H-Net Reviews
in the Humanities & Social Sciences

Pauline Maier. *American Scripture: Making the Declaration of Independence.* New York: Alfred A. Knopf, 1997. xxi + 304 pp. $27.50 (cloth), ISBN 978-0-679-45492-2.

Reviewed by R. B. Bernstein (New York Law School and Brooklyn College, CUNY)
Published on H-Law (September, 1997)

The Container for the Thing Contained

I. The Metaphor and Its Relevance

One of James Thurber's wry reminiscences focuses on his high-school English teacher, who sent her students on scavenger hunts for figures of speech in Shakespeare's plays. Her favorite quarry was "The Container for the Thing Contained." For example, in the opening lines of his funeral oration in *Julius Caesar*, Mark Antony is not really asking his audience to lend him their ears; instead, he is asking them to lend him the functions of listening and attention that their ears contain.

To be sure, a single-minded chase after such a limited target can degenerate into a literary search-and-destroy mission; as Thurber recalled, his teacher reduced Shakespeare's plays to a vast trash heap of language to be sifted for figures of speech abstracted from context. Nonetheless, grasping the relationship between the Container and the Thing Contained can deepen our understanding–as Pauline Maier, the William R. Kenan, Jr., Professor of American History at MIT, has demonstrated with *American Scripture*.

The central theme of Maier's book is that the Declaration of Independence has become a vast "Container for the Thing Contained." Not only does it hold far more than we conventionally associate with it–in the more than two centuries since its adoption, we have added to its contents far more than its drafters and adopters had intended.

Our conventional associations with the Declaration are large and varied in their own right. As a physical artifact, the Declaration of Independence has become an icon of American independence and national identity. As a political statement, it has become the central articulation of American values and political principles. Finally, as a literary text, it has become the single greatest achievement of perhaps the most gifted writer of the Revolutionary generation, Thomas Jefferson.

As Maier shows, however, these conventional associations concerning the Declaration are problematic: They blur or cloak a complex, remarkable set of political processes that gave rise both to the declaration of American Independence and to the document, the Declaration, that announced that decision "to a candid world." Moreover, our array of conventional associations overemphasizes the roles of the "usual suspects" in the origins of American Independence–specifically, Jefferson. The victims of this misplaced emphasis are groups of politicians. Some were famous, such as the delegates to the Second Continental Congress; others were largely unknown or forgotten–gatherings of dozens or hundreds of ordinary Americans who took part in local political discussion and action on the great issues of Independence and nationhood.

This book's title signals Maier's point: *American Scripture* is about how American independence and its most famous symbol, the Declaration, were truly the handiwork of the American people and their politicians rather than of one inspired "Author." Moreover, as her subtitle suggests, "Making the Declaration of Independence" was a process that neither was confined to the spring and summer of 1776 nor ended with Congress's adoption of the Declaration on 4 July 1776. Indeed, Americans have continued to write and rewrite, to reshape and reformulate, the meanings of Independence and the Declaration from that day to this.

II. The Book's Structure and Argument

In rough chronological order, the four chapters of *American Scripture* set Independence and the Declaration within four different yet complementary contexts. They thus present four linked explorations of the "Things Contained" within the "Container" of the Declaration.

Chapter I, "Independence," examines how the Second Continental Congress came to declare American Independence, to commission the drafting of the Declaration, and to adopt it as its explanation for declaring Independence. This chapter builds naturally on Maier's in-

fluential first book, *From Resistance to Revolution* (1972); even so, its account of the origins of Congress's decision for Independence is fresh and illuminating, juxtaposing events outside Congress with the delegates' debates and highlighting their private struggles with their novel, increasingly burdensome responsibilities. As Maier shows, Congress tried to keep pace with its delegates' sense of the gradual development of American public opinion on the issue of Independence; Congress continually sought to avoid forging beyond or lagging behind whatever political and constitutional options the people were ready to contemplate and endorse. She notes in passing that the Declaration of Independence was but one of a series of petitions, addresses, declarations, and state papers that the First and Second Continental Congresses issued to an array of prospective audiences–to respond to and to shape public opinion at home and abroad.

