

digitalcommons.nyls.edu

Faculty Scholarship Books

2003

Thomas Jefferson

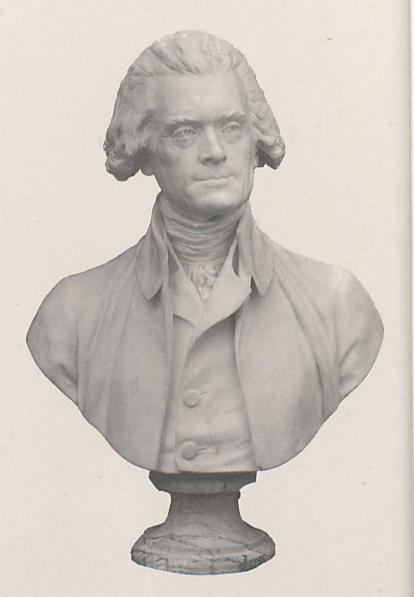
Richard B. Bernstein
New York Law School, richard.bernstein@nyls.edu

Follow this and additional works at: https://digitalcommons.nyls.edu/fac_books

Recommended Citation

Bernstein, Richard B., "Thomas Jefferson" (2003). Books. 61. $https://digital commons.nyls.edu/fac_books/61$

This Book is brought to you for free and open access by the Faculty Scholarship at Digital Commons@NYLS. It has been accepted for inclusion in Books by an authorized administrator of Digital Commons@NYLS.

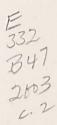


Thomas Jefferson

The Selfenom,

R. B. Bernstein

OXFORD UNIVERSITY PRESS



OXFORD UNIVERSITY PRESS

Oxford New York Auckland Bangkok Buenos Aires Cape Town Chennai Dar es Salaam Delhi Hong Kong Istanbul Karachi Kolkata Kuala Lumpur Madrid Melbourne Mexico City Mumbai Nairobi São Paulo Shanghai Taipei Tokyo Toronto

Copyright © 2003 by R. B. Bernstein

Published by Oxford University Press, Inc. 198 Madison Avenue, New York, New York, 10016 http://www.oup-usa.org

Oxford is a registered trademark of Oxford University Press

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without the prior permission of Oxford University Press.

Library of Congress Cataloging-in-Publication Data
Bernstein, R. B.
Thomas Jefferson / R. B. Bernstein.
p. cm.
ISBN 0-19-516911-5 (alk. paper)
1. Jefferson, Thomas, 1743–1826. 2. Presidents-United States-Biography. I. Title.
E332 .B47 2003
973.4'6'092-DC21

Printing number: 987654

Printed in the United States of America on acid-free paper

Frontispiece: Bust of Thomas Jefferson by Jean-Antoine Houdon, 1789

Fred Bernstein
May 3, 1922–November 3, 2001
His memory always will be a blessing to all who knew him.

CONTENTS

	Introduction	i
1	A Young Gentleman of Virginia (1743–1774)	
2	"We hold these truths" (1763–1776)	I
3	The Hard Work of Revolution (1776–1784)	3
4	"Behold me at length on the vaunted scene of Europe!" (1784–1789)	5
5	"The parties styled republican and federal" (1789–1793)	8
6	Touching Earth (1794–1797)	10
7	"The reign of witches" (1797–1801)	11
8	"We are all republicans, we are all federalists" (1801–1805)	13
9	"A splendid misery" (1805–1809)	158
10	Enthusiasm and Anguish (1809–1826)	170
	Epilogue: "Take care of me when dead"	19
	Notes	190
	Chronology	220
	Bibliographical Essay	
	Index	235

INTRODUCTION

As you stand before the family cemetery at Monticello, separated from the tree-shaded graveyard by a plain iron fence, the central tombstone draws your gaze. An obelisk of gray stone, it bears a simple inscription:

HERE WAS BURIED
THOMAS JEFFERSON

APRIL 2, 1743 O.S.—JULY 4, 1826
AUTHOR OF THE DECLARATION
OF INDEPENDENCE

AND OF THE VIRGINIA STATUTE FOR
RELIGIOUS FREEDOM,
AND FATHER OF THE UNIVERSITY
OF VIRGINIA.

