

**The Radical Democratic Thought of Thomas Jefferson:
Politics, Space, & Action**

Dean Caivano

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Abstract

Thomas Jefferson has maintained an enduring legacy in the register of early American political thought. As a prolific writer and elected official, his public declarations and private letters helped to inspire revolutionary action against the British monarchy and shape the socio-political landscape of a young nation. While his placement in the American collective memory and scholarship has remained steadfast, a crucial dimension of his thinking remains unexplored. In this dissertation, I present a heterodox reading of Jefferson in order to showcase his radical understanding of politics. Although Jefferson's political worldview is strikingly complex, marked by affinities with liberal, classical republican, Scottish, and Christian modes of thought, this interpretation reveals the radical democratic nature of his project. Primarily, this dissertation expands the possibilities of Jefferson's thought as explored by Hannah Arendt and other thinkers, such as Richard K. Matthews and Michael Hardt. Drawing from these explicitly radical readings, I further dialogue with Jefferson's thought through extensive archival research, which led me to engage in the theoretical and historical sources of inspiration that form and underscore his thinking. In so doing, I offer a new reading of Jefferson's view on politics, suggesting that there contains an underlying objective, setting, and method to his unsystematic, yet innovative prescriptions concerning democracy. Taken together, these three features of his thought point to a vision of democracy that is made possible through a widening of the circle of political citizenship; a form of politics defined by the active and ethical participation of all, enacted upon public spaces and sustained through training, deliberation, and action.

Dedication

*To Sarah & Florence Lillian,
for pursuing our own maison du bonheur.*

Acknowledgments

This project is a result of innumerable exchanges of ideas and endless displays of encouragement. