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# The Declaration of Independence: Its Many Histories

David Armitage

A big book is a big evil,” quipped the Hellenistic poet Callimachus.<sup>1</sup> A little book may be proportionately less nefarious, but it can still tackle large questions. In *The Declaration of Independence: A Global History*, I found myself moving outward from a close contextualization of the Declaration to nothing less than a genealogy of the modern international order. My initial aim for the book had been more modest. I had wanted to contribute to the nascent movement to put American history into transnational perspective and had hoped that using the Declaration of Independence would be both an effective and a counterintuitive way to do so. Effective because most earlier students of the Declaration had overlooked some of its more striking features: its eclectic appeal to different sources of law, its enumeration of the rights of states as well as the rights of individuals, and the evidence it furnished of the American Founders’ global vision. And counterintuitive because the meanings of this hallowed document of American nationhood had rarely been considered in an international context. Tracing its reception abroad led me to collect as many other declarations of independence, successful and unsuccessful, as I could find. Taken together those documents indicated the long-drawn-out emergence of our world of states from an earlier world of empires.

Small books can open up wide vistas, and in this respect my models were concise classics such as Felix Gilbert’s *To the Farewell Address*, J. H. Elliott’s *The Old World and the New*, and Albert O. Hirschman’s *The Passions and the Interests*.<sup>2</sup> But they can also get their authors into big trouble. Fortunately, the contributors to this forum have been as generous in their remarks as they are acute. They touch on more matters of substance than I could hope to treat even in another book, let alone in a brief reply. They raise three questions, however, of particular importance.

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<sup>1</sup> Callimachus, frag. 465, in Rudolf Pfeiffer, ed., *Callimachus* (Oxford, 1949), 1: 353.

<sup>2</sup> Felix Gilbert, *To the Farewell Address: Ideas of Early American Foreign Policy* (Princeton, N.J., 1961); J. H. Elliott, *The Old World and the New, 1492–1650* (Cambridge, 1970); Albert O. Hirschman, *The Passions and the Interests: Political Arguments for Capitalism before Its Triumph* (Princeton, N.J., 1977).

Who responded to the Declaration? What part did it play in achieving independence? And how did it shape subsequent claims to rights and statehood? The answers to these questions again bring the story from 1776 to the present.

For such a brief document, the Declaration made startlingly broad claims about its intended audience: “the Opinions of Mankind” (165), “a candid World” (166), and even, in Congress’s final version, “the Supreme Judge of the World” (170). Robert A. Ferguson and Daniel J. Hulsebosch remind us that the Declaration was addressed to many “concentric audiences,” each of which heard a slightly different message.<sup>3</sup> Congress’s primary intentions were to transmute colonies into states and subjects into citizens and to inform the other “Powers of the Earth” (165) that it had done so. Loyalists seem to have grasped with particular immediacy the implications of that transformation for their own place within the new United States and the British Empire. They effectively became internal exiles who were compelled to issue counterdeclarations affirming their dependence on the British Crown and their independence from Congress.<sup>4</sup> No unilateral declaration by Congress could alter their birthright allegiance to the king, and their status as British subjects would be debated well into the nineteenth century. Only African Americans seem to have taken up the Declaration’s message quite as rapidly but much more lastingly: as early as 1776, free black and former minuteman Lemuel Haynes precociously discerned a charter for abolition in the Declaration’s second paragraph. Few American women publicly proclaimed the Declaration’s liberatory potential before the mid-nineteenth century, and Native Americans—traded in the document as “merciless Indian Savages” (169)—did not do so until the late twentieth century. The Declaration’s domestic audiences have thus expanded in the context of a constitutional order that was founded in

<sup>3</sup> Robert A. Ferguson, “‘A Global History’ Brought Down to Size,” *William and Mary Quarterly*, 3d ser., 65, no. 2 (April 2008): 350–51 (“concentric audiences,” 351); Daniel J. Hulsebosch, “The Declaration’s Domestic International Effects,” *ibid.*, 354–56.

<sup>4</sup> R. W. G. Vail, “The Loyalist Declaration of Dependence of November 28, 1776,” *New-York Historical Society Quarterly* 31, no. 2 (April 1947): 68–71; *A Declaration of Independence Published by the Congress at Philadelphia in 1776. With a Counter-Declaration Published at New-York in 1781*, in Silas Deane, *Paris Papers; Or, Mr. Silas Deane’s Late Intercepted Letters, to His Brothers, and Other Intimate Friends in America* (New York, 1782), copy held at New-York Historical Society, 1–11 (separately paginated). On the Loyalists’ postindependence status, see [Francis Plowden], *An Investigation of the Native Rights of British Subjects* (London, 1784), 19–20, 24, 119; [Plowden], *Disquisition Concerning the Law of Alienage and Naturalization . . .* (Paris, 1818), 25–26, 34–35; James H. Kettner, *The Development of American Citizenship, 1608–1780* (Chapel Hill, N.C., 1978), 187–208; Daniel J. Hulsebosch, “A Discrete and Cosmopolitan Minority: The Loyalists, the Atlantic World, and the Origins of Judicial Review,” *Chicago-Kent Law Review* 81, no. 3 (2006): 825–66.