Today's monument was erected in the 1880s to replace the original, which had weathered badly—due in part to the souvenir lust of generations of visitors armed with pocketknives. The inscription, however, is the same one that Thomas Jefferson composed in the last year of his life, listing the achievements "by which I most wish to be remembered."

The cemetery is a peaceful place. The tourists who descend on it become silent as they approach the fence. That silence is not only what Jefferson had in mind for his grave, but also what he craved in life. Amid the tumult of politics and the clangor of war, Jefferson always claimed to yearn for a life of tranquil contemplation, spent with his books, his architectural drawings, and his researches in science—known, in his era, as "natural philosophy."

In life, Jefferson never found the quiet that surrounds him in death. As a politician and statesman, he was embroiled in controversy, subjected to waves of criticism and ridicule, wounded so often and so deeply that he never recovered. Perhaps for this reason he omitted his political offices from his epitaph. The words he chose, however, are as notable for what they say as for what they leave out. Jefferson presented himself to posterity as a man concerned above all with ideas. Each of the three achievements listed on his tombstone speaks to that concern. He first claimed authorship of the American Revolution's fundamental political testament, the most eloquent statement of the new nation's core principles and of a dream that has swept the world, that of independence and self-government.² He next declared himself author of his era's most revolutionary statute, which denied government the authority to dictate what human beings can and cannot believe in matters of religion.³ Finally, he proclaimed himself father of a university allied with no religion or church, a home for the life of the mind that would foster an educated population, serve his beloved Virginia, and be a model to the world.4 In sum, Jefferson wanted posterity to see him as he saw himself, as spokesman of a revolution of ideas that would make the world over again.

Independence, self-government, religious liberty, and an enlightened citizenry—key stars of Jefferson's constellation of revolutionary ideas—still attract our gaze and illuminate our hopes. Other stars in Jefferson's constellation have faded for us but shone brightly for him.

One was Jefferson's vision of the good society as an agrarian republic of independent yeoman farmers supporting themselves by their own labors. Self-sufficient to the greatest possible degree, they would maintain their virtue, the necessary ingredient for preserving a republic, refusing the seductive lures of manufactured luxury goods and the economic activities (trade and commerce) that created and distributed them.

A great deal of painful history obscures from our view two more stars in Jefferson's intellectual constellation.⁵ One was the nature of the American Union. Jefferson was, at once, a fervent American nationalist

and an equally fervent believer in state sovereignty within a limited federal republic. Over time, he developed an elaborate, meticulous picture of the ideal structure of American politics and government. At the base of the Jeffersonian pyramid were the wards, the local subdivisions within which Virginians and other Americans would govern themselves. Above the wards were counties, and above them were the states, which Jefferson envisioned as the true units of American governance. Finally, vested with limited powers for limited purposes, the federal government was the pyramid's capstone.

The other eclipsed star was Jefferson's idea of who would be citizens of this idealized federal republic. Jefferson would not welcome modern visions of a multicultural, multiracial republic. He was willing to include Native American peoples in his vision of America, provided that they gave up their traditional ways and cultures and embraced the agricultural way of life that he insisted was the only true basis of a good society. Failing that, Native American nations would have to accept exile outside the borders of the United States. Jefferson's view of slavery was deeply conflicted, but his view of enslaved people of African descent, or even of free African Americans, was not. As a believer in the natural rights of human beings as gifts of God to any individual who possessed the capacity to tell right from wrong, Jefferson regarded slavery with anguish and despair. And yet that anguish and despair hardened his belief that, should white Americans abolish slavery, the freed slaves could not remain in America and live side by side with their former masters. He feared that animosities would poison relations between former slaves and former masters and he believed that people of African descent were inferior to whites. Jefferson's views about race grew stronger with the passage of time, eroding his early antislavery sentiment and convincing him that white Americans faced an insoluble dilemma. He expressed that dilemma in memorable terms: "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."6

For us, the faintest star of Jefferson's intellectual constellation was the specter of debt that overshadowed his lands and haunted his life. Jefferson saw debt as the greatest threat to independence, in both personal and national terms. Personal debt eroded his ability to live his life as he pleased and imposed on him obligations to others that he struggled but failed to meet. National debt, in his view, was a death sentence for a free republic, for it brought with it corruption and war, which would destroy liberty and blight the hopes of Americans and all others who dreamed of freedom, as it had done for the peoples of European lands. In the end, debt shattered Jefferson's hopes for himself and for the United States—for himself, because his debts destroyed his dream of passing Monticello to his heirs; for the United States, because the nation's debts doomed his vision of the self-sufficient, uncorrupted, agrarian republic he had fought to create.⁷

