Harmonizing the “sentiments of the day”: the Declaration of Independence and the Forging of a Revolutionary Consensus

Steven SARSON – Université Jean Moulin-Lyon 3 / IETT

In late April 1825, Henry Lee, the biographer and historian, wrote to Thomas Jefferson with various questions about the Declaration of Independence. Jefferson responded on the 8th of May by confirming that George Mason was indeed the author of the Virginia Bill of Rights and Constitution, and he added that these revolutionary Virginian “historical documents” were “corroborative of the facts and principles advanced in that Declaration”. Jefferson also famously expanded on the aims he and others had in authoring the Declaration, emphasizing a consensus on those “fact and principles”. Regarding “our rights and the acts of the British government contravening those rights,” Jefferson wrote, “there was but one opinion on this side of the water”. The “object of the Declaration of Independence” was, therefore,

not to find out new principles, or new arguments, never before thought of, not merely to say things which had never been said before; but to place before mankind the common sense of the subject; [in] terms so plain and firm, as to command their assent, and to justify ourselves in the independent stand we [were] compelled to take neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous writing, it was intended to be an expression of the american mind, and to give to that expression the proper tone and spirit called for by the occasion. All it’s [sic] authority rests then on the harmonising sentiments of the day, whether expressed, in convers[atio]ns in letters, printed essays or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney etc.

This was actually a strange thing for Jefferson to say, given that he had resented how the Continental Congress had altered his original draft, how he had kept copies of the draft to show to people his superior version of the document, and how he even transcribed that draft into his autobiography. Yet, in the last few years of his life, perhaps influenced by the coming semi-centennial, he embraced his reputation as the author of the Declaration and seems to have revised his recollections of it, replacing his memories of conflict with memoirs of harmony.

Jefferson was, in fact, correct concerning the important matter of a consensus on the “principles” he wrote of. And it is true that in the end that the Declaration presented a “common sense of the subject” and “an expression of the American mind”, at least of the “American whig” mind that he specified in the letter. The ready-made consensus concerning the “principles” that Jefferson wrote of in his letter to Lee rested on a Lockean moral philosophy informed by natural law. Locke argued that “The State of Nature has a Law of Nature to govern it, which obliges everyone: And Reason, which is that Law, teaches all Mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his Life, Health, Liberty, or Possessions”. And, he continued, “The Obligations of the Law of Nature, cease not in Society […]. [T]he Law of Nature stands as an Eternal Rule to all Men, Legislators as well as others”. And so “Princes” too “owe subjection to the Laws of God and Nature. No Body, no Power can exempt them from the obligations of that Eternal Law“. These are the principles

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3 This term originally described English radicals who opposed the accession to the throne of James, duke of York, during the Exclusion Crisis of 1679-81 and then led his overthrow in the Glorious Revolution of 1688. It was later borrowed as a self-description by American revolutionaries.
outlined in the preamble and around which the Declaration’s argument as a whole is structured. It is telling that the Continental Congress made no substantive alterations to the original preamble, only making a few small changes to the phraseology, and it made no changes to the argumentative structure either.

What Jefferson seems to have willfully forgotten, however, was that there had been a great deal of disagreement in Philadelphia in the summer of 1776 over the “facts”. And that the Declaration did not therefore simply rest upon the “harmonising sentiments of the day” but rather had to create a harmony out of discord. And it did not so much “command” the “assent”...


of its readers, as seek that assent by a series of compromises made during the initial drafting and then the editing of the document, resulting in numerous silences, elisions, and ambiguities that feature in the final document as produced on the fourth of July. Although Jefferson used the word “harmonising” as a qualifier for a noun in 1825, it is in fact better to think of it as a verb in the context of 1776 – a harmonizing of the conflicting sentiments of the day. Indeed, the genius of the Declaration may lie less in its expression of a consensus and more in its forging of that consensus, and its eloquence lies in how, to paraphrase St. Francis of Assisi, it brought harmony where there was discord. This paper thus addresses how the Declaration’s authors did that, and what that means for our understanding of the nation’s founding document.

