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**Thomas Jefferson and the Intellectual Origins of American *Herrenvolk* Democracy**

*“Racism made it possible for white Virginians to develop a devotion to the equality that English republicans had declared to be the soul of liberty”*

– Edmund Morgan[[1]](#footnote-1)

As the fiftieth anniversary of the signing of the *Declaration of Independence* was approaching in 1826, Thomas Jefferson received an invitation to speak at an event scheduled to occur in Washington on July 4th of that year, celebrating fifty years of American independence from the British Empire. Jefferson declined the invitation to appear at the event due to illness and, as fate would have it, would ultimately die that July 4th – fifty years to the day of the adoption of the *Declaration* by the Continental Congress. In his letter declining the invitation to appear at the celebration, Jefferson expounded on his hopes for the world-historical significance of the *Declaration* – which he described to be an ‘instrument’ “pregnant with the fate of the world” – as he looked back upon it several decades later: “May it be to the world, what I believe it will be, (to some parts sooner, to others later, but finally to all), the signal of arousing men to burst the chains under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of self-government.”[[2]](#footnote-2) Jefferson’s commitment to the idea of self-government – to the belief that the only legitimate political power is one that the people have themselves authored – was unwavering throughout his life, and it was an idea he believed was bound to revolutionize societies around the globe. As Jefferson saw it, and as modern political history confirms, popular sovereignty was a contagious idea.[[3]](#footnote-3)

 And yet, Jefferson was unequivocal in several of his writings about the doubts he harbored regarding certain peoples’ capacity for self-government. In particular, Jefferson was skeptical about whether Africans and their descendants on the American continent were fit for democracy[[4]](#footnote-4); and he was openly hostile to the idea that Blacks and whites might participate together in the project of self-rule. Racial difference presented an insurmountable barrier for Jefferson. He wrote at length – most notably in his *Notes on the State of Virginia* – about the ‘eternal’ differences ‘that nature has made’ between whites and Blacks, comprising what one historian called “the most intense, extensive, and extreme formulation of anti-Negro ‘thought’ offered by any American in the thirty years after the Revolution.”[[5]](#footnote-5) Jefferson did not simply suffer from ‘racial prejudice’ – he was, rather, a racial ideologue who subscribed to a worldview in which racial difference was “grounded in what were thought to be the facts of nature.”[[6]](#footnote-6) However, despite being a slaveholder himself, he was consistent in seeing that slavery was an appalling violation of the principles he had spent his life defending, and he longed for the day when the American republic might be discharged of the weighty burden that the institution imposed. However, the prospect of emancipation often appeared to him to be even more troublesome than the ‘peculiar institution’s’ continuance. The profundity of racial difference rendered multiracial democracy impossible, and so the emancipation of American slaves would require forcible resettlement: “when freed, [the enslaved] is to be removed beyond the reach of mixture.”[[7]](#footnote-7) Politically, economically, and logistically, this meant that abolishing slavery would be a tall order.

 These two contrasting images of Jefferson – as, on the one hand, an egalitarian democrat and, on the other, a vicious ideologue of white supremacy – are typically held to be in contradiction with one another, and the literature on Jefferson correspondingly tends to hold them apart.[[8]](#footnote-8) Political theorists have often mirrored this division in their interpretations of Enlightenment political thought, insulating the inegalitarian practices and prejudices of particular authors and contexts from the universal and egalitarian principles they put forth.[[9]](#footnote-9) However, as a number of leading historians of race have argued, modern racism and modern egalitarianism are not only historically coeval, but co-constitutive. A society in which egalitarian norms play no meaningful role needs no special set of justifications to treat certain persons as lesser, because hierarchy simply is the norm. But, as George Frederickson has argued, “if equality is the norm in the spiritual and temporal realms” persons “can be denied the prospect of equal status only if they allegedly possess some extraordinary deficiency that makes them less than fully human,”[[10]](#footnote-10) enter: race. Egalitarianism, on this account, is thus not the opposite of racism; it was a necessary presupposition for racial thinking’s historical appearance. This line of argument raises a crucial question about how racism might, in turn, shape egalitarian principles in both theory and practice. What might we miss by taking heed of only one and not the other?

 My goal in this paper is to explore the connections between Jefferson’s egalitarian commitments and his views on racial difference. In particular, I aim to show that Jefferson’s thoughts on race were not simply a parochial artifact of “the circumstances in which he was born,”[[11]](#footnote-11) as is commonly alleged, but instead constituted an elaborate response to the particular dilemma that the prospect of Black emancipation posed for his political theory. Counterfactually, it is no accident that the abolition of slavery by and large appeared to pose no problem for the elitist Federalists of Jefferson’s day; only a robustly egalitarian conception of citizenship could find itself so thoroughly troubled by the ‘threat’ of an interracial future. Because Jefferson was in this sense a ‘forward-thinking’ racial theorist, his thoughts on race and his proposals for a post-emancipation society anticipate many aspects of the Jim Crow democracy that was dominant in the American South from the end of Reconstruction to the 1960’s. This was a social vision that provided a practical reconciliation of racism and egalitarianism, comprising what some scholars refer to as *herrenvolk* democracy – a curious “marriage between egalitarian democracy and biological racism.”[[12]](#footnote-12) Though race was interpreted in biological terms, “whiteness” – the key to equal political standing – “was not a biological status but a *political* color that distinguished the free from the unfree, the equal from the inferior,” and citizen from non-citizen.[[13]](#footnote-13) Jefferson, I will argue, attempted to envision a society in which whiteness could retain its power of social integration and egalitarian cohesion after the end of slavery.

In the essay that follows I first lay out Jefferson’s theory of democratic freedom to show, in the second part, how practices of Black subordination and forced separation flow directly from the ideal of free and equal citizenship to which he was committed.

**Jefferson’s theory of democratic freedom**

It may at first appear inappropriate and anachronistic, if not simply wrong, to refer to Jefferson’s ‘democratic’ theory, given that the word ‘democracy’ was burdened by a notoriously poor reputation in early America. The classic statement of the early American suspicion of democratic politics is given by Madison, in *Federalist* 10: “democracies have ever been spectacles of turbulence and contention; have ever been found incompatible with personal security or the rights of property; and have in general been as short in their lives as they have been violent in their deaths.”[[14]](#footnote-14) According to Madison, the U.S. Constitution incorporated all of the benefits of democratic politics -- most notably, popular legitimation -- while discarding with its dangers. The democratic ideal could be pruned of its despotic excesses, argued Madison, through the ‘principle’ of representation: in America, the people’s will was to be executed by delegates that they (for the most part) appoint for that express purpose, rather than pursued through the tumult of direct popular involvement in political decision-making. The Constitution of 1787 thus founded a republic, not a ‘pure democracy’ on the model of Athens.

However, within a generation -- by the beginning of the age of Jackson -- the semantic consensus had reversed, and democracy took pride of place among America’s most cherished political ideals.[[15]](#footnote-15) Jefferson’s political thought serves as something of a connecting thread between the skepticism of the founding generation towards the ideal of democracy and the democratic enthusiasm of the Jacksonian era. Like Madison, Jefferson described himself to be a ‘republican,’ but for him this clearly did not entail any meaningful opposition to democracy. Indeed, Jefferson understood ‘democracy’ to be the name of the regime that most purely realized the aims of republican government[[16]](#footnote-16) -- which he described to be “a state of society in which every member, of mature and sound mind, has an equal right of participation, personally in the direction of the affairs of the society.”[[17]](#footnote-17) To be sure, Jefferson -- agreeing with Madison -- thought that the ideal of democracy, or of republican self-government (terms that I will follow Jefferson in using interchangeably), was by and large impracticable in a nation the size and extent of the U.S., but he nonetheless committed himself to it’s fullest practical realization given the circumstances. In his own words: “My earnest wish is to see the republican element of popular control pushed to the maximum of its practicable exercise.”[[18]](#footnote-18)

I take this to be the guiding insight of Jefferson’s political theory. Jefferson, more than any other American thinker of his generation, took seriously the claim that the only legitimate government was one authored by the people themselves. And this informed the range of political ideas with which he is most often favorably associated: universal manhood suffrage; a fair and equitable distribution of landed property; public education; council democracy (‘the ward plan’); the right of every generation to rule itself; his vision for a robust and participatory citizenship; and, more controversially, his defense of popular rebellion. But this same feature of his political thought was also linked to a number of ideas for which he is most disdained: the plan to forcibly resettle (or ‘colonize’) emancipated blacks; the expropriation of Native peoples’ lands and the elimination of tribal sovereignty via assimilation; and the homogeneously white conception of ‘the people’ upon which his democratic theory relied.