Maier begins Chapter II, "The *Other* Declarations of Independence," by exploring the constitutional and literary precedents for the Declaration in English constitutional and political history, focusing on the Declaration of Rights of 1689 (re-enacted later that year as the Bill of Rights). She then turns to the profusion of formal and informal declarations, resolutions, grand jury charges, and instructions to Congress by which various groups of Americans, ranging from town meetings to county conventions to provincial congresses, explained and justified their willingness to sever their ties with their former mother country and endorse Independence. As Maier suggests, the impetus for this array of "'other' declarations of independence" (which she catalogues in Appendix A and illustrates in Appendix B) was probably an effort by Congressional advocates of Independence to amass a convincing display of public opinion in their support. As Maier concedes, these sources have their limitations; some of them were adopted by small groups of politicians or citizens purporting to speak for larger bodies of the citizenry, while others, which professed to be a constituency's instructions to their elected representatives, were probably drafted in whole or in part by those who were to be instructed. Nonetheless, "[d]espite their shortcomings, the state and local 'declarations of Independence' offer the best opportunity to hear the voice of the people from the spring of 1776 that we are likely to get" (p. 49). Furthermore, despite the variations from colony to colony or town to town, these declarations have more in common than we might expect. This chapter represents a major advance in our understanding of the process by which the American people came to embrace Independence, and of the still-difficult task of assessing American public opinion in the age of the American Revolution.

Chapter III, "Mr. Jefferson and His Editors," surveys the seemingly familiar ground last covered by Carl Becker in 1922 and by Julian Boyd, the founding editor of *The Papers of Thomas Jefferson*, in 1943 and 1950; even so, it is a superb case study of revisionist historical detection (in the best sense of revisionism). Retracing the process by which Jefferson prepared the original draft of the Declaration, his colleagues on the drafting committee edited his work, and the Second Continental Congress reshaped and significantly improved the committee draft, Maier provides valuable corrections to our understanding of the Declaration's drafting. In particular, she demonstrates that Jefferson, rather than being the sole "Author" of the Declaration, as his epitaph proclaims, was a skilled draftsman who made use of several models, such as his own 1774 pamphlet "A Summary View of the Rights of British America," his June 1776 draft preamble to the Virginia constitution, and George Mason's June 1776 Virginia Declaration of Rights (the latter two in turn indebted to the English Declaration of Rights of 1689). Moreover, far from being the insensitive or cowardly editors of popular legend who deleted eloquent parts of Jefferson's draft, the Second Continental Congress emerges in Maier's account as a superb editorial committee, paring away irrelevancies and weak points to produce a stronger, more persuasive Declaration.

Chapter IV, "American Scripture," again breaks new ground–though its methodology parallels that of Merrill Peterson's now-classic study *The Jefferson Image in the American Mind* (1960). Just as Peterson set out to assess "what history made of Jefferson" rather than "the history Jefferson made," Maier examines what history made of the Declaration of Independence, from its promulgation in 1776 to Abraham Lincoln's Gettysburg Address in 1863. This chapter is a subtle, nuanced account of how Americans gradually shifted their emphasis to the now-famed, eloquent opening paragraphs of the Declaration with their proclamation of "self-evident truths" such as the equality of human beings and their inalienable rights. Maier concludes by arguing that Lincoln's famed redefinition of American national origins and core political values in the Gettysburg Address, like the Declaration itself, was less an original act of nationalist authorship than Lincoln's shrewd articulation of an evolving consensus among the American people. Unfortunately, this chapter suffers from what is generally a virtue of Maier's fine book; its concision works against it. Maier could have expanded her discussion of the Declaration in the American mind to take account, for example, of African-

American constitutional argument that often focused on the Declaration, most famously in Frederick Douglass's 1854 speech on the meaning of the Fourth of July for African-Americans.

