosophy thus far. However, here is where we see a strange departure. The Lockean triad was “life,” “liberty,” and “property.”\textsuperscript{212} The “pursuit of happiness”\textsuperscript{213} is an unexpected substitution for property. What could the Declaration mean? Here is where it is instructive to remember that the Declaration, though certainly drawing on Locke, is not exclusively Lockean in its ideology. Jefferson himself said the Declaration “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.”\textsuperscript{214} Jefferson lists a few of the thinkers he “harmonized”:

“Aristotle, Cicero, Locke, Sidney Etc.”\textsuperscript{215} This list indicates several broad ideological traditions that Bailyn categorizes, notably the Classical, Enlightenment, and seventeenth-century Opposition political traditions.\textsuperscript{216} The clues to understanding “the pursuit of happiness” lie in these traditions.

\textsuperscript{211} Rakove, *The Annotated U. S. Constitution and Declaration of Independence*, 78.

\textsuperscript{212} Locke, *Two Treatises of Government*, 165.

\textsuperscript{213} The United States of America, “Declaration of Independence,” para. 2.


\textsuperscript{215} Jefferson, para. 2.

First, let us pursue the classical thread. The classical strand of Revolutionary thought drew on the great authors of Rome and Greece.\textsuperscript{217} These authors had their own sophisticated ideas about what constitutes true happiness. Jefferson held two ancient philosophers in especially high esteem: Epicurus and Jesus. In a letter to William Short, Jefferson explains why these two figures were so important to him: “Epictetus & Epicurus give us laws for governing ourselves, Jesus a supplement of the duties & charities we owe to others.”\textsuperscript{218} Jefferson’s “Notes on Epicurus” give us more detail on what these “laws” are. In a short verse, he lays out the fundamental precepts of his ethical system:

Happiness the aim life

Virtue the foundn of happiness.

Utility the test of virtue.\textsuperscript{219}

He then explicitly describes what these virtues are:

Virtue consists in

1. Prudence
2. Temperance
3. Fortitude
4. Justice

which are opposed to

\textsuperscript{217} Bailyn, 24.


1. Folly
2. Desire
3. Fear.
4. Deceipt\textsuperscript{220}

In sum, the goal of human life is to become happy and the only proper way to become happy is by practicing virtues and avoiding vices. Thus far, Jefferson sounds like a good Aristotelian. However, he makes an interesting claim: one can test virtue by its “utility”—its usefulness.\textsuperscript{221} Here we see Jefferson’s love of the scientific influencing his reading of Epicurus. Virtue is a testable phenomenon, not one determined solely by abstract reflection.

It is not terribly surprising that Jefferson, the deistic empiricist, would find much to love in Epicurus. What is more intriguing is that he had such high praise for Jesus, the center of a revealed religion. Jefferson gets around this tension in his beliefs by characterizing Jesus as a moral philosopher who was later warped into a god by later writers.\textsuperscript{222} His goal was to extract the morality of Jesus from the miracles.\textsuperscript{223} He clearly held Jesus’ morality in high regard.

What did Jesus add that Epicurus lacked? Jefferson was never clear in his interpretation of Jesus’ morals, but he does outline some of his beliefs in a letter to

\textsuperscript{220} Jefferson.

\textsuperscript{221} Jefferson.


\textsuperscript{223} Jefferson.
Edward Dowse: “Jesus embraced, with charity & philanthropy, our neighbors, our
countrymen, & the whole family of mankind. they [A/N: The Greek Philosophers]
confined themselves to actions: he pressed his scrutinies into the region of our thoughts,
& called for purity at the fountain head.”224 In Jesus, Jefferson saw a universal regard for
human rights, rather than a localized concern for personal virtue.

The letters cited above were all written well after 1776. Nonetheless, they likely
reflect Jefferson’s deeply-held prejudices. We can tell as much because Jefferson, for all
his talent as an Enlightenment rhetor, was an inept hermeneut. He repeatedly speaks of
the “genuine” ideas of Epicurus and Jesus as opposed to those attributed to them.225 It is
not a sound exegetical practice to categorically ignore all the parts of a text in conflict
with the reader’s belief system. Jefferson did this routinely, most notoriously when he cut
out all the parts of the Gospels containing miracles.226 When we read Jefferson’s “Notes
on Epicurus” or his comments on Jesus’ moral philosophy, we learn more about Jefferson
than we do his subjects. The pre-judgements that he read into the texts are reflective of
the ideas that drove his entire career, even as far back as the Declaration of
Independence. From the classical thread, we can see Jefferson’s deep commitment to the
idea that happiness is a result of virtue and virtue is discoverable through its utility. The
greatest of these virtues- prudence, temperance, fortitude, and justice- are extended to the
whole of humanity by Jesus’ teachings. These are public, not merely private, goods that

(Princeton University Press, April 19, 1803), para. 1, National Archives,


226 Jefferson, “The Life and Morals of Jesus of Nazareth Extracted Textually from the Gospels Greek,
Latin, French, and English.”
determine whether one is happy or not. Undoubtedly, these notions influenced his idea of the “pursuit of happiness.”