The basic components of Jefferson’s ideal of free self-government can be discerned in his colonial era writings on American settler disputes with the British parliament over who should legitimately rule in the North American colonies. Jefferson’s first major intervention into the crisis over colonial authority was his 1774 tract, *A Summary View of the Rights of British America*, in which he made the case for the relative autonomy of Britain’s North American settlements vis-a-vis their colonial metropole. Though Jefferson would not be convinced of the necessity for total independence from the British Empire for another two years, *A Summary View* laid the normative foundation for subsequent arguments -- such as those found in the *Declaration of Independence* -- that made the case for American independence.[[19]](#footnote-19) Jefferson began *A Summary View* with a side-by-side reconstruction of the histories of the Saxon migration to Britain and of British colonial settlement in America to show that in both cases political authority was generated consensually, from the bottom up, rather than being derived from the grant of a royal charter. For Jefferson, this demonstrated that, contrary to the British parliament’s insistence, the colonies could not plausibly be said to be subordinate to metropolitan authority. But it’s implications were, as is often the case with Jefferson’s interventions into parochial political disputes, much further reaching.

As Jefferson put it, “Our ancestors, before their emigration to America, were the free inhabitants of the British dominions in Europe, and possessed a right which nature has given to all men, of departing from the country in which chance, not choice, has placed them, of going in quest of new habitations, of there establishing new societies, under such laws and regulation as to them shall seem most likely to promote public happiness.”[[20]](#footnote-20) Likewise, “their Saxon ancestors had, under this universal law, in like manner left their native wilds and woods in north of Europe, had possessed themselves of the island of Britain…. and had established there that system of laws which has so long been the glory and protection of that country.”[[21]](#footnote-21) Jefferson thus argued that all peoples retain a natural right to constitute new and independent political authorities upon the conquest of new, ‘vacant’ lands; and, furthermore, that the political foundations of both the British state and of the governments of the American colonies lay in a parallel experience of colonial settlement and political constitution, thereby effectively rendering them political equals. “No circumstance has occurred to distinguish materially the British from the Saxon emigration. America was conquered, and her settlement made, and firmly established, at the expense of individuals, and not of the British public… for themselves they fought, for themselves they conquered, and for themselves alone they have right to hold.”[[22]](#footnote-22) And so Parliament can claim no rightful authority over the legislatures of the colonial governments.

This account of colonial history -- as a decentralized experiment in consensually forming new political societies upon the settlement of ‘new’ land -- left a deep impression on Jefferson’s political thinking, informing his views on the origins of political authority, his interpretation and defense of federalism, and his vision for a continental American state. The Jeffersonian political ideal hence came to take shape, as Peter Onuf has put it, as “an empire without a metropolis, a regime of consent, not coercion.”[[23]](#footnote-23) Popular sovereignty was the truth of colonial settlement: colonial history demonstrated that political authority could only legitimately be derived from the consensual coming-together of the people. Parliament erred in conceiving of itself as the sole fount of authority within the orbit of the British Empire, and in doing so committed a major category mistake: it conflated constituted authority with constituent power. In asserting the right to make law for the colonies, parliament -- emboldened by the complicity of the king -- usurped the colonists’ “sovereign right of legislation,”[[24]](#footnote-24) reducing them, as Jefferson repeatedly inveighed, to a state of political ‘slavery.’

The opposite of ‘slavery,’ for Jefferson, is self-government -- the right to be subject only to political powers that one has participated in authoring. “Every man, and every body of men on earth, possesses the right of self-government… Individuals exercise it by their single will; collections of men by that of their majority; for the law of the *majority* is the natural law of every society of men.”[[25]](#footnote-25) And though this basic idea was endorsed in one form or another by basically all of the major thinkers of his time and place (even the statist Hamilton had to acknowledge that the power of government was, in the final analysis, on loan from the people), Jefferson was the most consistent among them in mining it for its full consequences, no matter how radical the conclusions.[[26]](#footnote-26) Most notably, Jefferson was consistently aware of the perpetual tension that the idea of self-rule posited between the constituted powers of law and state, on the one hand, and the constituent power of the people, on the other. This tension stems from the fact that popular authority can never in practice be made entirely subordinate to the law. Presented in the most general of terms, Jefferson put forward two arguments throughout his writings that drew attention to key limitations on the law’s ability to legitimately express the people’s will. One argument looked to the horizon of time: a law made by one generation of people cannot legitimately bind a subsequent generation that played no part in authoring said law. This argument posed a unique dilemma for constitutional law, which is typically conceived to be a ‘perpetual’ (and therefore transgenerational) species of law. The other argument drew attention to the persistent threat of usurpation posed to the people’s authority by their representatives. In response to both dilemmas -- each of which he would identify to be an instance of tyranny -- Jefferson prescribed an expansion of popular power and control.

Jefferson was, to be sure, a constitutionalist, but his thought does not fit comfortably within that category as it is typically used in contemporary political theory. Jefferson, like all modern constitutionalists, was keen on placing firm limits on the exercise of state power, but he held a less reverent attitude towards the supremacy of the law than contemporary liberal (especially neo-Kantian) constitutional theorists tend to. For Jefferson, law, like any other concentration of power, was always viewed to be a potential site of tyranny.[[27]](#footnote-27) “A strict observance of the written laws,” Jefferson wrote, “is doubtless *one* of the high duties of a good citizen, but it is not the *highest*.” To adhere too scrupulously to the fulfillment of the law in all cases “would be to lose the law itself…. absurdly sacrificing the end to the means.”[[28]](#footnote-28) Law is valid, for Jefferson, to the extent that it can reasonably be said to express the will of the majority. This means that, strictly speaking, “no society can make a perpetual constitution, or even a perpetual law,” because -- as the well-known Jeffersonian adage goes -- “the earth belongs always to the living generation.”[[29]](#footnote-29) Law, on this account, is an instrument of self-rule, and it goes astray of its goal of enabling the people to rule themselves when it extends its scope to compel obedience from persons who played no meaningful part in its ratification. Jefferson thus suggested that every law -- including constitutional law -- ought to have an in-built expiration date (he suggested nineteen years, which he estimated to be the lifetime of a generation), and “if it be enforced longer, it is an act of force and not of right.”[[30]](#footnote-30)

Jefferson elsewhere poignantly criticized the tendency to fetishize constitutional law, writing, “Some men look at constitutions with sanctimonious reverence, and deem them like the arc of the covenant, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment.” “But,” Jefferson insists, “laws and institutions must go hand in hand with the progress of the human mind.”[[31]](#footnote-31) Thus, a constitution’s democratic credentials cannot be presumed valid over time, and it is therefore critical that the American republic “provide in our constitution for its revision at stated periods.” Echoing the language of the *Declaration*, Jefferson argued that each generation has “a right to choose for itself the form of government it believes most promotive of its own happiness.”[[32]](#footnote-32) The sovereignty of the people was thus never to be entirely absorbed by the laws and institutions through which the people ruled; and though Jefferson held definite views on which institutional forms were most accommodating of self-government, these could never be secured in advance or known *a priori*. For self-government to be a politically meaningful idea, the people had to make this decision for themselves. And this meant that each generation had to be invited into the act of democratic judgment -- about which form of government “shall seem most likely to effect their safety and happiness” -- that Jefferson’s generation undertook for the first time between 1776 and 1789.[[33]](#footnote-33)