There are no records of the congressional debates over the Declaration of Independence of July 2-4, 1776, but it is clear from Jefferson’s original draft, and the slightly amended one that the drafting committee submitted to the Continental Congress on June 28, that the Congress made substantial alterations before producing a final version. That version was one-third shorter than the drafts, despite the Congress adding two grievances, one against the Quebec Act and another against British impressment of American sailors. Congress and its printers also made numerous amendments to words, sentences, and to the orthography of the different official versions of the Declaration, culminating with the Mary Katherine Goddard one of January 1777, the most reproduced of them all and therefore the one most familiar to us. These they variously did for aesthetic reasons, or to clarify meanings, or to reinforce particular words or phrases, including adding capitals, hyphens, and even em-dashes that reinforced the logic of the argument. These were intended to add eloquence to the document in the most obvious way – enhancing its literary and rhetorical qualities.

Mostly, though, Congress edited down by cutting out things Jefferson had said. Significant examples include the editing out his blaming of the British people for re-electing MPs who had been hostile to colonists’ rights, an emotional insinuation that “a communication of grandeur & of freedom it seems is below their dignity”, and a complaint that “they are permitting their chief

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7 In January 1777, Congress also ordered an “authenticated copy” to “be sent to each of the United States” and “put on record,” which was to be printed by Baltimore postmaster, Mary Katherine Goddard. It might make sense to take the Goddard version as definitive, as it was the last official text that the Congress ordered to be produced and is the one depicted as definitive by the US National Archives. Although authorized by Congress, however, its production was not directly supervised by any of its delegates. As this book concerns itself with the crafting of the Declaration by politicians in Congress, it takes the Matlack copy as the final and definitive authorial version. Also, as Danielle Allen has explained, the Goddard version almost certainly departed from the intentions of the original authors by including a period after “Life, Liberty, and the pursuit of Happiness” (possibly copied from a version printed in a Philadelphia newspaper), interrupting the flow of the argument that Congress’s authorial versions of the text intended to create. There is a mark after “Happiness” on the Matlack version of August 2, but it is probably either a comma or a defect in the parchment, as no period appeared in any of the earlier versions. As Matlack had made the effort to accentuate the flow of the document’s argument by adding new and extending existing hyphens, it is unlikely he would have inserted an interruption. See Danielle Allen, Our Declaration, p. 275-82. See also Roger Chartier, Inscription and Erasure: Literature and Written Culture from the Eleventh to the Eighteenth Century, Philadelphia, 2007, p. 28-45, on how printers visually reinforced the arguments of texts.
magistrate to send over […]. Scotch & foreign mercenaries to invade & deluge us in blood”

These elisions may have been made to calm the tone, make the Declaration seem more reasoned. But there were also concerns over the facts recounted. It is not that they were wrong. But Congress may have decided that it was better to avoid unnecessarily offending the British people, in the hope that they would eventually turn against their own government and undermine the imperial war effort. These facts were therefore cut out as a diplomatic measure in wartime.

One of Congress’s elisions of course was of Jefferson’s attack on the slave trade. That was done partly for reasons of factual accuracy – blaming the king alone for the slave trade was simply implausible and nakedly self-serving. But it was also for reasons of diplomacy, internal this time, as South Carolina and Georgia delegates wished to continue trading and would not stand for a Declaration with an attack on the slave trade in it. This was the revision Jefferson regretted the most, as slavery became an increasingly vexatious issue as the decades passed. And this is certainly the revision that gets the most attention from historians today.

But probably the most controversial issue at the time was what the final Declaration simply called “the circumstances of our emigration and settlement here”. The context of the statement is one the conclusion’s remarks that colonists had “warned” their British brethren of “attempts by their legislature to extend an unwarrantable jurisdiction over us” and then “reminded them of the circumstances of our emigration and settlement here”. There is a hint of discord over this issue in the curious silence that followed the phrase – that is, the absence of any explanation of what those circumstances were or how they related to the unwarrantability of the jurisdiction of the British legislature. In his original draft, however, Thomas Jefferson explained it all more fully, and we can begin to see the source of controversy – a real dispute over nothing less than the historical origins of the colonies and the constitution of the empire. Jefferson had written that emigration and settlement “were effected at the expence of our own blood & treasure, unassisted by the wealth or the strength of Great Britain”, and “that in constituting […] our several forms of government, we had adopted one common king, thereby laying a foundation for perpetual league & amity with” the British people, “but that submission to their parliament was no part of our constitution, nor ever in idea, if history may be credited”. There was a consensus that the first colonists had indeed emigrated and settled at their own expense, without English or British help, and had thereby earned rights to property and self-government. But what was controversial here was Jefferson’s argument that emigrants had arrived in an American State of Nature, legitimately claimed by neither Britain nor its indigenous peoples, and had thereby abandoned their British subjecthood and in America established new societies and independent and sovereign polities, or “states” as Jefferson called them. They then allied with the crown, building the empire from the outside-in, creating a “league & amity”, as Jefferson put it, or a confederal empire at most. And, as parliament had no part in this league and amity, the colonies or states remained independent dominions under the British crown.