Jefferson was not solely a classicist, however. He was also profoundly influenced by Scottish Enlightenment philosophy. Jefferson’s theory of morals was primarily derived from moral sense theory, an idea that permeates his letters. His clearest statement of it is found in a letter to Peter Carr:

Man was destined for society. His morality therefore was to be formed to this object. He was endowed with a sense of right and wrong merely relative to this. This sense is as much a part of his nature as the sense of hearing, seeing, feeling; it is the true foundation of morality, and not the truth, &c., as fanciful writers have imagined. The moral sense, or conscience, is as much a part of man as his leg or arm. It is given to all human beings in a stronger or weaker degree, as force of members is given them in a greater or less degree. It may be strengthened by exercise, as may any particular limb of the body.

Jefferson makes claims of both moral ontology and moral epistemology here. For Jefferson, morality is primarily social. In order to live well together, humans must become certain kinds of people. However, morality is more a matter of reflex than scientific knowledge. It is a cognitive faculty that produces moral beliefs automatically. Rational reflection merely hones its ability to accurately produce true

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229 Jefferson, para. 4.
moral beliefs. Abstract reflection is not necessary to have moral knowledge. The implication is that everyone has the capacity to be moral; therefore, everyone has the capacity to contribute to society.

Jefferson’s belief that morality is grounded in our cognitive faculties makes some sense of why he held Jesus and Epicurus in high regard. Both figures never claim that only the highly intelligent can be moral. In Jefferson’s reading of them, Epicurus is the philosopher of moral character; Jesus is the philosopher of the moral mind. Epicurus teaches humanity how to act in the world; Jesus teaches humanity how to clarify their conscience by avoiding the hypocrisy of established religion. In contrast, Jefferson denigrates Plato, the philosopher who commends abstract reflection on the Forms.²³⁰ However, the moral sense is nowhere articulated clearly in either the Gospels or the teaching of Epicurus. For that, we must turn to the Scottish Enlightenment.

There is simply insufficient room to detail the contributions of each and every moral sense philosopher. Suffice it to say that moral sense philosophy was a pervasive idea throughout the Scottish Enlightenment, such as in the writings of David Hume and Francis Hutcheson.²³¹ Not only was the theory outlined by Jefferson commonly accepted by Scottish philosophers, it influenced the signers of the Declaration, too. John Witherspoon carried the Enlightenment with him from Scotland, and Benjamin Rush was part of the circles closely associated with Scottish Enlightenment philosophers like


Hume. Both signed the document. While not everyone would have agreed with all Jefferson had to say about moral sense, most of them could support the idea.

Antiquity and the Scottish Enlightenment were joined at last by an English hero of Jefferson’s, John Milton. The seventeenth-century poet and author was among England’s finest advocates of Republican ideals. By 1776, his writings had combined with the works of Sidney and other writers of the seventeenth century into an English constitutionalist ideology that profoundly influenced the Founding Generation. Jefferson studied Milton’s works in great detail. In Milton, we find the link between Jefferson’s moral sense theory and his republican concept of virtue.

Milton’s republicanism is anti-elite. For him, as for Jefferson, the people are the well-spring of virtue. Both share a suspicion that elite power threatens to corrupt the public virtue, and only the people can hold that power in check. Consequently, the people needed to be free in both thought and economic matters to pursue their own interests. Tradition, especially established religion, was the enemy. For Milton, the

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236 Martin, 887.

237 Martin, 884.

238 Martin, 884.

239 Martin, 885.

240 Martin, 889–90.
“pursuit of happiness” is about the people doing as they please to secure their welfare. Jefferson found these ideals well-suited to his general moral philosophy.

We see, then, that the “pursuit of happiness” in Jefferson’s view was not the pursuit of warm, fuzzy feelings. Jefferson’s “pursuit of happiness” was about the public’s right to pursue virtue without elite interference. Following Epicurus, true happiness requires virtue, and the pursuit of virtue requires an uncorrupted moral sense. Jesus’ moral system was important for universalizing the pursuit of virtue and for keeping the conscience clear of corrupting influences, like established religions. Milton’s economic politics and commitment to free thought were public safeguards against the corrupting power of elites. These all come together in a stinging indictment of the Crown and Parliament, who conspired to crush the American people’s right to pursue their own welfare.

