

What Did the Declaration Mean?

“The Declaration of Independence and International Law” by David Armitage, in *The William and Mary Quarterly* (Jan. 2002), Box 8781, Williamsburg, Va. 23187–8781.

“We hold these truths to be self-evident. . . .” That line from the Declaration of Independence, with its bold enunciation of natural rights, rings in the American memory like no other. Yet in truth, contends Armitage, a historian at Columbia University, it wasn’t really what the Declaration was all about.

As many scholars have pointed out, the national veneration of the Declaration did not begin until the early 19th century, “when a civil religion of national patriotism sanctified it as ‘American Scripture,’” writes Armitage. (He is one of the new “Atlanticist” historians, who aim to purge early American history of what they see as exaggerated notions of American “exceptionalism.”) To understand what the Declaration was really about, just look at its first line: “When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another. . . .” The Declaration was needed to solve a problem in the developing realm of international law: how to transform America’s struggle with Britain from a civil war into a clash between states, and thus to gain recognition in the world. As Thomas Paine argued in *Common Sense* (1776), “The custom of all Courts is against us, and will be so, until by an Independence,

we take rank with other Nations.” When France did finally agree to an alliance with the Americans in February 1778, the treaty committed it to “maintain effectually” the sovereignty of “said united States.”

Armitage notes that the Declaration was written at a transitional period in the rise of international law. Indeed, the term *international law* was coined only in 1780 by the British philosopher Jeremy Bentham (who was a harsh critic of the Declaration). Until that time, relations among nations were thought to be governed by the “law of nations,” which was grounded in natural law. But Bentham and Immanuel Kant advanced the new idea of positive law, which held that moral and political norms arose exclusively from “the acts of particular legislators or the contractual agreements of peoples and sovereigns,” Armitage explains. That’s why the Declaration (which had one foot in each of the two schools), along with the Franco-American treaty of 1778 and Britain’s subsequent recognition of American independence in the 1783 Treaty of Paris, was so important: They made American statehood real in the eyes of the world. It was only later that the Declaration came to be seen as a tool of *nationhood*, “a talisman in a specifically national mythology.”

Aghast at the Left

“Can There Be a Decent Left?” by Michael Walzer, in *Dissent* (Spring 2002), 310 Riverside Dr., No. 1201, New York, N.Y. 10025.

Was 9/11 “blowback” for American misdeeds abroad? Obviously, shouted Noam Chomsky, Susan Sontag, and many like-minded others. The U.S. war in Afghanistan? An imperialist adventure, most declared. Such responses have led Walzer, coeditor of the socialist journal *Dissent* and an *éminence grise* of the

American Left, to an anguished inquiry into the current “indecent” on that side of the spectrum.

“Maybe the guilt produced by living in [the sole superpower] and enjoying its privileges makes it impossible to sustain a decent (intelligent, responsible, morally nuanced) politics,” he writes. “Maybe fes-

tering resentment, ingrown anger, and self-hate are the inevitable result of the long years spent in fruitless opposition to the global reach of American power. Certainly, all those emotions were plain to see in the Left's reaction to September 11, in the failure to register the horror of the attack or to acknowledge the human pain it caused, in the . . . barely concealed glee that the imperial state had finally gotten what it deserved." Although many leftists subsequently "recovered their moral balance," Walzer says, "many more" did not.

The Left long ago "lost its bearings," Walzer says. Its critique of U.S. foreign policy—"most clearly, I think, from the Vietnam years forward (from the time of 'Amerika,' Viet Cong flags, and breathless trips to North Vietnam)—has been stupid, overwrought, grossly inaccurate."

As a result, leftists made a fetish of alienation, "refusing to identify with their fellow citizens, regarding any hint of patriotic feeling as a surrender to jingoism. That's why many leftists had such difficulty responding emotionally to the attacks of September 11 or

joining in the expressions of solidarity that followed"—and why they backed ineffective proposals such as turning the problem over to the United Nations.

Clinging to a "ragtag Marxism," many of Walzer's ideological confreres are blind to the immense power of religion. "Whenever writers on the left say that the 'root cause' of terror is global inequality or human poverty, the assertion is in fact a denial that religious motives really count." Minimizing the importance of Islamic radicalism, many have simply assumed that "any group that attacks the imperial power must be a representative of the oppressed, and its agenda must be the agenda of the Left."

Opting for the "moral purism of blaming America first," many leftists cannot bring themselves to criticize the "oppressed" elsewhere. Yet even the oppressed are morally obliged "not to murder innocent people, not to make terrorism their politics." What the American Left must do now, Walzer says, is to "begin again" by putting "decency first."

How to Get Government Moving

"Our Tottering Confirmation Process" by Paul C. Light, in *The Public Interest* (Spring 2002), 1112 16th St., N.W., Washington, D.C. 20036.

When George W. Bush took office in January 2001, he had some 500 cabinet and subcabinet positions requiring Senate confirmation to fill. A year later, about one-third of the posts remained vacant. The problem? An appointments process that includes too many nominees and subjects them to too much screening, contends Light, director of governmental studies at the Brookings Institution.

In 1935, President Franklin D. Roosevelt made do with 51 Senate-confirmed appointees: 10 cabinet secretaries, three under secretaries, and 38 assistant secre-

taries. Bush's 500 include 14 cabinet secretaries, 23 deputy secretaries, 41 under secretaries, 212 assistant secretaries, and



"Days or even weeks" are needed to fill out some of the disclosure forms required of presidential appointees.