1819 NEWS

Allen Mendenhall: Jefferson's mind, Spalding's commentary

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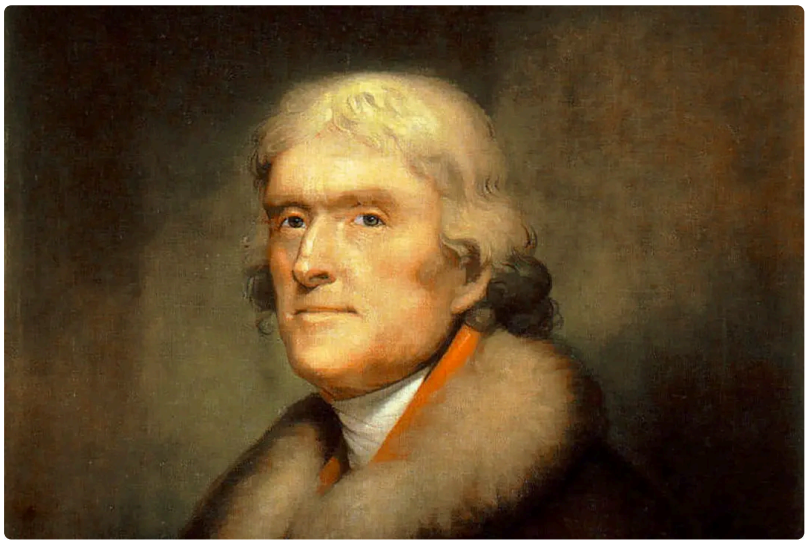

Thomas Jefferson in 1805. Image from Wikipedia.

Matthew Spalding, the Kirby Professor in Constitutional Government and Dean of the Van Andel Graduate School of Government at Hillsdale College, welcomes the Semiquincentennial bearing not a narrative history of 1776 so much as an extended meditation on a single paragraph-by-paragraph performance: a reading-in-real-time of the document that, in his telling, gave America its mind before it gave it a country.

"The Making of the American Mind (https://www.amazon.com/Making-American-Mind-Declaration-Independence/dp/1641774878)," winner of the Intercollegiate Studies Institute's Conservative Book of the Year, takes its title from Jefferson's own retrospective gloss on what he did in 1776. Writing to Henry Lee on May 8, 1825, the aging author insisted that the Declaration, "neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous writing, … was intended to be an expression of the American mind."

Spalding places this sentence as the epigraph to his prologue, presumably allowing Jefferson himself to announce the book's premise: that the Declaration is less an argument invented than a mind discovered, a consciousness arriving at self-knowledge through its own prose. The rest of the volume proceeds as if determined to honor that self-description by refusing to summarize the document when it might instead be *inhabited*.

Flanked by an introduction, prologue, epilogue, and appendix, six chapters take their titles from phrases lifted directly out of the Declaration's own syntax: "When in the Course of Human Events," "The Laws of Nature and of Nature's God," "We Hold These Truths," "Prudence, Indeed, Will Dictate," "Acts Which May Define a Tyrant," "Our Sacred Honor." The table of contents reads, accordingly, almost as a paraphrase of the document itself, each clause swelling outward into its own chamber of commentary.

Spalding tells us plainly what he is attempting: "this work is a commentary on the Declaration as a whole, allowing its narrative, and its argument, to unfold on its terms, as the Continental Congress understood itself to be speaking to 'the opinions of mankind.'" The metaphor he reaches for, tellingly, is musical rather than legal: "We should approach the document like a great symphony, composed of different movements, different sounds and rhythms, yet all in harmony, forming one complete work." This is a critic's metaphor as much as an historian's. It signals a hybrid ambition: part constitutional scholarship and part close reading in the manner of a literary explication, in which diction is treated less as a stylistic flourish than as a moral and political decision freighted with consequence.

Nowhere is that explicative patience more evident than in Spalding's treatment of the title itself. "To use the word 'Declaration' in the heading, a word that is not in the text of the document, was hardly a last-minute addition," he notes. A declaration, in the inherited grammar of English political crisis, "was something of a greater magnitude, issued with a sense of solemnity and finality, usually a formal statement by a sovereign political body," and "issuing a declaration implied the power to do so."

Situating this text within "a long tradition in British history of issuing declarations to denounce kings and announce a change of government," Spalding cites Parliament's 1642 "Declaration of Reasons for Taking Up Arms" against Charles I and, more famously still, "the Declaration of Rights, by which Parliament deposed James II and imposed William and Mary as monarchs after the Glorious Revolution in 1688." By claiming the word, the Congress claimed the precedent and the authority that came bundled with it: "not a proclamation from the throne, or the dictate of an absolute ruler," according to Spalding, "but the statement of a popular body acting through the republican principle of representation."

Spalding is, in effect, reading a single noun ("declaration") as a full constitutional argument. And he persuades because this interpretation refuses to treat the Declaration's famously abstract opening as a rhetorical accident; instead, that withholding of particulars before the bill of grievances arrives "has the literary effect of drawing attention away from details that might lead one immediately to take sides," holding readers in suspended judgment so that the case might be heard before a verdict is reached.

Such historicist patience extends backward into the unwritten English constitutional tradition from which the colonists drew their self-understanding as "proud Englishmen" who "knew their own history, which meant English history." Spalding traces "the slow development of the rule of law, from the Anglo-Saxon witans, through the feudal lords and barons to the English monarchy, to the establishment and rise of Parliament," into a body of custom that "did not exist in one written document in the way we think of the term today" but accumulated instead through "decrees, conventions, laws, royal charters, and accumulated legal opinions."

The scare quotes around "constitution" are doing real conceptual work: they mark the term as borrowed and provisional, a placeholder for an order that was customary and inherited rather than codified. And they dramatize, by

purely typographical means, the very leap the Americans were about to make from unwritten precedent to written charter (a leap Spalding's own prose enacts by hedging the word even as he deploys it).

The most ambitious argument here is that Christianity provides the foundation for self-government. The belief that all people are made "in the image and likeness of God" supplies "the metaphysical and theological underpinning of human equality." At the same time, the conviction that human beings "are sinful and drawn to their passions" cautions against entrusting any person with absolute power. Yet Christianity does not end in pessimism: the belief that "man is redeemable means that, despite these flaws, man is capable of self-government."

In this register Spalding confronts the Declaration's great omission, Jefferson's excised condemnation of slavery, insisting that "the signers of the Declaration, and the Founders in general, including the slaveowners among them, knew that slavery violated the truth of the Declaration," and that the Congress had thereby "embed[ded] in America's founding document the principle that would drive slavery toward extinction by recognizing a contradiction that could only be solved by ending slavery."

This assertion depends, as Spalding himself concedes, on an economic contingency: namely, that "the cotton gin, which would increase the demand for and solidify slavery in that region, would not be invented for almost twenty years." Whether one finds this proposition exculpatory or merely descriptive will depend on temperament as much as evidence. Spalding does not fully resolve the tension, content instead to let the document's own contradiction do the moral labor he assigns it.

The chief takeaway is that the Declaration severed civic identity from "tribe, race, or ethnicity," replacing the old bonds of "common kindred" with "a ground of civic friendship that recognizes our equal humanity under the Laws of Nature and of Nature's God." Two hundred and fifty years on, Spalding,

echoing Jefferson, asks if there remain among us citizens "made of iron," willing still "to support this Declaration and mutually pledge to each other their lives, their fortunes and their sacred honor."

It's a question this fine volume does not so much answer as orchestrate – movement by movement, clause by clause – until we readers, like the Congress once addressing the opinions of mankind, are left to render a verdict not yet foreclosed by the page.

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