Jefferson had a deep personal stake in the revolution of ideas that he helped to launch and that preoccupied him for the rest of his life. Other Americans shared his commitment to that revolution, but with varying degrees of enthusiasm and with differing ideas in mind. Jefferson was virtually unique in the strength and passion of his commitment to one crowning idea: that this revolution was universal, not limited to the American people or the American experience. Jefferson insisted that the American Revolution was the forerunner of an age of democratic revolution that could conceivably embrace the globe. By contrast, his old friend and sometime ally John Adams insisted on restricting the significance and the promise of the Revolution to the American people. Only Thomas Paine shared Jefferson's understanding of the Revolution as a message for all humanity.

Jefferson's universalism had its limits. He was not inclined to extend it to women, nor to Native Americans who insisted on following their traditional ways, nor to African Americans. Indeed, given his belief that freed slaves and free people of African descent had to be exiled from America, the term "African American" would have filled him with horror.

Even so, the universalism at the core of Jefferson's revolution of ideas transcended his hopes and expectations, in the process nourishing and spreading his reputation as a philosopher and defender of liberty.

Although Jefferson and his ideas still exert profound influence, they have their roots in specific times and places. This biography therefore sets him in context as a Virginia gentleman farmer, a skilled lawyer, a defender of democratic revolution, a talented politician, and an inquisitive and learned man who tried to make all knowledge his province.

This book also explores the contradictions of his life, which bedevil all who study him. Jefferson was an advocate of liberty who owned slaves; abandoning his opposition to slavery, he became a troubled apologist for the institution, justifying it by racial theories that, he claimed, were based on science. A champion of limited government who wanted power to rest with the states, he became a president who devised creative, expansive uses of national power—in some cases bordering on the tyrannical. A private man who claimed to loathe politics, he became his era's dominant politician. A man of aristocratic habits and tastes, he became a symbol of American democracy, and its most eloquent voice. A cultivated Virginia gentleman of the late eighteenth century, he became a timeless theorist of liberty, democracy, and the rights of man.

Previous writers have veered between the poles of these contradictions, praising Jefferson for his aspirations or damning him for his failures. By contrast, this book seeks a balanced understanding of Jefferson, moving beyond the "prophet of disunion" attacked from the 1860s to the 1920s, the "god of democracy" celebrated from the 1930s to the early 1960s, and the puzzling, sphinx-like Jefferson described by scholars since the late 1960s.

In coming to terms with Jefferson, this book takes account of his range of interests and pursuits, extraordinary even in a time when he and his peers thought that all knowledge was open to them. An eager participant in the intellectual world of the Enlightenment, that vast and varied body of ideas and arguments that dominated the Atlantic world

for more than a century, Jefferson let his mind voyage far and wide.⁸ He was a talented architect, a skilled violinist, a venturesome student of religion, a devoted amateur scientist and sponsor of scientific research, a connoisseur of food and wine, an enthusiastic tinkerer who loved to adapt and improve upon new inventions, and perhaps the finest writer of his age.⁹ Ranging more freely than his friends James Madison and John Adams or his adversary Alexander Hamilton, he most resembles Benjamin Franklin, who similarly dazzles us with his spectrum of abilities and interests.¹⁰ The problem is that, too often, Jefferson gets credit for originality that he neither claimed nor deserved. Although widely read and energetically curious, he was a brilliant adapter and interpreter of his era's ideas rather than a figure of towering creativity.