This account of the history of the colonies and the constitution of empire was radical but not entirely new. Jefferson had told the story before in his Summary View of the Rights of British America of 1774. Richard Bland, Jefferson’s mentor in the Virginia assembly, was the first to explain this theory, and the first described the colonies as “states” and the empire as a “LEAGUE AND AMITY” in his Inquiry into the Rights of the British Colonies of 1766, a reply

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to Thomas Whately’s defense of the 1765 Stamp Act, the British Parliament’s first major tax on American colonists. William Hicks wrote these ideas into his essay on parliamentary power in the same year, although he did not complete it before the repeal of the Stamp Act and therefore only published it after the 1767 Townshend Acts that imposed import duties on glass, lead, paper, paint, and tea, and a Board of Customs Commissioners to collect them. James Wilson argued the same in his essay on the same subject, written in 1768 and published in 1774. James Lovell had helped popularize it in his Boston Massacre Oration in 1771, as did Joseph Warren in his Boston Orations of 1772 and 1775 10.

Jefferson’s ideas were not new, then, but they were controversial. John Dickinson challenged Bland or possibly William Hicks on this matter as early as 1767, writing in the second of his Farmers Letters that “He, who considers these provinces as states distinct from the British Empire, has very slender notions of justice, or of their interests”. A unitary sovereignty was essential “to the relation between a mother country and its colonies; and necessary for the common good of all”, and so “We are but parts of a whole, and therefore there must exist a power somewhere, to preside, and preserve the connection in due order. This power is lodged in the parliament”. And he argued that that the colonies were not originally independent but were in fact “settled by the nations of Europe for the purposes of trade”, for “raising for their mother country those things which she did not produce herself; and by supplying themselves from her with things they wanted”. Dickinson received ample abuse from other Whigs for this opinion, with James Lovell and others contemptuously referring to him as “the Farmer”. For his part, Jefferson praised Bland’s as “the first pamphlet on the nature of the connexion [sic] with Great Britain, which had any pretension to accuracy of view on that subject,” containing “more sound matter” than “the celebrated Farmer’s Letters, which were really but an ignis fatuus, misleading us from true principle11”.

Dickinson and Jefferson clashed directly on the issue in their drafts of the Declaration of the Causes and Necessity of Taking Up Arms in 1775. Both agreed that “Our Forefathers, Inhabitants of the Island of Great-Britain, left their Native Land, to seek on these Shores a Residence for civil and religious Freedom. At the Expence of their Blood, at the Hazard of their Fortunes, without the least Charge to the Country from which they removed, by unceasing Labour and an unconquerable Spirit, they effected Settlements in the distant and inhospitable Wilds of America.” But Jefferson had then written that “they there established civil societies with various forms of constitution but possessing all, what is inherent in all, the full & perfect powers of legislation. To continue their connection with the friends whom they had left they

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11 John Dickinson, Letters from a Farmer in Pennsylvania. To the Inhabitants of the British Colonies, Philadelphia, 1768, p. 7, 49. According to William Wirt, Jefferson later wrote to Patrick Henry that their fellow Virginian Richard Bland was “the most learned and logical man of those who took a prominent lead in public affairs; profound in constitutional lore”, and that his 1766 Inquiry into the Rights of the British Colonies was “the first pamphlet on the nature of the connexion with Great Britain, which had any pretension to accuracy of view on that subject”, containing “more sound matter” than “the celebrated Farmer’s Letters, which were really but an ignis fatuus, misleading us from true principle” (W. Wirt, Sketches of the Life and Character of Patrick Henry, Philadelphia, 1817, p. 46). I thank Jane E. Calvert of the University of Kentucky and Director and Editor of The John Dickinson Writings Project for pointing out that Dickinson might have been addressing Philadelphia lawyer and fellow political writer William Hicks as well as, or instead of, Rochard Bland. See also K. R. Constantine Gutzman, “Jefferson’s Draft Declaration of Independence, Richard Bland, and the Revolutionary Legacy: Giving Credit Where Credit Is Due”, Journal of the Historical Society, I, 2-3, Winter 2000-Spring 2001, p. 137-154.
arranged themselves by charters of compact under one common king who thus became the link of union between the several parts of the empire”. In stark contrast, Dickinson wrote that “Societies or Governments vested with perfect legislatures were formed under Charters from the Crown, and an harmonious Intercourse was established between the colonies & the Kingdom from which they derived their origin\textsuperscript{12}”. The Continental Congress chose Dickinson’s version.