**The Moral Values of the Declaration**

In this section, I have briefly attempted to capture the Declaration of Independence’s moral imagination. I contend that these six moral values—equality, religion, integrity, life, liberty, and the pursuit of happiness—constitute the *arete* of the Declaration’s character. When applied to any given controversy, it will judge the rhetorical situation according to the implied system of moral values woven throughout the document. Perhaps there are other moral values within the document, but I contend these are primary. Let us now turn to the Declaration’s practical and relational values.

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241 See the complaint about cutting off trade, thus subjecting the American people to British mercantilism. The United States of America, “Declaration of Independence,” para. 18.
Chapter 3: Practical and Relational Values in the Declaration of Independence

Moral values are an important part of any debate, but no less important are a person’s practical values and relational values. Practical values are those values which determine what approach a person takes to solving problems. Aristotle referred to a character’s ability to correctly solve problems in the world as *phronesis*, or practical wisdom.\(^{242}\) Just as a text has *arete*, moral values that govern how it thinks morally, it also has *phronesis*. These practical values govern how a text would go about solving problems in the world. The Declaration of Independence is no exception. However, just because the Declaration has practical values does not mean they are as numerous or as nuanced as its moral values. Indeed, the Declaration knows only two major practical values: Forensic argument and scientific empiricism. These values present the second great tension in the text. Whereas the tension in the Declaration’s moral values is between liberty and equality, the tension in its practical values is whether one should look to the future or the past for solutions. The Declaration does both.

The Declaration’s practical values, while thin compared to its moral values, are more still robust than its relational values. Relational values correspond to *eunoia*, Aristotle’s term for goodwill.\(^{243}\) Goodwill is somewhat different from either the text’s moral values or practical values. Where they explain a text’s attitudes toward ideas, the trait of goodwill concerns what the text expects of its audience. In many ways, this trait is like Edwin Black’s second persona. For Black, the second persona is the “implied auditor” of a discourse.\(^{244}\) Texts are interactions between the first persona (implied


\(^{243}\) Aristotle, *Rhetoric*, 2.1.3.

\(^{244}\) Black, “The Second Persona,” 111.
speaker) and second persona (implied auditor).\footnote{Black, 111–12.} However, there is something in-between the first and second personas, a character trait that governs how a text connects with its target audience. We may call this trait “goodwill,” for goodwill is ultimately about cultivating a certain relationship with the audience. Goodwill is constituted by the relational values of the text. These tells us what kind of relationship a text wants with its audience. Usually, a text will want a good relationship with its audience. However, it is possible that a text could try to stoke hostility between itself and the audience. Both of these falls under the category I describe here. Just as moral values are an evolution of \textit{arete} and practical values are an evolution of \textit{phronesis}, goodwill is an evolution of \textit{eunoia}. And, just like values, we can deduce the text’s goodwill from its language. Let us now investigate the text for its practical and relational values, starting with the former.

**Forensic Legal Argument**

Scholars of the Declaration often place great emphasis on the Declaration as a document of Enlightenment philosophy.\footnote{Becker, \textit{The Declaration of Independence}; Wills, \textit{Inventing America}; Robinson, “The Scottish Enlightenment and the American Founding”; Andrew J. Reck, “The Enlightenment in American Law I: The Declaration of Independence,” \textit{The Review of Metaphysics} 44, no. 3 (1991): 549–73, http://www.jstor.org/stable/20129058.} However, the Declaration of Independence is also the last act of British constitutional law the American colonists would ever engage in. It was a sophisticated attempt to legally justify their separation from the British to the world.\footnote{We have already examined some of the reasons why they engaged in this argument in Chapter 2. We will elaborate here.} In addition to the benefits of becoming independent states, the Declaration exists mainly because the Second Continental Congress was a body of lawyers. Of the
fifty-six people who signed the Declaration, twenty-five were lawyers.248 Jefferson had practiced law and Adams remained a renowned lawyer, as was Roger Sherman and Robert Livingston.249 The only man who was truly more scientist than lawyer on the drafting committee was Benjamin Franklin.250 The Congress had a distinctly legal cast of minds, and that value is reflected in the Declaration of Independence.