Bracketing these four chapters are an Introduction and an Epilogue. The Introduction presents the history of the document known as the Declaration of Independence, housed today in the National Archives; the Epilogue examines the Declaration as an element of the design of the Jefferson Memorial. In these parts of *American Scripture*, Maier surveys the gap between what might be called academic history and what Henry Steele Commager called "the usable past." Unlike many historians, most Americans get their most memorable exposures to history through visiting such "secular shrines." For example, for every American who reads a biography of Thomas Jefferson, for example, twenty at least visit either Monticello or the Jefferson Memorial; for every American who reads a book about the Declaration, probably fifty visit the actual parchment reposing in the Archives. (This difference between the historian and the ordinary citizen emerges from Maier's disarming admission that she first beheld the Declaration of Independence in 1995, midway through writing this book.) Such historic sites are focal points of the national memory–but, Maier asks, what historical lessons do they teach? The Declaration's display (first in the Library of Congress and, since the 1950s, in the National Archives) as the centerpiece of an altar-like construct within a vast temple of American history elevates that history beyond the power of human beings to achieve or to emulate. Similarly, the Jefferson Memorial presents itself as a temple of democracy and its focal point is a commanding, almost superhuman statue of Jefferson. As Maier argues, such deification of the Declaration and its "author" clashes with the actual history of the Revolutionary generation–subverting both the declaration of American Independence and the ideas and arguments that the Declaration presents.

III. The Competing Historical Claims of Politics and Ideas

American Scripture differs significantly from most earlier studies of the Declaration of Independence. Early books on the subject, by Herbert Friedenwald (1904) and John Hazelton (1906), were more antiquarian than historical; Maier's endnotes show her indebtedness to Friedenwald's and Hazelton's industrious research, and her text suggests how such older works of antiquarian scholarship can provide grist for a cutting-edge work of historical interpretation. Carl Becker's *The Declaration of Independence: A Study in the History of Political Ideas* (1922) and Garry Wills's *Inventing America: Jefferson's Declaration of Independence* (1978), the former "standards" on the subject, both concentrated on the intellectual world from which the Declaration (in Wills's case, Jefferson's draft of the Declaration) emerged. Becker stressed the profound influence of John Locke's political philosophy on the Declaration's most famous passages; Wills challenged Becker's claims for the centrality of individualist Lockean liberalism in American thought, proposing instead the communitarian Scottish "common sense" philosophical position associated with such figures as Thomas Reid. Both Becker and Wills thus discounted or neglected (as Becker explicitly admitted he had done) the political processes that are at the focus of Maier's book.

Maier's argument on this point, recapitulated in her Chapter III, is subtle and complex. First, Maier endorses the Lockean reading of this passage, noting the demolition of Garry Wills's anti-Lockean interpretation of the Declaration by Ronald Hamowy in an influential article in the *William and Mary Quarterly (1979).* Maier goes further, however. She insists that the search for Lockean or anti-Lockean roots for this passage is not relevant to understanding the declaration of American Independence. For one thing, Jefferson drew his most "Lockean" passages from George Mason's Virginia Declaration of Rights of 1776. For another, the famed passage so often anatomized by modern historians is actually a long and careful rationale for its peroration: the exposition and defense of the right of revolution. It must be read *in toto* to be grasped at all. Furthermore, the "right of revolution" was not just Lockean–it was associated with John Milton, Algernon Sidney, and a host of other English thinkers: "By the time of the Revolution those ideas had become, in the generalized form captured by Jefferson, a political orthodoxy whose basic principles colonists could pick up from sermons or newspapers or even schoolbooks without ever reading a systematic work of political theory. The sentiments that Jefferson eloquently expressed were, in short, absolutely conventional among Americans of his time" (p. 135). (In many ways, this part of Maier's argument echoes the path-breaking and iconoclastic 1981 essay by Professor John Phillip Reid of New York University Law School, "The Irrelevance of the Declaration.")