It is possible that Thomas Jefferson was still smarting from this rejection when he appended the words “if history may be credited” to his more radical account of emigration and settlement in his draft Declaration of Independence. He might have been even more dismayed when the Congress simply deleted his account of “the circumstances of our emigration and settlement here”. Or maybe not. And maybe not because, although it looks like a crude and simple elision, there is actually much more to it than that – something actually very eloquent. It may appear on the face of it that Congress simply wanted to suppress Jefferson’s ideas. He and the drafting committee had already made a compromise after all. Knowing that the constitutional issue was controversial, either Jefferson himself, or John Adams, or Benjamin Franklin, added the word unwarrantable to “attempts by their legislature to extend an unwarrantable jurisdiction over these our states”, implying that some parliamentary jurisdiction might be constitutional. Even then, though, Congress eliminated the longer passage and changed “jurisdiction over these our states” to “jurisdiction over us”.

On the other hand, this time Congress did not replace Jefferson’s history with a Dickinsonian alternative. In fact, the final Declaration seems to have leaned implicitly toward Jefferson’s ideas, not least by keeping the word “emigration” to describe the movement of people to America. The Oxford English Dictionary indicates that contemporaries defined “migration” as movement within or out of a territory, but emigration was always outwards, as in “migrating or departing out of a particular place or set of surroundings”, and “from one country, usually their native land, to settle permanently in another”. To “emigrate” is “To remove out of a country for the purpose of settling in another” and an “emigrant” is “One who removes from his own land to settle (permanently) in another”, citing “1754 […]. A Memorial of the Case of the German Emigrants settled in […] Pensilvania” as a contemporary example.

Also, for some delegates, free emigration was essential to the pursuit of happiness. An adherence to that definition of the concept was what Jefferson indicated in an 1817 letter to John Manners, in which he described his “opinion on the right of Expatriation … so long ago as 1776”, as follows:

> The evidence of this natural right, like that of our right to life, liberty, the use of our faculties, the pursuit of happiness, is not left to the feeble and sophistical investigations of reason, but is impressed on the sense of every man. We do not claim these under the charters of kings or legislators, but under the King of kings. If he has made a law in the nature of man to pursue his own happiness, he has left him free in the choice of place as well as mode; and we may safely call on the whole body of English jurists to produce the map on

which Nature had traced, for each individual, the geographical line which she forbids him to cross in pursuit of happiness\textsuperscript{13}.

The seventh of the Declaration’s grievances was also Jeffersonian, complaining that the king had violated the unalienable right to pursue happiness by “obstructing the Laws for Naturalization of Foreigners” and that he had raised “the conditions of new Appropriations of Lands”, which he had no right to do if the crown had no original ownership. And the Congress added a grievance to Jefferson’s list, stating that the king “has constrained our fellow Citizens taken Captive on the high Seas to bear Arms against their Country”, identifying Americans as “Citizens” of their own “Country” before the Declaration of an apparently earlier independence.

It was perhaps inevitable that Congress would abandon Dickinson’s charter theory of colonies and empire. Congress still aimed at reconciliation in 1775, but Independence created potential legal complications. Admitting an original British title to American territory would have made an American national claim to that territory and property difficult to establish and opened the possibility of vast costs in compensation. Jefferson, however, posited an original dominium to the settlers and an original imperium to the states they created. The assumption that Americans were simply resuming their original Independence may have been why they felt entitled to “the separate and equal station” they were declaring by “the Laws of Nature and of Nature’s God”. Jefferson’s was clearly a much more usable past.