The legal tradition most familiar to American lawyers was British common law.251 Common law was a law that relied on tradition, particularly English tradition, to validate legal actions.252 Legal action meant something grand, perhaps even metaphysical, in the context of the British constitution. The common law was like a library of ancient English wisdom that could help someone judge the present historical situation.253 It was rooted in the idea that the Saxons who migrated from Germany were always a free people, and they carried that freedom to the shores of Britain.254 From this auspicious beginning, the common law accrued more wisdom as the ages of English history passed. Any discussion of English constitutional law was really a discussion of English history and what principles the present could learn from it. However, this

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248 “Signers of the Declaration of Independence.”


250 Hoffer and Hoffer, 123.


253 Bailyn, 31.

inevitably led to a conflict between the principles and the history.\textsuperscript{255} In the end, the Americans justified their separation from England on the grounds that they had to separate from the history to save the principles.\textsuperscript{256} They did not make their decision lightly. The Declaration says as much:

“Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed.”\textsuperscript{257}

Prudence is the governing virtue of common law. Only after carefully considering the past can someone render judgment on the present. An invalid judgment is one that rushes forward, disregarding all precedent. Jefferson and his colleagues were determined not to make that mistake.

The Declaration, then, relied on English legal argumentation even as it separated from the English constitution. We have already observed this in how the Declaration follows the precedent of English deposition apologias in the 23rd Grievance.\textsuperscript{258} As Stephen E. Lucas notes, these apologias date all the way back to 1327.\textsuperscript{259} The Declaration, as a document of English constitutional law, was drawing on the same


\textsuperscript{257} The United States of America, “Declaration of Independence,” para. 2.

\textsuperscript{258} “He has abdicated Government here, by declaring us out of his Protection and waging War against us.” The United States of America, para. 25.

English tradition that all common law texts did. The difference was that it was a divorce letter, not a love letter, to the historical constitution.

The Declaration was not merely a document of English common law. It also relied on international legal reasoning to make its case. If the Declaration was going to appeal to the nations of Europe, it also had to use international precedent. Fortunately, it had that in the Dutch Act of Abjuration. The actors in the Dutch Revolt of 1581 found themselves in need of legal justification, and so they issued a document remarkably similar to the Declaration of Independence.\textsuperscript{260} Lucas makes a compelling case that the Act was one of the models used by Jefferson for the Declaration.\textsuperscript{261} They follow the same structure, use similar grievances, and both appeal to natural law.\textsuperscript{262} Appealing to the “laws of nature and nature’s God” gave the Declaration grounds to internationalize its otherwise English legal argument.\textsuperscript{263} The Act of Abjuration had set a precedent for international legal argument.

In both the use of English common law and international natural law, the Declaration looks backward to solve its problems. It operates under the assumption that people can apply the past to solve problems in the present. The historical distance the text is willing to cross is remarkable. As Garry Wills notes, Jefferson was willing to look all the way back to the Saxon emigration to the British Isles in the conclusion of the

\begin{footnotesize}
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\item[262] Lucas, 159.
\item[263] The United States of America, “Declaration of Independence,” para. 1.
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Declaration. It also does not hesitate to apply medieval precedents for deposing kings, both English and Dutch. Therefore, the Declaration’s first important practical value is forensic examination. To solve a problem, start with how it was solved in the past.

**Enlightenment Science**

The second practical value of the Declaration is Enlightenment scientific reasoning. Whereas the common law looks to the past for answers, the scientific worldview emerging from the Scottish Enlightenment looks forward. It attempts to establish regularities in the world through observation, and from these regularities, predict what happens next. The influence of the Scottish Enlightenment on moral philosophy has already been noted, but its metaphysics of morals was the least of its substantial contributions. In truth, the most profound influence the Scottish Enlightenment had on the Declaration was its scientific epistemology. It practically deified three figures Jefferson revered: Isaac Newton, Francis Bacon, and John Locke. What these men did for the natural sciences, Jefferson and his colleagues planned to do for the American Revolution. They would make empirical observations of events and predict what must come next: Independence.

The scientific attitude of the Declaration becomes clear once we understand the connotations of some of its key terms. As Gary Wills notes, one of these is the word “necessary.” Necessity, in a Newtonian sense, is a governing pattern of contingent

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266 Wills, *Inventing America*, 115.
nature- “the laws of Nature and Nature’s God.”267 The true scientist discerns these physical laws through empirical observation and formulates them into mathematical models.268 For Newton and those who follow in his footsteps, regularity implies law.269 Thus, science throughout the early modern period was dominated by a principle later philosophers would call the “deductive-nomological” model of explanation.270 Jefferson and the scientists who signed the Declaration understood scientific explanation in law-like terms.