The attractions of the Declaration's renowned second paragraph for modern historians and political theorists are understandable. As Maier notes, "Academics … are generally more comfortable…in the transatlantic world of ideas … than in the grubby world of eighteenth-century American politics …" (p. xvi). It is that "grubby world" that Maier recovers and elucidates with consummate skill. Maier's comment also signals the emergence

of a valuable approach to the study of the political history of the American Revolution and the early Republic. In these ways, Maier's book resonates with Jack N. Rakove's *Original Meanings: Politics and Ideas in the Making of the Constitution* (1996). Like Rakove, Maier is a Namierite historian, but in ways that refine and improve on standard Namierite political history.

Namier, of course, was Sir Lewis Namier, whose close-focus studies of English political history in the age of the American Revolution–most famously, *The Structure of Politics at the Accession of George III* (1929)–defined the conventional wisdom about that subject for a generation. Like Namier and Rakove, Maier focuses on the actual conditions of political thought and action. Also like Namier and Rakove, Maier stresses what the acerbic, shrewd Massachusetts Federalist Fisher Ames called "the ordinary event of the political drama." Whether Maier is discussing the ever-shifting cast of delegates to the Continental Congress, or the mixture of politicians and polemicists taking part in the Declaration's framing and adoption, the politicians whom she writes about are just that–politicians, confronting a series of political problems requiring solution, struggling with one another to devise politically feasible solutions that respond to the challenges at hand.

Like Rakove, Maier goes beyond Namier in one key respect, thus presenting a refined "neo-Namierite" approach to political history. Namier taught that political historians study the clashes of ambition and interest among a group of elite and would-be elite politicians jockeying for position and power. For Namier, as for his contemporary, the Roman historian Sir Ronald Syme, ideas were mere window-dressing, "political catchphrases"–convenient labels to elevate your own cause, to denigrate your adversary's cause, and to evoke the appropriate response from the huddled mass of the electorate.

By contrast, again like Rakove, Maier regards ideas, ideologies, and arguments as integral to what "really" happened in political history. Even so, she argues that political ideas, ideologies, and arguments are and must be understood as tools in the hands of political actors, which enabled them to respond to actual political problems and to propound feasible political solutions to those problems. Ideas in the context of political history are not always subservient to but nearly always are molded and constrained by the political conditions that make some ideas valuable, useful, and even powerful; rule other ideas out of court; and force adaptations or accommodations of still other ideas to actual political problems. Thus, Maier's analyses of political ideas are not abstracted from the political context of the American founding. Rather, as she proves, the Revolutionary generation's conceptions of such ideas and the uses to which they put them in framing arguments were, in turn, shaped by the political contexts in which they operated and the political problems they faced.

Thus, *American Scripture* is also a rewarding exemplar of neo-Namierite political history's promise for the study of the American Revolution and of the constitutional and political systems that the Revolutionary generation devised to make the promises of Independence a reality.

Copyright (c) 1997 by H-Net, all rights reserved. This work may be copied for non-profit educational use if proper credit is given to the author and the list. For other permission, please contact H-Net@h-net.msu.edu.

If there is additional discussion of this review, you may access it through the list discussion logs at:
http://h-net.msu.edu/cgi-bin/logbrowse.pl.

Citation: R. B. Bernstein. Review of Maier, Pauline, *American Scripture: Making the Declaration of Independence.* H-Law, H-Net Reviews. September, 1997.
URL: http://www.h-net.org/reviews/showrev.php?id=1324

Copyright © 1997 by H-Net, all rights reserved. H-Net permits the redistribution and reprinting of this work for nonprofit, educational purposes, with full and accurate attribution to the author, web location, date of publication, originating list, and H-Net: Humanities & Social Sciences Online. For any other proposed use, contact the Reviews editorial staff at hbooks@mail.h-net.msu.edu.