For similar reasons, Jefferson defended the right of the people to undertake periodic rebellions against constituted authorities. Unchanging law, imposed by the long arm of the dead upon the living generation, was not the only threat to self-government. Though Jefferson ambivalently endorsed the federal constitution of 1787, he retained the suspicion that it provided too few avenues for popular control and participation.[[34]](#footnote-34) Indeed, upon reflection, Jefferson admitted that the republicanism with which he identified was found less in the constitution itself than “in the spirit of our people.”[[35]](#footnote-35) Because the people had to rely on representatives to make basic political decisions on their behalf, it was imperative that the people remained vigilant in holding their delegates accountable to their will, and this accountability could often only be insured through extra-constitutional means -- most notably, through popular rebellion. Without regular pushback from the people, it was to be expected that elites would attempt to usurp the mantle of sovereignty. “Every government degenerates when trusted to the rulers of the people alone. The people themselves are its only safe depository.”[[36]](#footnote-36) Jefferson identified the ‘turbulence’ of rebellion to be endemic to republican politics, but the dangers that rebellion posed to political stability were to be welcomed, not scorned or repressed: rebellion “prevents the degeneracy of government, and nourishes and general attention to public affairs. I hold it that a little rebellion now and then is a good thing, & as necessary in the political world as storms in the physical…. An observation of this truth should render honest republican governors so mild in their punishment of rebellions, as not to discourage them too much. It is a medicine necessary for the sound health of government.”[[37]](#footnote-37)

Accordingly (and notoriously), Jefferson broke with the elite consensus of his time in his celebratory reception of Shays’ Rebellion, an event that was by and large viewed by his peers as a contemptible “abuse of republican liberty.”[[38]](#footnote-38) In his comments on the rebellion, Jefferson rejected this view in characteristically provocative language, warning, “God forbid we should be 20 years without such a rebellion…. What country can preserve it’s liberties if their rulers are not warned from time to time that their people preserve the spirit of resistance? Let them take arms.” Republican degeneracy was not signalled by an excess of popular liberty, but by an excess of government -- an excess which can often only be curtailed by the strong arm of the people. The fear that periodic rebellion would inspire among elites might serve as an additional, ‘extra-constitutional’ restraint on the power of the people’s representatives, insuring against the threat of elite usurpation. Coining one of his most frequently quoted and celebrated phrases, Jefferson continued, “the tree of liberty must be refreshed from time to time with the blood of patriots & tyrants. It is it’s natural manure.”[[39]](#footnote-39)

Jefferson’s defense of popular rebellion as a distinctly republican means of thwarting elite domination -- the “only safeguard of the public liberty”[[40]](#footnote-40) -- evidences his self-declared “confidence in the good sense of man, and his qualifications for self-government.”[[41]](#footnote-41) But Jefferson did not only prescribe extra-legal means for checking elite privilege and power; he also sought institutional remedies for curbing the rise of an ‘elective despotism.’[[42]](#footnote-42) Jefferson was, importantly, an early defender of universal manhood suffrage, but he thought that the right to vote was, on its own, an inadequate basis for popular liberty. This is not because, anticipating contemporary skepticism toward electoral politics, he viewed the right to vote to be an eviscerated substitute for direct popular rule, but because he thought voting required the support of other institutions and channels for the proper cultivation of popular power.

Landed property was chief among the institutional supplements to the suffrage that Jefferson prized. Echoing the classical republican argument that freeholding was the only guarantee of the virtuous independence that underlay citizenship, Jefferson worried that the votes and political allegiances of those without landed property could be easily ‘bought and sold.’[[43]](#footnote-43) As such, Jefferson advocated for the expansion of agrarian freeholding; and did so not simply out of a concern for distributive justice, but more significantly because “the small landholders are the most precious part of the state.”[[44]](#footnote-44) A wage laborer was dependent upon the will of their employer, meaning that he or she could be easily manipulated; by contrast, a landed property owner was economically independent and could thus be counted on to exercise political judgment with integrity. Jefferson therefore saw the mass quantity of ‘uncultivated’ land in North America to promise a greater extension of popular liberty than had ever before been explored in history; and the enormous territorial expansion that he achieved as president with the Louisiana Purchase cemented this promise. It also allowed for subsequent generations to replay the experience colonial settlement that was so integral to his understanding of the origins of popular power in America.

If small landholding guaranteed the independence necessary for democratic judgment, Jefferson thought that education would cultivate the habits, manners, and beliefs proper to free and equal citizenship. As discussed above, Jefferson was firmly “convinced that the people are the only safe depositories of their own liberty,” but he recognized that the people’s ability to defend their liberties depended largely upon their beliefs and ability to reason. As he put it, the people “are not safe unless enlightened to a certain degree.” Jefferson therefore proposed that public education -- for which he was the most significant advocate of his time -- be oriented towards distinctly civic goals: to educate “every member of the society as will enable him to read, to judge & to vote understandingly on what is passing.”[[45]](#footnote-45) The emancipation of the people had to coincide with the emancipation of the human mind.

Jefferson identified his plan for public education to be one of the ‘two hooks’ on which the ‘continuance of republican government’ absolutely hung: the other was what he called the ‘ward system.’[[46]](#footnote-46) Though distressed by many of the anti-democratic aspects of the Constitution, Jefferson admired the way it realized the principle of federalism -- dividing between the three ‘national’ branches of government, and from there on down to state governments, then down one further into distinct counties -- but he thought that it stopped short of one further possible (and indispensable) subdivision: into local, participatory forums he referred to as wards.[[47]](#footnote-47) Wards, which he called “little republics,” [[48]](#footnote-48) would be based roughly on the New England township system, being of “such size as that every citizen can attend, when called on, and act in person.” The wards would directly manage all “things relating to themselves exclusively,” including local schools, the provision of security (including police), care for the poor, the selection of jurors, the upkeep and management of infrastructure, the election of local officials, and so on.[[49]](#footnote-49) But more importantly, he saw the wards to be a vehicle to “nourish and perpetuate” the “spirit” of self-government, which he grimly noted to be in recession since the ratification of the federal Constitution; popular liberty, he mournfully noted, “is not the fruit of our constitution, but has prevailed in spite of it.”[[50]](#footnote-50) Participation in the wards, “by making every citizen an acting member of the government… will attach him by his strongest feelings to the independence of his country, and its republican constitution.” Because the wards were a means by which “the voice of the whole people would be thus fairly, fully, and peaceably expressed,”[[51]](#footnote-51) they would provide an institutional bulwark against “the usurpations of [the people’s] unfaithful agents,” rescuing the people from the “necessity of doing it insurrectionally.”[[52]](#footnote-52) The ward system -- a “system of pure and elementary republics” -- made the ideal of “a true democracy” tantalizingly real for the modern world.[[53]](#footnote-53)

As Hannah Arendt has explained, towards the end of his life Jefferson saw the chief danger facing the republic to be “that the Constitution had given all power to the citizens, without giving them the opportunity of *being* republicans and of *acting* as citizens.”[[54]](#footnote-54) The goal of the ward system was to overcome this dilemma: to institutionally recognize the power of the people to rule themselves, the only legitimate basis for government as Jefferson understood it. This proposal, though never adopted, built quite clearly on the model of democratic authority that Jefferson took to be the key political lesson of colonial settlement: political authority was generated from the bottom up, through the consensual acts of the people in their collective capacity. But, for Jefferson, the realization of this principle could never quite escape its colonial origins. It was wedded to a model of social cohesion defined by what the people were not: slaves or natives.[[55]](#footnote-55) ‘The people’ unproblematically and unambiguously referred to the English settlers who had taken up arms to defend their inherited rights as Englishmen against the oppressions of the crown – those who had erected colonial governments for the protection of their interests and livelihoods.[[56]](#footnote-56) And so, even as radicals like Jefferson attempted to move beyond the ‘original sin’ of slavery, the settler origins of American national identity continued to rear its head through the inescapable association of American citizenship with whiteness.[[57]](#footnote-57) The racial composition of ‘the people’ would not emerge as a palpable political question until it was given serious challenge by the abolitionists of the 19th century.