The Declaration’s authors would have learned of the Newtonian model from the schools they attended, where close associates of Scottish luminaries expounded upon Enlightenment ideas.271 Newton’s star was reflected by the twin moons of Thomas Reid and David Hume. Around these bodies revolved the scientific epistemology of the American Revolution. Reid was the father of “common sense” philosophy, owing to his belief that the foundation of knowledge is rooted in the beliefs humans tend to naturally develop.272 Hume, in contrast, was renowned for his skepticism toward traditional philosophical ideas and the prejudices of the masses.273 Despite their differences, they

267 Wills, 114; The United States of America, “Declaration of Independence,” para. 2.
270 Nichols and Yaffe, “Thomas Reid,” sec. 1.2.2.
272 Nichols and Yaffe, “Thomas Reid,” sec. 1.1.
both agreed on the importance of the Newtonian project. Reid was a strict proponent of experimental science.\textsuperscript{274} Hume’s skepticism was ultimately for the purpose of emphasizing experimental science, too. His \textit{Enquiry Concerning Human Understanding} famously ends with the following exhortation:

> When we run over libraries, persuaded of these principles, what havoc must we make? If we take in our hand any volume; of divinity or school metaphysics, for instance; let us ask, Does it contain any abstract reasoning concerning quantity or number? No. Does it contain any experimental reasoning concerning matter of fact and existence? No. Commit it then to the flames: \textsuperscript{*} For it can contain nothing but sophistry and illusion.\textsuperscript{275}

The ideas of these men, along with the likes of Francis Hutcheson and, later, Adam Smith, coalesced into the general ideology of the Scottish Enlightenment. The Declaration’s drafter was not far from them, especially Thomas Reid. Jefferson received a substantial education from William Small, a Scot who was closely associated with Scottish Enlightenment thinkers.\textsuperscript{276} He became friends with Thomas Reid’s friend and biographer, Dugald Stewart.\textsuperscript{277} Jefferson, therefore, was in the American branch of the Scottish Enlightenment’s family tree. He was influenced by their general thought. However, of all the Scottish thinkers, none is more important for understanding the

\begin{footnotes}
\item[274] Nichols and Yaffe, “Thomas Reid,” sec. 1.2.
\item[277] Wills, 231.
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Declaration’s epistemology than Thomas Reid. We can see his influence reflected in words central to his philosophical project: “self evident.”

Thomas Reid believed common sense could serve as a foundation for knowledge. To grasp what is meant by this claim, consider the following question: How do we know what we know? We may answer that we know what we know on the basis of scientific evidence. Perhaps that is so, but how do we know whether the principles of science are correct? They cannot be verified by scientific tests. Indeed, there are many questions that cannot possibly be answered by the scientific method without circular reasoning. It is impossible to verify the inner sensations of others or to verify the reality of the external world. At some point, we must face a decision. Either all our knowledge is circular (e.g., the scientific method can verify itself) or there is some knowledge that requires no justification outside of itself. This knowledge we call “self-evident.” Self-evident knowledge, as it requires no further proof, can serve as the starting point for proving other propositions. Philosophers refer to the belief in a self-evident foundation of knowledge as foundationalism. For Reid, common sense is self-evident: It serves as the foundation for all further knowledge.

Reid’s notion of common sense lurks behind the Declaration’s usage of the words “self evident.” However, it does only “lurk behind.” Contrary to Gary Wills, who

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278 Nichols and Yaffe, “Thomas Reid,” sec. 1.1.3.


280 Thomas Reid, Reid’s Essays on the Intellectual Powers of Man ... By Sir W. Hamilton, ... and with the Foot-Notes of the Editor, ed. William Hamilton, 1865, 301.

argues that Jefferson uses the term in a technical sense in the Declaration.\textsuperscript{282} I do not think the concept is that explicit. It was not as though he was citing Reid in the Declaration’s preamble. Rather, Jefferson’s notion of common sense had been so shaped by Reid’s philosophy that the very concept took on a Reidian hue, even if Jefferson did not realize it. When Jefferson sat down to determine the foundations of his argument, he understood the foundations of knowledge in Reid’s terms.