1787–91 with little direct reference to the promises of 1776 and that has sometimes been in conflict with them.<sup>5</sup>

The candid world was also slow in accepting the Declaration's assertion that the "United Colonies" were "Free and Independent States" (170). What Lynn Hunt calls "the conundrum posed by declaring statehood" was similar to the problem Jean-Jacques Rousseau had posed in 1762: "Man is born free, and everywhere he is in chains . . . How did this change come about? I do not know. What can make it legitimate? I can solve this question."<sup>6</sup> The Continental Congress had been doing many of the "Acts and Things which Independent States may of right do" (171) for some months before July 1776; it had even been receiving secret aid from France. Why, then, was it necessary to declare independence at all? To render a fact legitimate in the opinions of mankind, even if it took what Laurent Dubois calls "a curious sleight of hand" to legitimate this act of legitimation, "in the Name, and by Authority of the good People of these Colonies" (170). The manifesto at the heart of the Declaration—the "History of repeated Injuries and Usurpations, all having in direct Object the Establishment of an absolute Tyranny over these States" (166)—may have persuaded some observers that the revolutionary seizure of power was justifiable. But even that cannot explain how the Declaration precipitated what Hunt calls a "cascade of positive acts" that secured independence: the Franco-American Treaties of 1778; overt French aid; recognition by Spain, the Dutch Republic, Morocco, and others; and the British Crown's formal diplomatic acknowledgement in 1783 of "the said *United States* [as] Free, Sovereign, and Independent States."<sup>7</sup>

<sup>5</sup> For early African American readings of the Declaration, see Lemuel Haynes, "Liberty Further Extended . . .," 1776?, in Wendell Family Papers, BMS Am 1907 (608), Houghton Library, Harvard University, printed in Ruth Bogin, "Liberty Further Extended": A 1776 Antislavery Manuscript by Lemuel Haynes," *WMQ* 40, no. 1 (January 1983): 85–105; Mia Bay, "See Your Declaration Americans!!! Abolitionism, Americanism, and the Revolutionary Tradition in Free Black Politics," in *Americanism: New Perspectives on the History of an Ideal*, ed. Michael Kazin and Joseph A. McCartin (Chapel Hill, N.C., 2006), 25–52. My thanks to Prof. Slauter for an advance copy of his essay, Eric Slauter, "The Declaration of Independence and the New Nation," in *The Cambridge Companion to Thomas Jefferson*, ed. Frank Shuffleton (Cambridge, forthcoming). On the later Native American reception, see John R. Wunder, "'Merciless Indian Savages' and the Declaration of Independence: Native Americans Translate the *Ecumauuxulgee* Document," *American Indian Law Review* 25, no. 1 (2000–1): 65–92. For the Declaration's broader nineteenth-century afterlife, see Mark Hulliung, *The Social Contract in America: From the Revolution to the Present Age* (Lawrence, Kans., 2007), 141–72.

<sup>6</sup> Lynn Hunt, "The Meaning of Independence," *WMQ* 65, no. 2 (April 2008): 347–49 ("conundrum," 348); Jean-Jacques Rousseau, *Of the Social Contract* (1762), in Victor Gourevitch, ed. and trans., *The Social Contract and Other Later Political Writings* (Cambridge, 1997), 41 ("Man is born free").

<sup>7</sup> Laurent Dubois, "Declarations," *WMQ* 65, no. 2 (April 2008): 352–53 ("curious sleight of hand," 353); Hunt, *WMQ* 65: 348 ("cascade"); *The Definitive Treaty of Peace and Friendship between His Britannick Majesty, and the United States of America . . .* (London, 1783), 4 ("said *United States*").

To understand that cascade, we need to examine how closely the rights declared by states resembled those claimed by individuals. Claims to state autonomy arose alongside a similar language of individual autonomy. Yet whether states were originally conceived as analogous to rights-bearing persons or individuals as having the sovereignty and freedom of states is still debated. What is clear is that the two cannot be disentangled. Human rights “depend both on self-possession and on the recognition that all others are equally self-possessed. It is the incomplete development of the latter that gives rise to all the inequalities of rights that have preoccupied us throughout all history.” These words could apply just as well to the recognition of a state’s independence as to the acknowledgement of individual rights. Because they are Hunt’s in *Inventing Human Rights*, I agree with her that there is no “inherent incompatibility” between the accounts of the Declaration we offer in our respective books. There are in fact many similarities between our accounts of the proliferation of sovereign states and the spread of the idea of human rights. Collectively, states make claims over almost all the surface of the Earth and its inhabitants; individuals and groups make claims against their states by using languages of rights and by appealing to the various bodies that safeguard those rights.<sup>8</sup> However, there is an asymmetry between the system of states and the regime of human rights. Not all rights can be protected within existing states; minorities and other oppressed groups may be forced to follow the logic of nationalism and seek to create a new state to guarantee their rights both nationally and in the eyes of the international community. This logic helps to explain the continuing appeal of declarations of independence. The number of current movements for independent statehood around the world, from Kosovo to Taiwan, is only one sign that the state is a much more resilient institution than many observers would have us believe.<sup>9</sup>