**Race and Slavery**

Perhaps the most profound -- and most frequently commented on -- contradiction of Jefferson’s life is that he would make his name decrying British attempts to reduce the colonies to a state of metaphorical ‘slavery’ while at the same time personally holding several hundred people in bondage as actual slaves. The Tory Samuel Johnson was among the first to notice this grand historical irony, famously writing in 1775: “how is it that we hear the loudest yelps for liberty among the drivers of negroes?”[[58]](#footnote-58) Jefferson was, in principle, opposed to chattel slavery.[[59]](#footnote-59) His original draft of the *Declaration of Independence*, for example,contained a section denouncing the British crown’s involvement in the Atlantic slave trade, which he referred to as a “cruel war against human nature itself,”[[60]](#footnote-60) and his various writings are peppered with a number of unambiguous condemnations of the institution, including his only published book, *Notes on the State of Virginia*. But the peculiar fact remains that Jefferson freed very few of the several hundred enslaved persons he owned over the course of his life. I do not intend to settle the perplexing question of Jefferson and slavery here -- it is far too complicated for the purposes of this paper and has been covered by a number of very able scholars.[[61]](#footnote-61) Nevertheless, his writings on slavery -- particularly his thoughts on emancipation -- are revealing of my primary object: his views on race.

 Jefferson consistently expressed hope for the abolition of slavery, and his reasons for opposing the ‘peculiar institution’ are not particularly surprising: he thought it was a form of despotism that violated the natural rights of the enslaved and undermined the moral commitments of a society that professed equality and liberty to be political values of the first order. “The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submission on the other,” he wrote.[[62]](#footnote-62) It is true, as a number of scholars have pointed out,[[63]](#footnote-63) that his worries about the institution tended to privilege the interests of the white masters over the enslaved themselves. This in part explains his reluctant tolerance of the institution throughout his life -- his hesitation to take any meaningful steps towards its abolition despite his towering influence as both a politician and public figure, his preference for keeping the issue out of the political limelight,[[64]](#footnote-64) and, of course, his own personal involvement in (and profiteering from) the enslavement of several hundred people. But he was unequivocal about the fact that he believed both enslaved persons and free, both black and white, were entitled to the same set of natural rights.[[65]](#footnote-65) Slavery was abhorrent because it required “one half the citizens to trample on the *rights* of the other, transforms those into despots, and these into enemies.”[[66]](#footnote-66)

 But slavery was a relatively tolerable violation of natural right -- at least for the time being (and the racial inferiority of those whose rights were being violated helped make it more tolerable). At minimum, the perpetuation of actual slavery commanded a less urgent political response than the metaphorical slavery that Jefferson had built his reputation repudiating.[[67]](#footnote-67) This is largely because Jefferson had a peculiar view of what emancipation required, and this view weighed the calculus in favor of slavery’s continuation: the cost of emancipation was always greater than the price of continued enslavement. For Jefferson, emancipation was unthinkable without a realistic plan for the resettlement (what he referred to as ‘colonization’) of freed blacks: “to provide an asylum to which we can, by degrees, send the whole of that population from among us, and establish them under our patronage and protection, as a separate, free and independent people, in some country and climate friendly to human life and happiness.”[[68]](#footnote-68) Jefferson was highly aware of the enormous costs -- both economic and political -- that any reasonable plan for emancipation and colonization entailed (and often debated them at length),[[69]](#footnote-69) and this directly influenced the intractability of the issue in his eyes.[[70]](#footnote-70) He explained his own recalcitrance in freeing his slaves in precisely these terms: “My opinion has ever been that, until more can be done for them, we should endeavor, with those whom fortune has thrown on our hands, to feed and clothe them well, protect them from all ill usage, require such reasonable labor only as is performed voluntarily by freemen, & be led by no repugnancies to abdicate them, and our duties to them.”[[71]](#footnote-71) Jefferson thus contrived a moral duty to *not* free the persons that he -- or any other slaveholder -- held in bondage until a realistic plan for colonization could be put together. “But in the mean time are you right in abandoning this property, and your country with it? I think not.”[[72]](#footnote-72)

 But the calculus of emancipation was not fixed, and Jefferson often hinted that it might yet swing in the opposite direction. “The value of the slave is every day lessening; his burden on his master dayly increasing. Interest is therefore preparing the disposition to be just; and this will be goaded from time to time by the insurrectionary spirit of the slaves,” he wrote in 1805, a year after the completion of the Haitian revolution.[[73]](#footnote-73) Jefferson was, to be sure, wrong about the economic future of North American slavery -- the ‘value’ of the slave was soon to see an unprecedented appreciation with the invention of the cotton gin and the expansion of slavery into the Mississippi valley (courtesy of the Louisiana Purchase, which Jefferson played a crucial hand in orchestrating as president).[[74]](#footnote-74) But the worry about slave insurrection -- in light of slave uprisings and conspiracies such as Gabriel Prosser’s in 1800, and the ‘bloody scenes’ of San Domingo -- would be a mainstay of Jefferson’s thoughts on emancipation. Indeed, mounting organized insubordination by slaves convinced Jefferson that slavery’s end was approaching -- the only remaining question was on whose terms it would end: “the hour of emancipation is advancing, in the march of time. It will come; and whether brought on by the generous energy of our own minds; or by the bloody process of St. Domingo…. is a leaf of our history not yet turned over.”[[75]](#footnote-75) One of Jefferson’s most well-known metaphors captured the dilemma with unparalleled elegance: “as it is, we have the wolf by the ears, and we can neither hold him, nor safely let him go. Justice is in one scale, and self-preservation in the other.”[[76]](#footnote-76)

 And so the perpetuation of slavery posed not only a moral dilemma, but a decisively political one -- threatening the basic security and stability of the republic. The biblical analogies of the situation were manifest. Slavery was a sin that forced the nation to face a pressing decision: to accept moral responsibility and bear the burdens of emancipation themselves, or to risk the violent process of redemption. Jefferson’s rhetoric at times took on an appropriately apocalyptic inflection: “I tremble for my country when I reflect that God is just: that his justice cannot sleep forever: that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events: that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest.”[[77]](#footnote-77)

The security threat with which Jefferson and other antebellum elites came to associate the problem of slavery only reinforced their belief that emancipation had to entail colonization. It quite obviously would have made emancipation a much less costly endeavor if the enslaved could simply be incorporated into the rest of society as citizens upon emancipation; not to mention, it would have served the goal -- so central to the immigration policy of the early republic -- of expanding the population of the ‘empire of liberty,’ with an eye toward expanding westward settlement. Jefferson considered this very question in *Notes* and his answer is revealing of how he envisioned a post-emancipation society:[[78]](#footnote-78) incorporation was impossible because of the “deep rooted prejudices entertained by the whites; ten thousand recollections, by the blacks, of the injuries they have sustained; new provocations,” and most significant of all, “*the real distinctions which nature has made*.” Taken together, these “ will divide us into parties and produce convulsions which will probably never end but in the extermination of the one or the other race.”[[79]](#footnote-79) The expressed worry about a post-emancipation ‘division into parties’ and subsequent ‘convulsions’ might seem misplaced, given that Jefferson was the founder of the first opposition party in American history and, as discussed above, a vocal proponent of popular rebellion. But the norms that applied to white citizens did not extend to Black subjects: *racial difference made equal citizenship impossible*.