The reader might wonder why Reid instead of Locke. After all, Locke clearly influenced so much of Jefferson’s political argument. Locke also was renowned for his empiricist epistemology.\textsuperscript{283} Why assume that Jefferson was using Reid’s concept of self-evidence, rather than Locke or some mix of the two? Aside from the biographical facts mentioned earlier, Jefferson was likely using Reid’s concept because it fits better. Locke’s concept of self-evident truths is extraordinarily narrow. According to him, “Knowledge…consists in the perception of the agreement or disagreement of ideas. Now, where that agreement or disagreement is perceived immediately by itself, without the intervention or help of any other, there our knowledge is self-evident.”\textsuperscript{284} In other words, self-evidence depends upon the logical law of noncontradiction. If anyone knows anything, it is that two different things are not the same thing. Thus, where we can perceive an identity relationship (A=A) or a contradictory relationship (A=/=B), we have self-evident knowledge. These truths based on logical relationships are the only truths

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282 Wills, \textit{Inventing America}, 231.
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allowed into the foundation of Locke’s knowledge-structure. It is plainly true that statements like “all men are created equal” and “endowed by their creator with inalienable rights” do not fit Locke’s criteria. However, these statements can fit into Reid’s foundations. For Reid, all that was necessary for an idea to be foundational is that it fits with common sense- “that degree of judgment which is common to men with whom we can converse and transact business.” In this much, we can agree with Gary Will’s contention that Reid, not Locke, was behind Jefferson’s concept of self-evidence.

The significance of the Scottish Enlightenment for the Declaration is its influence on the document’s argumentation. Gordon Wood described the American political project of drawing lessons from history to prevent the rise of tyranny as the “Whig science of politics.” He was right to characterize it as such, for it was Newtonian in its core principles. Just as Newton could look to the heavens, observe the movements of the spheres, and so deduce a law of gravity, the Founders believed that they could investigate history and find the laws that guided it. By knowing those laws, they could foresee tyranny and put a stop to it. If a tyranny was presently ongoing, then they could compare a given case to a law and see how well it fit. The Declaration of Independence was a manifestation of this Whig science, a grandiose lab report on the state of English history. Its argument proceeds by laying out self-evident axioms that require no

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286 Reid, Reid’s Essays on the Intellectual Powers of Man ... By Sir W. Hamilton, ... and with the Foot-Notes of the Editor, 295.

287 Wills, Inventing America, 221.


289 Wood, 5.
Justification, then lists observations in the form of grievances. From these grievances, it deduces that a law is at work. The law that explained King George III’s actions was the same law that explained the rise of Caesar. Tyranny, like gravity, was discoverable through empirical observation and provable through scientific argument.

Enlightenment scientific reasoning is, therefore, the second great practical value within the Declaration of Independence. It approaches the world with an optimistic outlook of humanity’s ability to discern the deep truths of reality, even the truths of human nature. The world is not an arbitrary, chaotic place. Both the natural and political world are governed by laws. By remaining true to common sense and observing the events of the world, we can deduce what will happen and act accordingly. We can even prevent the loss of our liberties by foreseeing a tyrant.

**Practical Values, Past and Future**

The Declaration’s practical wisdom is a unique confluence of scientific and legal reasoning. At first glance, it would appear these two are at odds with each other. The common law is grounded in particulars, drawing on past precedent to determine enduring principles. Newtonian science seeks to predict the world’s future behavior. However, what they share in common is a deep conviction that the world is governed by laws. For the Declaration, we are not at the mercy of the Fates. The Revolutionary War was not like the Trojan War, with arbitrary gods choosing sides and intervening as they pleased. The world is an intelligible place that human beings can control by remaining sensitive to the past and looking forward with the power of science. Science is law; law is science. To solve a problem, look for the laws that govern it.
**Relational Values**

The practical values of the Declaration primarily concern problem solving, but the Declaration’s character is incomplete without values that govern its desired relationship to its audience. The first phrase that gives us some clue about the Declaration’s relational values appears in the first paragraph. This paragraph informs the reader what the text is about to do (declare independence). It also explains why the whole text is necessary. The Congress could have simply stuck with Richard Henry Lee’s resolution. Instead, they opted to explain what motivated them to write the declaration: “a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.”

Implied in this short phrase is a principle: We respect others when we appeal to their rationality. The audience is assumed to be rational, capable of judging the case by their reason rather than emotion. To affirm the audience’s rationality, the text will provide the reasons causing them to separate from the British Empire. The audience, as a rational actor, can judge for itself whether that separation is justified.

The second phrase indicating the Declaration’s desired relationship with its audience appears at the end of paragraph 2: “To prove this, let Facts be submitted to a candid world.” The emphasis on facts continues the theme begun in the first phrase. It, too, wants the audience to judge its case on the basis of facts. However, one word seems oddly out of place: “candid.” In contemporary English, the word “candid” is almost always used in reference to the speaker. If I say, “Let me speak candidly,” what I mean is “let me speak my mind, without regard for decorum or tact.” The Declaration uses the

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291 The United States of America, para. 2.
adjective “candid” to describe the audience. This is a clue that “candid” means something subtly different for them than it does for us.