Finally, this biography seeks to weave discussion of Jefferson the private man together with the familiar narrative of his life as politician and thinker. Too often, previous scholars have depicted him as a solitary philosopher-politician, walling him off from his roles as planter, slaveholder, husband, father, and lover. In many ways, they unwittingly followed Jefferson's lead; he tried to sort his life into tidy compartments, ignoring how his public and private selves spilled over the edges and blended together. By contrast, this book portrays a man whose views of blacks, women, and Native Americans collided with his professed devotion to equality, whose conduct clashed with his expressed beliefs. In particular, it draws on recent scholarship concerning Jefferson's relations with Sally Hemings, and on the agonized controversy that issue has sparked.¹¹

Jefferson created many problems for his biographers, some deliberate, some not. In his book on Crazy Horse, Larry McMurtry noted that writing a biography can be hard because there is so little to go on. ¹² In Jefferson's case, it is difficult because there is so much to fit into a coherent frame. One nineteenth-century biographer, James Parton, recorded the startling statistics of Jefferson's correspondence:

I may well speak of his correspondence as toil. One thousand and sixty-seven letters he received in one year, which was not more than the average. After his death, there were found among his papers twenty-six thousand letters addressed to him, and copies of sixteen thousand written by him.¹³

Further, Jefferson wrote more extensively and brilliantly than any of his contemporaries, seeming to display his thoughts and feelings on the page. Yet he mostly showed himself as he wanted to be seen. A guarded, deeply private man who presented a series of versions of himself to friends, colleagues, admirers, and adversaries, he rarely wrote with the self-criticism or introspection that, for example, characterized John Adams. We must work by indirection, sifting tantalizingly cryptic clues, looking beneath the surface of his words for meanings that he might not have known were there. Jefferson was a human kaleidoscope; the elements of his thought and character assume different patterns and shadings from encounter to encounter, crisis to crisis, moment to moment. It is no wonder that generations of scholars have confessed bewilderment.¹⁴

Jefferson's character has always been an issue. In particular, his biographer must wrestle with the charge of dishonesty that his foes—and many later scholars—have leveled against him. Sometimes he said and did different things because his ideas evolved over time. For example, he based his vision of a good society on agriculture, which he saw as the most virtuous way of life, but he experimented with manufacturing, founding a grist mill and a nail factory at Monticello (and hoping to make a profit from them). Some seeming contradictions reflect deep differences in values between his era and ours. For example, he claimed to hate politics but allowed his name to be put forward for high political office. Was he dishonest? Or was he acting as an eighteenth-century gentleman, who knew that naked ambition was dishonorable and that a candidate was supposed to deny ambition and to accept office reluctantly? In a more troubling example, his arguments for human equality clash with his opinions about racial inequality and the

INTRODUCTION

xvii

differences supposedly fitting men for, but excluding women from, politics and government. Jefferson's personality was rife with contradictions. Although he defended freedoms of speech and press, he was willing to use harsh legal measures against those who attacked him or disputed his views of democracy.¹⁵ He could voice friendship for someone, only to criticize him harshly to others. Jefferson's circle of correspondents was so wide that he could write conflicting things to different people with slight risk that the inconsistencies would emerge in his lifetime. When those conflicts did surface, he found the resulting uproar deeply embarrassing. James Madison, Jefferson's closest friend, penned a shrewd warning after Jefferson's death that all who study him should heed. Like "others of great genius," he noted, Jefferson had a habit "of expressing in strong and round terms, impressions of the moment."16 That is, he wrote so much, so often, that he regularly contradicted himself as he wrote under the influence of a specific preoccupation.

In recent years, Americans have grown to distrust those who claim to speak in the name of the people; they are cynical about politicians and suspicious of government. Jefferson's words have always fueled such views of government and politics. Ironically, many people apply their distrust, cynicism, and suspicion to Jefferson himself, often reacting against the hero-worship formerly lavished on him.

As I was finishing this biography, the events of September 11, 2001, intervened. One key change wrought in American life by the tragedies at the World Trade Center and the Pentagon was the shattering, once and for all, of the idea of American invulnerability—an idea that found eloquent expression in the writings of Thomas Jefferson and Abraham Lincoln.

On March 4, 1801, in his First Inaugural Address, Jefferson reminded his countrymen that they were "[k]indly separated by nature and a wide ocean from the exterminating havoc of one quarter of the globe....¹⁷ So, too, on January 27, 1838, the young lawyer Abraham Lincoln told his neighbors in an address titled "The Perpetuation of Our Political Institutions":

Shall we expect some transatlantic military giant, to step the Ocean, and crush us at a blow? Never! All the armies of Europe, Asia and Africa combined, with all the treasure of the earth (our own excepted) in their military chest; with a Buonaparte for a commander, could not by force, take a drink from the Ohio, or make a track on the Blue Ridge, in a trial of a thousand years.