Jefferson continued the line of argument, adding, “to these objections, which are political, may be added others, which are physical and moral. The first difference which strikes us is that of colour,” from which he goes on to speculate where “the black of the negro resides.” But regardless of its source -- on which he could only speculate -- the important point to make was that “the difference is *fixed in nature*, and is as real as if its seat and cause were better known to us.”[[80]](#footnote-80) The fixity which he attributes to racial difference is crucial to understanding Jefferson’s case for colonization -- and for grasping the legacy he bequeathed to subsequent generations of racial and political theorists. As Winthrop Jordan has put it, “more than any other single person [Jefferson] framed the terms of the debate still carried on today.”[[81]](#footnote-81) And much of this had to do with the account of race he put forward in ‘Query XIV’ of *Notes*, perhaps the most infamous passage in his entire corpus.

 Amid a philosophy that consistently prized change, progress, innovation, and revolution, Jefferson’s remarks on race are conspicuous for their repeated emphasis on the fixity and inflexibility of Blackness: he writes of Blackness as an “eternal monotony,” an “immovable veil.”[[82]](#footnote-82) Race was certainly a product of the Enlightenment, but for Jefferson it represented Enlightenment’s precise opposite -- that which could not be improved, the stubborn, the imperfectible, progress’ inescapable biological limit. Whiteness was, by contrast, transcendent: whites were the race that had no race.[[83]](#footnote-83) And it was essential that he made this characterization with the cold, dispassionate eye of the scientific observer: in the process he rendered racial difference an inconvenient fact, but one that was demanding of admission for the purposes of social policy and progress. Due to the unpleasant yet empirically ‘real’ fact of racial difference, emancipation could not be carried out without a meaningful separation of the races. Jefferson’s scientific posture towards race furthermore helped to “inaugurate the historical tendency in America to invest racial prejudice with the gloss of pseudoscientific verification it acquired in the nineteenth century.”[[84]](#footnote-84) Racial ‘science’ was the bugbear of emancipation.

Jefferson was insistent that there was no meaningful difference between whites and Blacks in terms of their moral senses, and this was consistent with his claim that the races were equals from the standpoint of natural right; but it is also clear that, for him, respect for Black natural rights did not entail an interracial society. The ‘real differences that nature has made’ were too profound for Blacks and whites to participate in the project of self-government together. Jefferson suggested that Black people were inferior to whites with regard to beauty, and that their sexual habits provided evidence of something like a ‘Great Chain of Beauty’: Blacks tended to prefer whites as sexual partners, just as orangutans tended to prefer Black women (insinuating that whites stood in relation to blacks as apes stood to blacks, a rung lower on the ladder of creation).[[85]](#footnote-85) Cognitively and spiritually, Black people were said to be marked by a “want of forethought” and a lack of “coolness” or “steadiness” in the face of present danger; their “griefs are transient,” “less felt, and sooner forgotten. In general their existence appears to participate more of sensation than reflection.”[[86]](#footnote-86) With regard to reason, Jefferson judged them to be “much inferior, as I think one could scarcely be found capable of tracing and comprehending the investigations of Euclid; and that in imagination they are dull, tasteless and anomalous.” “Never yet could I find that a black had uttered a thought above the level of plain narration; never see even an elementary trait of painting or sculpture.”[[87]](#footnote-87) Though Jefferson abhorred miscegenation (ironic given what we know about his personal life), he made the case that all of the great examples of Black talent are typically the result of ‘mixture’ with whites, which “proves that their inferiority is not the effect merely of their condition of life,” with the presumption that talent inheres in white blood.[[88]](#footnote-88) This conclusion is further shored up by comparison with the great achievements of a number of Roman slaves -- “Epictetus, Terence, and Phaedrus, were slaves. But they were of the race of whites. It is not their condition then, but nature, which has produced the distinction.”[[89]](#footnote-89) Hedging his claims with the sort of skepticism required of the good empiricist (despite his repeated use of the language of ‘proof’ throughout), Jefferson concluded, “I advance it therefore as a suspicion only, that the blacks, whether originally a distinct race, or made distinct by time and circumstances, are inferior to the whites in the endowments of both body and mind… This unfortunate difference of colour, and perhaps of faculty, is a powerful obstacle to the emancipation of these people.”[[90]](#footnote-90)

It is crucial to remember that Jefferson was not attempting to defend racial slavery, but delved into a lengthy digression on the stubbornness of racial difference *in the course of discussing plans for emancipation*. He accepted that slavery was both politically and morally unsustainable -- racial inferiority emerged as a distinct *problem* only in the face of Black liberty, not slavery. This is precisely because Jefferson had imagined that there was no room for nominally free but unequal persons in his envisioned ‘empire of liberty.’[[91]](#footnote-91) The project of citizens actively and equally coming-together to form the will of the people left no room for racial ‘others.’ But emancipated Blacks posed a threat to white democracy not only because of their supposed biological inferiority -- nor for their tendency to induce ‘convulsions’ (though that was certainly a worry) -- but even more because this inferiority was transmittable: the emancipated Black could, as Jefferson wrote, “stain the blood of his master.”[[92]](#footnote-92) When subordinate to the prerogative of their white masters, enslaved Blacks posed a restrained (albeit real) threat to the republic; but when set free, “they are pests in society by their idleness, and the depredations to which this leads them. Their amalgamation with the other color produces a degradation to which no lover of his country, no lover of excellence in the human character can innocently consent.”[[93]](#footnote-93)

Jefferson, it seems, came to white supremacy with his gaze firmly fixed on the prospect of emancipation. His stated anxieties about miscegenation anticipate the legal one-drop rules and ‘separate but equal’ statutes that would define the racial order of the Jim Crow era. Perhaps even more so than many of his contemporaries, this made Jefferson a racial theorist in the full sense of the appellation -- a theorist of what racial difference would mean beyond slavery. Patrick Wolfe has argued that though race was ‘born of slavery’ it “came into its own with slavery’s abolition. So long as slavery persisted, race -- with all of its usefulness as a justification -- was relatively redundant as a mode of domination.”[[94]](#footnote-94) In the U.S., racial domination after slavery took shape as Jim Crow democracy -- a regime of *de jure* racial segregation, wherein Blacks were categorized as second-class citizens, -- a social arrangement for which Jefferson can be credited as an important intellectual progenitor. Jefferson’s goal of forcibly expatriating emancipated Blacks to another continent, “under our patronage and protection, as a separate, free, and independent people,” foreshadows the paternal legal arrangements of the Jim Crow era.[[95]](#footnote-95) Blacks would be ‘separate’ from white society and, for all intents and purposes, ‘equal,’ with the addendum that they would still be subject to white sovereignty (i.e., under white “patronage and protection”) -- something like a ‘foreign’ dependent nation.[[96]](#footnote-96) The reality of Jim Crow society is best described as a form of ‘internal’ colonialism, whereas Jefferson had thought that the post-emancipation solution would be a distinctly ‘external’ colonialism.[[97]](#footnote-97) In Jefferson’s eyes, the Jim Crow regimes of the south might seem like something of a *modus vivendi* arrangement -- bearing out the same general principle as the plan for colonization under less than ideal circumstances.