<sup>8</sup> Lynn Hunt, *Inventing Human Rights: A History* (New York, 2007), 29 (“depend both on self-possession”); Hunt, *WMQ* 65: 347 (“inherent incompatibility”). On the analogies between states and persons, see Richard Tuck, *The Rights of War and Peace: Political Thought and the International Order from Grotius to Kant* (Oxford, 1999); Penelope Simons, “The Emergence of the Idea of the Individualized State in the International Legal System,” *Journal of the History of International Law* 5, no. 2 (2003): 293–335; Alexander Wendt, “The State as Person in International Theory,” *Review of International Studies* 30, no. 2 (April 2004): 289–316. On the recognition of states, see Mikulas Fabry, “International Society and the Establishment of New States: The Practice of State Recognition in the Era of National Self-Determination” (Ph.D. diss., University of British Columbia, 2005); Bridget L. Coggins, “Secession, Recognition and the International Politics of Statehood” (Ph.D. diss., Ohio State University, 2006); Philip G. Roeder, *Where Nation-States Come From: Institutional Change in the Age of Nationalism* (Princeton, N.J., 2007).

<sup>9</sup> On the resilience of the sovereign territorial state, see Miles Kahler and Barbara F. Walter, eds., *Territoriality and Conflict in an Era of Globalization*

States also resemble individuals in having a demography: they are born, but they also die, albeit at different rates. Since 1816 some sixty-six sovereign states have perished from conquest, annexation, dissolution, or confederation, though none (so far) in North America.<sup>10</sup> But greater numbers have been born since 1776, more often than not with declarations of independence for their birth announcements. As Dubois points out, there has been an “incredible diversity in the fates of the institutions produced by such declarations.” Many, from the State of Franklin (1784) and the Republic of West Florida (1810) to the Confederate States of America (1861–65), to take only American examples, were stillborn or died in infancy, largely because their claims to sovereignty were either never acknowledged or fiercely resisted.<sup>11</sup> Because so many of those states that did survive were the offspring of empires, it was predictable that they would retain, along with old imperial boundaries, other recognizably imperial features: among them, ethnic diversity, unequal distribution of authority and resources, land hunger, and hierarchical allotments of rights, especially to indigenous peoples within former settler colonies such as Australia, Canada, and the United States. Their resistance to any subsequent declarations from within is another index of how tenaciously states cling to life. State death has been in steep decline since 1945, in just the same era when state birth reached its highest rate. However, the world has had no *soi-disant* empires since 1979, when France toppled Jean-Bedel Bokassa and his Central African Empire.

In light of these patterns, I persist in thinking of the Declaration’s afterlife as a “global” history, despite Ferguson’s strictures on my overuse of the term. Admittedly, I was somewhat parochial in writing that the generation of 1776 was “almost the first in human history to have ready access to a comprehensively global vision of their place in the world” (8): such visions had been available long before 1776, and not just in Europe and America.<sup>12</sup> Yet the Declaration’s global history is a story of

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(Cambridge, 2006); Richard N. Rosecrance and Arthur A. Stein, eds., *No More States? Globalization, National Self-Determination, and Terrorism* (Lanham, Md., 2006); Robert Jackson, “Sovereignty and Its Presuppositions: Before 9/11 and After,” *Political Studies* 55, no. 2 (October 2007): 297–317.

<sup>10</sup> Tanisha M. Fazal, *State Death: The Politics and Geography of Conquest, Occupation, and Annexation* (Princeton, N.J., 2007), 17–36.

<sup>11</sup> Dubois, *WMQ* 65: 353. On the earlier examples of stillborn states, see David S. Shields, “‘We Declare You Independent Whether You Wish It Or Not’: The Print Culture of Early Filibusterism,” in *Liberty! Égalité! ¡Independencia! Print Culture, Enlightenment, and Revolution in the Americas, 1776–1838*, ed. Caroline Sloat (Worcester, Mass., 2007), 13–39.

<sup>12</sup> On these earlier global visions, see for example Serge Gruzinski, *Les quatre parties du monde: Histoire d’un mondialisation* (Paris, 2004); Sanjay Subrahmanyam, “On World Historians in the Sixteenth Century,” *Representations* 91, no. 1 (Summer

the worldwide spread of statehood, expressed in the Vattelien language of independence, though I should have said more about just how violent and contested this story has been.<sup>13</sup> It is also a history of the rise, fall, and resurgence of the language of human rights. Just how those two grand narratives, about states and about rights, relate to each other and what debt they each owe to the Declaration of Independence, historians have only begun to inquire. I am grateful to all the contributors to this forum for encouraging further explorations; I hope their stimulating remarks inspire early Americanists and others to join in the quest.

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2005): 26–57; John M. Headley, *The Europeanization of the World: On the Origins of Human Rights and Democracy* (Princeton, N.J., 2007), 9–102.

<sup>13</sup> On the violence that has accompanied modern state formation, see esp. Andreas Wimmer and Brian Min, “From Empire to Nation-State: Explaining Wars in the Modern World, 1816–2001,” *American Sociological Review* 71, no. 6 (December 2006): 867–97.