Yet there was no explicit endorsement of Jefferson’s opinion, or at least nothing that could unduly distress the Dickinsonians. The radical nature of these revisions did not mean, then, that the final Declaration failed to include a history of the colonies and empire. It meant, in fact, that it included two. For the revision created a strategic ambiguity, a harmonizing of sentiments by elision, that allowed readers to interpret those “circumstances of our emigration and settlement” either as a reference to Jefferson’s facts or to Dickinson’s, as their particular “common sense of the subject” told them. It was not possible to create an expression of the American mind on a matter of such profound disagreement, but it was possible to create an expression of America’s two minds, and that is what the Declaration did.

And it could do so because people were familiar with these issues. There was Jefferson’s own pamphlet, plus Bland’s, Hicks’s, Wilson’s, Dickinson’s and others’, the Boston Massacre Orations, plus the 1775 Declaration of the Causes of Taking Up Arms, and numerous other sources. As Jefferson himself said, “sentiments”, harmonized or not, were “expressed, in conversations, in letters, printed essays or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney Etc.” And as historians have confirmed, Americans across the social-economic spectrum were highly knowledgeable and participated fully in these conversations. For that reason, the Declaration could be elliptical. Indeed, it was so elliptical, and not just with the unexplained “circumstances of our emigration and settlement here”, that it would have made little sense without people being able to read meanings into it. Its eloquence thus lay in between its lines, where people could read what they wanted to read. And so, rather than placing “before mankind the common sense of the subject, in terms so plain and firm as to command their assent,” it often did so in terms so strategically ambiguous as to command their assent\textsuperscript{14}.


That said, the term “command their assent” may have reflected what Annette Gordon-Reed and Peter S. Onuf referred to as Jefferson’s patriarchal proclivities more than it reflected reality, an imagining of a revolution led by a “natural aristocracy” of men like himself. As Woody Holton and others have pointed out, however, the revolutionary chain of “command” may have been closer to the reverse, as various forms of popular pressure forced the founders into declaring independence, or at least influenced the timing and way they did it. Certainly, the founders felt compelled to make their case as convincingly as they could to as many people as possible, to fortify supporters in the face of the dangers and hardships ahead, and to win over the undecideds, maybe even convert Loyalists if possible. The need to harmonize sentiments is therefore why Congress ordered the Dunlap broadside of their Declaration to be issued far and wide on the night of July 4. And why John Hancock, as president of the Congress, had copies sent to all 13 state legislatures urging “that the People may be universally informed of it,” and why he wrote to George Washington ordering it to be read “at the Head of the Army16”.

That is not quite to say that the Declaration was the product of “democratic writing”, as Danielle Allen has argued. The process of authorship and the resulting content excluded too many people, or included them too unequally, to warrant such descriptions. Perhaps a better term would be polyphonic, signifying the inclusion of many but not all voices in its production. Or else polysemic, signifying the articulation of many but not all meanings in its expression. Yet its variety of meanings did not amount to a meaningless variety, for it contained its meanings in both senses of the term – by including as many meanings as possible within the text, and by trying to limit those meanings within certain interpretative boundaries. It was, in short, a carefully and skillfully crafted compromise – a forged consensus – broadly appealing enough for a wide range of people to agree to, yet also meaningful and coherent enough to make a powerful case for Independence17.

As Thomas Jefferson explained, then, the need to include as wide a constituency as possible in pursuit of Independence meant that the Declaration could not be novel in terms of its content. But the necessity for inclusivity did mean it had to be novel in terms of its form. The need to include and to mediate so many differing opinions meant that it could not articulate itself as a traditional kind of voice. It was not therefore a product only or even primarily of, say, classical political writing, or popular political writing, or legal writing, or even of historical writing, but it was instead a product of all these familiar media in a unique combination. The Declaration had to channel as many of these voices and opinions as possible, harmonizing them as far as possible into an expression of one mind and a single common sense of the subject of Independence. And therein lies its eloquence.

17 Danielle Allen, Our Declaration Our Declaration: A Reading of the Declaration of Independence in Defense of Equality, New York, Liveright, 2014. I more closely follow Pauline Maier’s idea that the Declaration’s “original creation was not an individual but a collective act that drew on the words and thoughts of many people, dead and alive, who struggled with the same or closely related problems” (American Scripture: How America Declared its Independence from Britain, New York, Knopf, 1997; New York, Pimlico, 1999, p. xx and as outlined in detail in p. 97-153).