The colonization plan was not the only legal arrangement regarding the post-emancipation status of Blacks that Jefferson had a hand in formulating. More tangibly, he authored a bill proposing to abolish the importation of slaves into Virginia in 1785. The bill, while *prima facie* progressive, proposed that any enslaved person brought into the state by their master and “kept therein one whole year” would be legally emancipated, with the addition that “if they shall not depart the commonwealth within one year thereafter they shall be out of the protection of the laws.” Similarly, it stated that any free person of color that entered the state “of their own accord shall be out of the protection of the laws.” The bill also made it more difficult for slave-owners to manumit their slaves; stipulated that “if any white woman shall have a child by a negro or mulatto, she and her child shall depart the commonwealth within one year thereafter” (or risk the loss of all legal protection for the mother and forced servitude for the child); barred persons of color from serving as witnesses in a court of law (except in cases against other persons of color); and, in an evident attempt to thwart slave insurrections, banned slaves from possessing weapons and made “riots, routs, unlawful assemblies, trespasses and seditious speeches by a negro and mulatto” punishable by whipping, and apprehendable by any citizen of the state.[[98]](#footnote-98) The bill, while designed to ban the importation of any additional slaves into the state, -- which Jefferson suggested would be the first step toward abolishing slavery altogether, -- just as (if not more) aggressively pursued the goal of eliminating any semblance of a free Black community within the state. And it did so by altogether voiding legal protections for free Blacks in the state: in the eyes of the law, they were to be juridically dead. Free Blacks would be defined, legally speaking, by their total exclusion from the law, inhabiting the liminal category Patrick Wolfe calls *‘corpus* *nullius.’*[[99]](#footnote-99)Thus, in the Jeffersonian vision, the people were to be the ‘authors and addressees’ of the laws; but because Blacks could never participate in being the laws’ authors, neither they could they be its addressees. They were offered essentially two legal statuses: as property, via the publically recognized rights of a white master, or as a juridical non-person – *corpus nullius.[[100]](#footnote-100)* The law would never make contact with them directly *as persons*.

Fortunately, this bill -- and the horrifying legal status that it would have assigned to free Black people -- never came to pass.[[101]](#footnote-101) But an examination of its content helps to illustrate Jefferson’s overwhelming hostility to the notion that whites and Blacks might inhabit a plane of legal and political equality. It should be noted that the problem with this view was never a dearth of equality; it’s important to remember that it was equality that Jefferson hoped to serve – and he thought its defense required what would amount to racial tyranny. The same could be said of the Jim Crow regimes: their defenders appealed first and foremost to a localist (and egalitarian) interpretation of democracy – not to norms of inequality and hierarchy. The issue was the imaginative limits that had been placed on the conditions seen to be necessary to equality’s practical realization. Equality was the product of an inclusive (and thereby exclusive) understanding of the link between whiteness and citizenship. For this reason, though Jefferson hailed emancipation to be both inevitable and desirable, it posed an enormous political dilemma. Given that American democracy had been built atop a foundation of slave labor – tethered to the unbreakable link between whiteness and citizenship – it was a legitimate question if democracy would survive the end of slavery. For Jefferson, the dilemma forced the white ‘people’ to decide between continued racial tyranny or absolute separation. Jefferson hoped for the latter, but we are still wrestling with the consequences of choosing the former.