At what point then is the approach of danger to be expected? I answer, if it ever reach us, it must spring up amongst us. It cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a nation of freemen, we must live through all time, or die by suicide.18

What the Japanese attack on Pearl Harbor in 1941 could not do, what nearly half a century of the cold war could not do, the events of September 11 accomplished. The destruction of the World Trade Center, the attack on the Pentagon, and the crash of Flight 93 in rural Pennsylvania have combined to bring this era of trust in American invulnerability to an end.19

In light of these unsettling new realities, we might well ask, what possible relevance does the life of Thomas Jefferson have to us, post-September 11? We live in what we assure one another is an era of unprecedented crisis. And yet, as we sift the letters of Jefferson and his contemporaries, we find that they lived their entire adult lives in an atmosphere of constant crisis.20 First, from 1765 to 1775, they had to weather the dispute with Great Britain over the American colonists' rights and responsibilities under the unwritten English constitution. Next, from 1775 through 1783, they had to declare and then to win American independence in an unprecedented, grueling war against one of the world's most formidable military and naval powers. Beginning in 1776, they undertook a series of complex, unprecedented struggles to devise new forms of government to secure the fruits of that Revolution. Even with the framing and adoption of the Constitution in 1787-1788, their sense of crisis was not at an end. Now they faced yet another series of struggles, spanning the rest of their lives, to make their new systems and institutions of government work, to conduct politics within a new and untried constitutional framework, to test whether political conflict and factional strife could be contained within the matrix of the Constitution. Even in retirement, Jefferson, Madison, and their colleagues were besieged by questions, pleas, and demands for advice and guidance.²¹

Throughout their careers, then, Jefferson and his contemporaries always were aware of the fragility of their endeavors, and that awareness fed and fanned their sense of crisis. Their commitment to combating the risks facing the young Republic, and their willingness to pay the price of grinding toil and heartbreak that it exacted from them, ought to reassure us and to challenge us. Jefferson and the other members of the Revolutionary generation (a group that actually spanned three generations) were forced by their circumstances to learn on the run, and their most remarkable exercises of creative adaptation should challenge us to do likewise.

Bridging the gap between the past and the present, while preserving a sense of the inescapable differentness of the past, is the ultimate challenge facing the historian and the biographer. Few historical figures pose that challenge in terms more exacting and agonizing than Thomas Jefferson does, requiring from us, as historians and biographers, neither defensive praise nor unsparing censure. As the English biographer and literary critic Victoria Glendinning has written, "Rebecca West once said that to understand is not to forgive. It is only to understand. It's not an end but a beginning. Knowledge is power."

A Note on Quotations: Jefferson and his contemporaries wrote before the standardization of spelling, capitalization, and punctuation. Thus, all quotations appear as they do in the source cited for each quotation.

Chapter One

A YOUNG GENTLEMAN OF VIRGINIA (1743-1774)

ACCORDING TO FAMILY TRADITION, Thomas Jefferson's earliest memory was of a trusted slave carrying him, at the age of two, on a pillow when his family moved from his birthplace, the Shadwell plantation, to the Tuckahoe plantation, along the James River above Richmond. Eightyone years later, as Jefferson lay on his deathbed, passing in and out of delirium, another trusted slave was the only one present who understood and honored his dying request to have his pillows adjusted so that he could lie more comfortably.²³ From cradle to grave, Jefferson was surrounded and supported by the institution of slavery, a core element of the life of Virginia's gentlemen farmers. No matter how modern, even forward-looking, he seems to us, he was a product of his time and place.

Jefferson was a member of one of Virginia's most prominent families. Unlike other members of his social class, however, he was born and raised on the western edge of Great Britain's American empire. His early makeup thus blended aristocrat and frontiersman. Jefferson was born in April 1743 at Shadwell, in Goochland (later Albemarle) County. He recorded his birthdate as April 2, 1743, under the "Old Style" calendar used in England until 1758. When in that year the British adopted the more reliable Gregorian calendar, all dates shifted forward eleven days; thus, we observe Jefferson's birthday on April 13.