We gain some insight into the word’s intended meaning by examining its history. “Candid” derives from the Latin word “candidus,” which means “white.” In the seventeenth century, it held the connotation of being “pure” or “unbiased.” As time progressed, people used it to express the idea of “frankness” as we know it. These connotations carried over into the eighteenth century. Hence, Voltaire named his famous novella Candide: or, All For the Best. Candide was a satire of the philosophical doctrine that ours is the “best of all possible worlds.” Voltaire even gives us a definition of “candid” when describing the protagonist: “He combined a true judgment with simplicity of spirit, which was the reason, I apprehend, of his being called Candide.” Both the world and the protagonist are said to be candid, like a white canvas that has not yet been blemished. The language of an unblemished canvas calls to mind John Locke’s tabula rasa, the blank slate. Locke uses similar language in his Essay:

Let us then suppose the mind to be, as we say, white paper, void of all characters, without any ideas:—How comes it to be furnished? Whence comes it by that vast store which the busy and boundless fancy of man has painted on it with an almost

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293 “CANDID | Definition of CANDID by Oxford Dictionary on Lexico.Com Also Meaning of CANDID.”

294 “CANDID | Definition of CANDID by Oxford Dictionary on Lexico.Com Also Meaning of CANDID.”


296 Voltaire, 9.
endless variety? Whence has it all the materials of reason and knowledge? To this
I answer, in one word, from Experience.297

Empiricism again finds its way into the Declaration of Independence. A “candid world”
is a world with a judgment unclouded by dogma and supposition, a world that judges
according to the dictates of experience. These are ideas Jefferson and his compatriots
wholeheartedly endorsed, for they underpin the language of Enlightenment science. The
Declaration invites the nations of the world to review its quasi-Newtonian experiment. It
is confident that its argument will stand up to scientific scrutiny. The confluence of legal
rationality and scientific rationality are not just part of the text’s practical values. The
Declaration expects its audience to judge its case using the same criteria it uses against
King George III.

The third and final phrase that governs the Declaration’s goodwill is found in its
conclusion. Describing America’s relationship with the British people, it says, “We
must…hold them, as we hold the rest of mankind, Enemies in War, in Peace Friends.”298
There is not as much to say about this phrase, except to note how binary it is. The
Declaration knows no careful neutrality. It sees the world in two categories: friends and
enemies. To not be one is to be the other. Not only that, there is a reciprocity implicit in
the language. If America considers you a friend, then you are a friend to America.
Friends help each other. Juxtaposed against the concept of war, “friendship” clearly
involves military allyship. We would do well to recall the Declaration’s diplomatic
purpose. The phrase “Enemies in War, in Peace Friends” is a kind of logical shell game,

where the promise of military aid is disguised by a general attitude toward diplomacy. Using the Declaration’s logic, if France does not consider the United States an enemy, then it is a friend. If it is a friend to America, then it surely will not stand by and let the Americans fall prey to the British Empire. Therefore, France must render aid to the beleaguered Americans.299

“A decent respect to the opinions of mankind,” “facts to a candid world,” and “Enemies in War, in Peace Friends” are the three phrases that govern the Declaration’s trait of goodwill. What they all share in common is a sense of entitlement. The Declaration expects its audience to see the world as it sees the world, judge a case as it judges it, and act as it would act. It asks its audience to adopt the same Newtonian paradigm that it values so highly. The Declaration has little in the way of empathy for other worldviews. For example, it could have said “Even if these standards are rejected, we are confident any just standard will agree with our conclusion.” Instead, the Declaration’s *eunoia* focuses on making the audience think like an American. Thus, the Declaration’s goodwill asks its audience to identify with America and the cause of independence.

299 It is doubtful anyone in France was fooled by this argument. However, the binary logic of allies/enemies betrays a dualism that seems alive in Americans to this day. We are either Democrats or Republicans, Biden or Trump, left or right. It is entirely possible that America’s structural lack of nuance dates all the way back to the Declaration of Independence.
Conclusion

The Declaration of Independence is an integral part of the American Magisterium, the lore of our Founders that so many look to for guidance. But its wisdom all too often seems illusory. I have contended that our troubles applying the Declaration derive from our difficulty understanding its meaning and significance. Its meaning is difficult to decipher because of the many voices speaking into the text—Jefferson’s, Adams’, and those of the Second Continental Congress. These voices unite into the chorus of independence, but sometimes that chorus is muddled by words lost in translation. Nonetheless, careful investigation into the sources, ideologies, and thinkers behind the Declaration can clarify what these words mean. I have done so here for the purpose of discovering the text’s values. Values—moral, practical, and relational—are what constitute a text’s character. They transcend the text’s original context and combine to form the spirit of the text. The character calculus is clear when we understand the values that constitute the text’s spirit.