1. Edmund Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia,* page 386. [↑](#footnote-ref-1)
2. Thomas Jefferson, “Letter to Roger C. Weightman,” June 24, 1826 in *Jefferson: Political Writings*, ed. Joyce Appleby and Terrance Ball, Cambridge: Cambridge University Press, 1999, page 148. [↑](#footnote-ref-2)
3. David Armitage, “The Contagion of Sovereignty: Declarations of Independence Since 1776,” *South African Historical Journal*; John Dunn, *Democracy: A History* [↑](#footnote-ref-3)
4. This is particularly conspicuous in his remarks on the Haitian revolution, the one instance where he perhaps would have preferred that the ideals of the *Declaration* failed to prevail. [↑](#footnote-ref-4)
5. Winthrop Jordon, *White Over Black*, page 481. [↑](#footnote-ref-5)
6. George Frederickson, *The Black Image in the White Mind: The Debate on Afro-American Character and Destiny, 1817-1914,* page 2. [↑](#footnote-ref-6)
7. Thomas Jefferson, “Query XIV,” *Notes on the State of Virginia,* in *Thomas Jefferson: Writings*, New York: The Library of America, 2011, page 270. [↑](#footnote-ref-7)
8. For Jefferson as radical democratic see, Richard K. Matthews, *The Radical Politics of Thomas Jefferson: A Revisionist View*; Michael Hardt, “Introduction: Thomas Jefferson, or, The Transition of Democracy,” in *Michael Hardt Presents the Declaration of Independence*; Joyce Appleby, “Jefferson and His Complex Legacy,” in *Jeffersonian Legacies,* ed. Peter Onuf. For Jefferson the slaveholder and racial theorist see, Paul Finkelman, *Slavery and the Founders: Race in the Age of Jefferson*; Winthrop Jordan, *White Over Black: American Attitudes Toward the Negro, 1550-1812*, chapter XII; John Chester Miller, *The Wolf by the Ears: Thomas Jefferson and Slavery*: Lucia Stanton, *“Those Who Labor for My Happiness”: Slavery at Thomas Jefferson’s Monticello* [↑](#footnote-ref-8)
9. Seyla Benhabib’s account of the historical ‘contradictions’ of the *Declaration of Independence* is an exemplary instance of this broader interpretive tendency. On the basis of these contradictions, she argues that the Declaration introduces, for the first time, “a logic of universalist legitimation into history, and this logic subverts the exclusions and identity reductions posited by the revolutionaries themselves,” “Democracy and Difference: Reflections on the Metapolitics of Lyotard and Derrida,” *The Journal of Political Philosophy*, Vol. 2., Number 1, 1994, p., pages 12-13. See also, Benhabib, “’The Right to Have Rights’: The Contemporary Relevance of Hannah Arendt’s Analysis,” *Transformations of Citizenship: Dilemmas of the Nation State in the Era of Globalization*. Danielle Allen likewise diagnoses an unreconciled (but reconcilable) ‘gap’ between ideals and practices among the signers of the *Declaration* in *Our Declaration,* pages 240-245. [↑](#footnote-ref-9)
10. George Frederickson, *Racism: A Brief History*, pages 11-12. [↑](#footnote-ref-10)
11. David N. Mayer, *The Constitutional Thought of Thomas Jefferson*, page 83. Consider also, John Chester Miller’s claim that Jefferson “was never able to cast aside the prejudices and fears which he had absorbed from his surroundings toward people of color,” *The Wolf by the Ears,* page 3; and Peter Onuf, Jefferson was unable to “transcend the prejudices of his day,” *Jefferson’s Empire*, page 148. [↑](#footnote-ref-11)
12. George Frederickson, *White Supremacy: A Comparative Study in American and South African History*, page 154-155. [↑](#footnote-ref-12)
13. Joel Olson, *The Abolition of White Democracy*, page 43. [↑](#footnote-ref-13)
14. Federalist 10 [↑](#footnote-ref-14)
15. For an account of this transformation see, John Dunn, *Democracy: A History* [↑](#footnote-ref-15)
16. Thomas Jefferson, “Letter to Isaac H. Tiffany, August, 26, 1816,” *Jefferson: Political Writings*,page 218. [↑](#footnote-ref-16)
17. “Letter to Isaac H. Tiffany, April 4, 1816,”*Jefferson: Political Writings*, page 224. [↑](#footnote-ref-17)
18. “Letter to Isaac H. Tiffany, August 26, 1816,” Ibid, page 218. [↑](#footnote-ref-18)
19. As Jefferson came to view things in retrospect, by 1776 the question of declaring independence was not whether “we should make ourselves what we are not; but whether we should declare a fact which already exists” (‘Autobiography,’ *Thomas Jefferson: Writings*, page 15). Though Jefferson here elides the performative dilemmas inherent in the speech-act of ‘declaring’ independence that have been of special interest to recent political theory (Arendt, Derrida, Honig), he nonetheless helpfully highlights the fact that Americans had in many ways already come to perceive themselves -- politically speaking -- as an independent people prior to their declaration of independence in 1776. His 1774 argument in *A Summary View* provides evidence for, and a normative articulation of, this self-perception. [↑](#footnote-ref-19)
20. This last clause anticipates the familiar language of the *Declaration*, wherein Jefferson wrote, “it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.” Jefferson, “A Summary View of the Rights of British North America,” Jefferson: Political Writings, page 65. [↑](#footnote-ref-20)
21. Id. [↑](#footnote-ref-21)
22. Id. [↑](#footnote-ref-22)
23. Peter Onuf, *Jefferson’s Empire: The Language of American Nationhood*, page 16. [↑](#footnote-ref-23)
24. Id, page 76. The crown actually dissolved the Massachusetts legislature in the aftermath of the Tea Party, which led Jefferson to argue for the inalienability of the power of societies to govern themselves: “While those bodies are in existence to whom the people have delegated the powers of legislation, they alone possess and may exercise those powers; but when they are dissolved by the lopping off one or more of their branches, the power reverts to the people, who may exercise it to unlimited extent.” [↑](#footnote-ref-24)
25. Jefferson, “Opinion on the Residence Bill,” July 15, 1790, *Jefferson: Political Writings,* page 159. [↑](#footnote-ref-25)
26. Though always short of emancipating the several hundred actual enslaved persons over which he wielded arbitrary power throughout his life; that said, Jefferson would nevertheless acknowledge that enslaved Africans retained a natural right to self-government, but getting them to the point at which this right could be exercised was much more complicated for Jefferson. The comparison between political ‘slavery’ and racial slavery will be explored more fully below. [↑](#footnote-ref-26)
27. “Insomuch that were it made a question, whether no law, as among the savage Americans, or too much law, as among the civilized Europeans, submits man to the greatest evil, one who has seen both conditions of existence would pronounce it to be the last: and that the sheep are happier of themselves, than under care of the wolves,” Query XI, *Notes on the State of Virginia, Jefferson: Writings,* page 220. [↑](#footnote-ref-27)
28. “Letter to John B. Colvin,” September 20, 1810, *Jefferson: Political Writings*, page 375. [↑](#footnote-ref-28)
29. Jefferson wrote these words just months after the ratification of the federal Constitution, “Letter to James Madison,” September 6, 1789, *Jefferson: Political Writings,* page 596. [↑](#footnote-ref-29)
30. Id. [↑](#footnote-ref-30)
31. “Letter to Samuel Kercheval,” July 12, 1816, *Jefferson: Political Writings,* page 215 [↑](#footnote-ref-31)
32. Ibid, page 216. [↑](#footnote-ref-32)
33. Danielle Allen argues that this line of the *Declaration* is the most radically democratic in the document, see, *Our Declaration* [↑](#footnote-ref-33)
34. David N. Mayer, *The Constitutional Thought of Thomas Jefferson,* pages 95-99. [↑](#footnote-ref-34)
35. “Letter to Samuel Kercheval,” July 12, 1816, *Jefferson: Political Writings*, page 212. Also, “it must be agreed that our governments have much less of republicanism than ought to have been expected; in other words, that the people have less regular control over their agents than their rights and their interests require,” in “Letter to John Taylor,” May 28, 1816, *Jefferson: Political Writings*, page 207. [↑](#footnote-ref-35)
36. ”The influence over government must be shared among all the people. If every individual which composes their mass participates of the ultimate authority the government will be safe.” Query XIV, *Notes on the State of Virginia, Jefferson: Writings,* page 274. [↑](#footnote-ref-36)
37. “Letter to James Madison,” January 30, 1787, *Jefferson: Political Writings*, page 109. [↑](#footnote-ref-37)
38. Gordon Wood, *Creation of the American Republic,* page 412. [↑](#footnote-ref-38)
39. “Letter to Stephen Williams Smith,” November 13, 1787, *Jefferson: Political Writings,* page 100. [↑](#footnote-ref-39)
40. “I am persuaded myself that the good sense of the people will always be found to be the best army. They may be led astray for a moment, but will soon correct themselves. The people are the only censors of their governors: and even their errors will tend to keep the true principles of their institution.” “Letter to Edward Carrington,” January 16, 1787, *Jefferson: Political Writings,* page 152. [↑](#footnote-ref-40)
41. “Letter to Diodati,” August 3, 1789, *Jefferson: Political Writings,* page 158. [↑](#footnote-ref-41)
42. “If once [the people] become inattentive to the public affairs, you & I, & Congress & Assemblies, judges and governors shall all become wolves,” Letter to Edward Carrington,” January 16, 1787, *Jefferson: Political Writings*, page 153. [↑](#footnote-ref-42)
43. “Letter to Jeremiah Moor,” August 14, 1800, *Jefferson: Political Writings*, page 171. See also Query XXI, *Notes on the State of Virginia, Jefferson: Writings,* pages 290-291; and Edmund Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia;* Alex Gourevitch, *From Slavery to the Cooperative Commonwealth,* pages 32-36. [↑](#footnote-ref-43)
44. “Letter to Rev. James Madison,” October 28, 1795, *Jefferson, Political Writings,* page 107. [↑](#footnote-ref-44)
45. “Letter to Littleton Waller Tazewell,” January 5, 1805, *Jefferson: Writings*, pages 1149-1150. [↑](#footnote-ref-45)
