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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.

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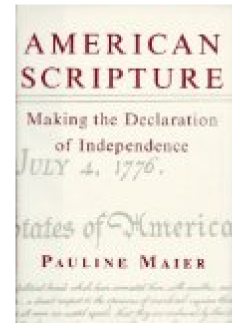

Acting on Ideals

Since the publication more than seventy-five years ago of Carl Becker's *The Declaration of Independence: A Study in the History of Political Ideas*, historians have wrestled with the wording of the document that declared American independence from Great Britain in July 1776. In drafting the Declaration, did Jefferson use primarily the ideas and words of John Locke, Scottish philosophers, fellow Virginian George Mason, Enlightenment thought generally, or various and sundry other English and American documents? In *American Scripture*, Pauline Maier adds her voice to this debate but in the process attempts to shift the discussion from the principles enunciated in the document to the ways in which Americans have made it part of their lives. In doing so, she takes us beyond the times of the Second Continental Congress to the partisan tumult of the 1790s, regional appropriations of the words of the document in the 1840s and 1850s, and Americans' redefinition of the meaning of equality during the Civil War.

Professor Maier downplays the principles expressed in the Declaration of Independence because the document "restated what virtually all Americans…thought and said in other words in other places" and was, therefore, "[a]s a statement of political philosophy…purposely unexceptional" (p. xvii). In perhaps the most important sections of the book, the author reviews the contents of documents on independence prepared by townships, county associations, state assemblies and other local groups and finds them to be "everywhere remarkably alike" (p. 49), their contents "virtually identical" (p. 74). This unanimity of sentiment derives from the influence Professor Maier attributes to English writings, especially the Declaration of Rights (1689), on the wording of the resolutions. Also, groups borrowed from one another, further adding to their congruence (see, especially, "The Declaration of Independence: A Family Tree," p. 166). At the Second Continental Congress, delegates "echoed" (p. 139) state and local declarations and edited Jefferson's prose to make the Declaration of Independence a "public document, an authenticated expression of the American mind" (p. 149).

Following the American Revolution, interest in and mention of the Declaration faded from the scene. In state constitutions, especially, Professor Maier finds "[no] evidence whatsoever that the Declaration of Independence lived in men's minds as a classic statement of American political principles" (p. 167). During the 1790s, the Declaration resurfaced but was subsumed in partisan and regional wrangling as Federalists and Republicans postured as the defenders of the revolutionary heritage but not of the principles enunciated in the Declaration. By the 1840s, litigation to free slaves in northern states most commonly cited the wording of state bills of rights rather than the Declaration of Independence, and both defenders and opponents of slavery shaped its contents to their advantage.

In the 1850s, Abraham Lincoln became energized by the conflicting uses of the Declaration and by the time of his debates with Stephen Douglas came to see the document's statements on equality and rights "as setting a standard for the future, one that demanded the gradual

extinction of conflicting practices" (p. 205). In the Gettysburg Address, "the Declaration of Independence became first and foremost a living document for an established society," and Lincoln's words also became "[i]n time…an American sacred text" (p. 207). Also, as in 1776, the power of the Gettysburg Address came primarily from the fact that it "echoed…not what all Americans thought but what many did" (pp. 207-8).

I have benefited greatly from Professor Maier's skillful development of her primary argument, that in "making" and "remaking" the Declaration of Independence Thomas Jefferson and Abraham Lincoln stood on the shoulders of others. In particular, her analysis of the local documents that were contemporaneous with the Declaration has led me to sources that I had not seriously considered before reading her book. I raise two points less to challenge Professor Maier's thesis than to present alternative perspectives on the Declaration of Independence and Jefferson's and Lincoln's writings.

First, Professor Maier believes that the changes the Congress made to the Declaration of Independence in June 1776, made it more of a national document. I would argue the reverse, that *local* interests best explain the changes in wording, and that the more the document changed the more people were able to identify with it at the local, not the national level. For example, Professor Maier dismisses Jefferson's annoyance with the changes the Congress made in his draft with the comment that it "badly needed editing; Jefferson had probably lacked time to work over the final portions of the document with the same care he devoted to its opening" (p. 147). While acknowledging that Jefferson borrowed heavily from the ideas and wording of his 1774 pamphlet, *A Summary View of the Rights of British America*, the list of charges against the king which he prepared for the Virginia constitutional convention, and the Virginia Declaration of Rights, Professor Maier stops short of labeling Jefferson's "Rough draught" a *Virginia* document [John C. Fitzpatrick, *The Spirit of the Revolution: New Light from Some of the Original Sources of American History* (Boston: Houghton Mifflin Company, 1924), p. 6]. But if it was, should we be surprised that he disagreed with the changes the Congress made (p. 148)? These changes may have been more than stylistic, designed to make the document relevant to people in their local situations. The fact that the Declaration received little further notice until the 1790s may indicate that it was not until that period and later that a majority of the people began to see the document in a national, rather than primarily a local, context.

Second, in focusing on the language of the Declaration of Rights (1689) and positing a linear progression from that document to state constitutions (p. 166), Professor Maier downplays the evolution in the idea of popular sovereignty that occurred in the American colonies. The English Declaration primarily justified *Parliament's* right to change governments. The American Declaration justified revolution and placed the burden of action squarely on the people. When government ceases to protect "unalienable Rights," "it is the Right of the people to alter or to abolish it, and to institute new Government…to effect their Safety and Happiness." I would argue, as Edmund Morgan and others have, that the Declaration of Independence, and later the Constitution, vested sovereignty in the people [Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: W. W. Norton & Company, 1988)]. In addition to promoting the concept of equality among men stated in the Declaration, Abraham Lincoln also advanced the concept of popular sovereignty in the Gettysburg Address, when he said that those who died in battle had done so to ensure "that government of the people, by the people, for the people, shall not perish from the earth."

But the evolution of Jefferson's and Lincoln's thinking on this point did not culminate in the Declaration of Independence or the Gettysburg Address, respectively. One year after drafting the Declaration of Independence, Jefferson wrote in the Virginia Statute for Religious Freedom, "the opinions of men are not the object of civil government, nor under its jurisdiction." Then, in *Notes on the State of Virginia*, he wrote, "the legitimate powers of government extend to such acts only as are injurious to others." We cannot easily determine whether Americans of Jefferson's time agreed with these statements, but we can say that his peers did not–the Virginia Assembly in 1786 cut his statement on "the opinions of men" from the Statute on Religious Freedom and refused to write a new constitution in order to include religious freedom.

Lincoln's views also developed. As the war lasted after November 1863, the president came to question the wisdom of the people, and he expressed his doubts in the Second Inaugural Address. At the start of the war, he said, Northerners and Southerners had each prayed that their side would win. By 1865, both sides were praying a common prayer that the war would end, but "American slavery" could not be removed until "[God's] appointed time" [Garry Wills, *Lincoln at Gettysburg: The Words That Remade America* (New York: Simon & Schuster, 1992)].

I am less optimistic, therefore, than Professor Maier that the Declaration of Independence (as reframed in the Gettysburg Address) can bind Americans "in a continuing act of national self-definition" (p. 208). Certainly, I agree that open debate in the political arena of modern controversies such as affirmative action is beneficial (p. 215). In the end, however, popular sovereignty may be antithetical to fundamental rights, as both Jefferson and Lincoln said. In this way, they lead us back to ideals incapable of "sacralization" (p. 197).

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