We began with the Declaration’s moral values. Six moral values lie hidden in the text: Equality, religion, integrity, life, liberty, and the pursuit of happiness. Equality is a collective value, affirming the collective dignity of all peoples. Religious toleration emerged in the text from Congress’ need to respect the diverse religious traditions of their audience. Integrity demands that the powerful obey certain rules to avoid abusing the public. The value of life concerns a community protecting its members from an arbitrary death. Liberty is the right of a people to avoid domination by another. Lastly, the pursuit of happiness is the people’s right to pursue virtue without elite corruption.
The Declaration’s practical values are fewer, but no less important. The Declaration sees two ways to solve a problem. The first, forensic argument, looks to the past to find guiding principles for the present. The text derives this value from the English common law that American lawyers valued so highly. The second practical value is scientific empiricism. Deriving from the Scottish Enlightenment and its veneration of Isaac Newton, this value looks for patterns in the world to deduce the law governing them. It begins its investigation with self-evident truths and moves forward from those premises. However, where Newton used his method to discern the movements of the planets, the Declaration attempts to deduce the laws of history. These two values— one oriented toward the past, one toward the future—come together in the conviction that the universe is orderly. For any problem, there is a law that explains how to solve it.

Lastly, the Declaration has a set of relational values that govern its goodwill. It assumes that its audience will judge on the basis of facts, not prejudices. Moreover, it assumes that its audience will adopt the same Newtonian standard of scientific judgment that the Declaration uses to make its case. The Declaration also presents its relationship to the world in a dichotomy between friends and enemies. America’s only enemies are those it is at war with.

When we combine the moral, practical, and relational values of the Declaration, the spirit of the text emerges. The matrix of values we have uncovered functions like a mind. Introduce a topic to it, and we can deduce the attitude it will hold. We lack sufficient space to apply the full spectrum of values to a controversy here. Still, if we want to know what the Declaration thinks about Nazi Germany’s invasion of Poland, we can look at the text’s values and receive an answer. There is certainly wiggle room in
values as abstract as “liberty” or “equality.” However, we can be fairly certain that the Declaration’s value of collective equality opposes wars of aggression. Likewise, when confronted by a pandemic, we can be certain the Declaration would appeal to science for a solution. It would assume there is some law at work and attempt to deduce what that law is. As far as foreign relationships are concerned, the Declaration would either have us be allies with the whole world or perpetually at war with it. These values allow the Declaration’s meaning to hold public significance outside of its original context.

Knowing what we do about the Declaration’s values, some readers might hold reservations about applying the Declaration to contemporary controversies. Perhaps they consider the document’s values immoral or impractical. I will not contend that they must accept the Declaration’s authority. Perhaps for them, the value of this thesis lies in the discovery that the Declaration is not a sacred text after all. But for those who do consider the Declaration authoritative, the value of this thesis is in how to apply it. Declaration discourse can go beyond the document’s conceptual significance. We can discern the text’s public and situational significance, too. We can observe the text transcend its historical shackles.

In the introduction, I contended that this thesis is a contribution to rhetorical theory as well as an insight into the Declaration. I confess to a polysemic meaning for that phrase. In addition to providing a lens for rhetorical criticism, this thesis contributes a sort of implicit commentary on theoretical discourse. It stands as a repudiation of the idea that there is such a thing as the conversation. Theorists may be tempted to believe that a work’s relevance is determined by how it fits into a contemporary theoretical conversation. However, that is not necessarily the case. Most of the theoretical literature
cited in this work dates to the 1970s or earlier, precisely because that conversation is not finished. No single scholarly conversation can command the full attention of the academy, whether it is the debate over New Materialism, critical theory, or something else. Some ideas are so transcendent that they call us away from the latest publications. They capture the mind like a magnet, pulling us back into the old volumes to discern new significances. There is value in discussing new ideas, just as there is value in discussing new texts. Nonetheless, sometimes it is worthwhile to look backward to old texts, texts like the Declaration of Independence.

The Spirit of the Declaration has haunted America since the day the document was signed. Its voice echoes through the pens of writers like Prince Hall and Abraham Lincoln. Scholars hear the whispers as they write; politicians long to speak as it does. The entire genre of Declaration discourse has been an exercise in separating its chorus from the cacophony. All too often, the noise has won. But if we fall quiet, we can hear its voice speaking to us still. The Declaration of Independence still has much to say. It falls to us to listen.
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