46. “Letter to Joseph C. Cabell,” January 31, 1814. [↑](#footnote-ref-46)
47. Jefferson wrote in his *Autobiography* that a further subdivision of government could be made beyond the wards since each ward was in itself an aggregate of ‘farms’ (or at least he may have hoped), and so the most local form of government would be the farm, “to be governed each by its individual proprietor.” This suggests that Jefferson imagined each citizen to be a head-of-household (which explains his insistence on excluding women, slaves, and children from the public sphere, all of whom were subordinate to the farm’s head). The major difference between a ward and a farm, then, was that a farm is inherently despotic -- ruled at the discretion of its proprietor -- whereas a ward was to be a democratic forum. [↑](#footnote-ref-47)
48. “Letter to John Tyler,” May 26, 1810, *Jefferson: Political Writings*, page 183. [↑](#footnote-ref-48)
49. “Letter to Samuel Kercheval,” July 12, 1816, page 213. Jefferson suggested that wards would correlate roughly with school districts; he alternatively referred to them as ‘hundreds,’ which led Hannah Arendt to suggest that each ward would be comprised of roughly one-hundred citizens. See, Hannah Arendt, *On Revolution* [↑](#footnote-ref-49)
50. Ibid, page 212. [↑](#footnote-ref-50)
51. Ibid, page 217. [↑](#footnote-ref-51)
52. “Letter to Samuel Kercheval,” September 5, 1816, *Jefferson: Political Writings,* page 219. [↑](#footnote-ref-52)
53. Id. [↑](#footnote-ref-53)
54. Hannah Arendt, *On Revolution*, page 245. [↑](#footnote-ref-54)
55. Aziz Rana, *The Two Faces of American Freedom* [↑](#footnote-ref-55)
56. Livelihoods, it should be added, built on native people’s lands and Black people’s labor. [↑](#footnote-ref-56)
57. I find Peter Onuf’s account of Jefferson as providing the first robust account of American ‘nationhood’ to be compelling, but I think he underplays the importance of *race* as a notion distinct from (albeit related to) nation, particularly in regards to Jefferson’s characterization of Blacks, Peter Onuf, *Jefferson’s Empire: The Language of American Nationhood* [↑](#footnote-ref-57)
58. Samuel Johnson, *Taxation No Tyranny* [↑](#footnote-ref-58)
59. Paul Finkelman contends that Jefferson was not a consistent critic of slavery, and in fact in his writings provided more reasons for supporting the continuation of the institution than for its abolition. See, Paul Finkelman, “Introduction: Defending Slavery,” *Defending Slavery: Proslavery Thought in the Old South, A Brief History with Documents,* pages 19-25 and “‘Treason Against the Hopes of the World’: Thomas Jefferson and Slavery,” *Slavery and the Founders: Race and Liberty in the Age of Jefferson*, pages 193-236. [↑](#footnote-ref-59)
60. “A Declaration by the Representatives of the United States of America, in General Congress Assembled [Jefferson’s draft],” *Jefferson: Political Writings,* page 99. [↑](#footnote-ref-60)
61. Paul Finkelman, *Slavery and the Founders*; Henry Wiencek, *Master of the Mountain*; John Chester Miller, *The Wolf by the Ears: Thomas Jefferson and Slavery;* Lucia Stanton, *‘Those Who Labor for My Happiness’: Slavery at Thomas Jefferson’s Monticello;* Gary Wills, *‘Negro President’: Jefferson and the Slave Power* [↑](#footnote-ref-61)
62. Query XVIII, *Notes on the State of Virginia, Jefferson: Writings,* page 288. [↑](#footnote-ref-62)
63. Paul Finkelman, *Slavery and the Founders*; Henry Wiencek, *Master of the Mountain*; John Chester Miller, *The Wolf by the Ears: Thomas Jefferson and Slavery* [↑](#footnote-ref-63)
64. “You know that nobody wishes more ardently to see an abolition not only of the trade but of the condition of slavery: and certainly nobody will be more willing to encounter every sacrifice for that object…. I am here as a public servant; and those whom I serve having never yet been able to give their voice against this practice, it is decent for me to avoid too public a demonstration of my wishes to see it abolished.” This was Jefferson’s stated reason for declining an invitation to become a member of ‘the society for the abolition of the slave trade,’ “Letter to Jean Pierre Brissot de Warville,” February 11, 1788. [↑](#footnote-ref-64)
65. From his draft of the *Declaration*: King George “has waged cruel war against human nature itself, violating it’s most sacred rights of life and liberty in the persons of a distance people who never offended him, captivating & carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither,” *Jefferson: Political Writings*, page 99. [↑](#footnote-ref-65)
66. Emphasis mine, Query XVIII, *Notes on the State of Virginia, Jefferson: Writings,* page 288. [↑](#footnote-ref-66)
67. Jefferson nonetheless evinces some awareness of this irony, writing, “What a stupendous, what an incomprehensible machine is man! Who can endure toil, famine, stripes, imprisonment or death itself in vindication of his own liberty, and the next moment be deaf to all those motives whose power supported him thro’ his trial, and inflict on his fellow men a bondage, an hour of which is fraught with more misery than ages of that which he rose in rebellion to oppose,” “Letter to Jean Nicholas Demeunier,” June 26, 1786. It’s worth noting that Jefferson was well-known to be the type of person that liked to please his audience by telling them what he believed they wanted to hear. [↑](#footnote-ref-67)
68. “Letter to Jared Sparks,” February 4, 1824, *Jefferson: Writings*, page 1484. [↑](#footnote-ref-68)
69. Ibid, pages 1484-1487. [↑](#footnote-ref-69)
70. “I have long since given up the expectation of any early provision for the extinguishment of slavery among us,” “Letter to William A. Burwell,” January 28, 1805, *Jefferson: Political Writings*, page 491. [↑](#footnote-ref-70)
71. “Letter to Edward Coles,” August 25, 1814, *Jefferson: Political Writings,* pages 494-495. [↑](#footnote-ref-71)
72. Ibid, page 494 [↑](#footnote-ref-72)
73. “Letter to William A. Burwell,” January 28, 1805, *Jefferson: Political Writings*, page 491. [↑](#footnote-ref-73)
74. Edward Baptist, *The Half Has Never Been Told;* Walter Johnson*, River of Dark Dreams*. Of course, Jefferson himself would directly benefit from the slave’s appreciation in value. [↑](#footnote-ref-74)
75. “Letter to Edward Coles,” August 25, 1814, *Jefferson: Political Writings,* pages 493-494. [↑](#footnote-ref-75)
76. “Letter to John Holmes,” April 22, 1820 [↑](#footnote-ref-76)
77. Query XVIII, *Notes on the State of Virginia, Jefferson: Writings,* page 289. [↑](#footnote-ref-77)
78. “Why not retain and incorporate the blacks into the state, and thus save the experience of supplying, by importation of white settlers, the vacancies they will leave?,” Query XIV, *Notes on the State of Virginia, Jefferson: Writings,* page 264. [↑](#footnote-ref-78)
79. Id. Emphasis mine [↑](#footnote-ref-79)
80. Id. Emphasis mine [↑](#footnote-ref-80)
81. Winthrop Jordan, *Black Over White,* page 436. [↑](#footnote-ref-81)
82. Query XIV, *Notes on the State of Virginia, Jefferson: Writings,* page 264-265. [↑](#footnote-ref-82)
83. “One of the most important of these absurd assumptions, accepted implicitly by most Americans, is that there is really only one race, the Negro race,” Barbara J. Fields, “Slavery, Race, and Ideology in the United States of America,” *New Left Review* [↑](#footnote-ref-83)
84. Miller, *The Wolf by the Ears,* page 58. [↑](#footnote-ref-84)
85. Query XIV, *Notes on the State of Virginia, Jefferson: Writings,* page 265 [↑](#footnote-ref-85)
86. Id. [↑](#footnote-ref-86)
87. Ibid., page 266. [↑](#footnote-ref-87)
88. Ibid., page 267. It is worth noting that Jefferson adhered to the logic of the ‘one-drop’ rule in unequivocally categorizing these people as ‘black’ rather than ‘white’ or ‘mixed.’ [↑](#footnote-ref-88)
89. Ibid., page 268. [↑](#footnote-ref-89)
90. Ibid., page 270. [↑](#footnote-ref-90)
91. Slaves, women, and children would not have been a worry because they were all subordinate to their masters, husbands, and parents, respectively, and thus not free citizens. [↑](#footnote-ref-91)
92. Id. [↑](#footnote-ref-92)
93. “Letter to Edward Coles,” August 25, 1814, *Jefferson: Political Writings*, page 494. [↑](#footnote-ref-93)
94. Patrick Wolfe, *Traces of History: Elementary Structures of Race,* page 74. [↑](#footnote-ref-94)
95. “Letter to Jared Sparks,” February 4, 1824, *Jefferson: Writings*, page 1484 [↑](#footnote-ref-95)
96. The reference here is to the ‘domestic dependent nation’ status assigned to Native American tribes in the U.S. by the Supreme Court in *Johnson v. M’Intosh* [↑](#footnote-ref-96)
97. Jefferson considered a proposal to resettle emancipated blacks in the west, but ultimately rejected it because he wanted to keep the west clear for the extension of white settlements; in his own words: “should we be willing to have such a colony in contact with us? However our present interests might restrain us within our own limits, it is impossible not to look forward to distant times, when our rapid multiplication will expand itself beyond those limits, & cover the whole northern, if not the southern continent, with a people speaking the same language, governed in similar forms, & by similar laws; nor can we contemplate either blot or mixture on that surface.” “Letter to James Monroe,” November 24, 1801, *Jefferson: Political Writings*, page 488. [↑](#footnote-ref-97)
98. “A Bill Concerning Slaves,” October 1785, *Jefferson: Political Writings*, page 470-472. [↑](#footnote-ref-98)
99. According to Wolfe, *corpus nullius* expresses” the outer limit of othering that is reached when… particular humans are excepted from the general requirements that govern the treatment of humanity as a whole,” Patrick Wolfe, “*Corpus Nullius:* the exception of Indians and other aliens in US Constitutional discourse,” *Postcolonial Studies* [↑](#footnote-ref-99)
100. There was a third option, which was that they would simply be elsewhere altogether, beyond the reach of white law; this was, after all, Jefferson’s preferred option. [↑](#footnote-ref-100)
101. Unfortunately, American legal history is filled with enough horrors of its own. [↑](#footnote-ref-101)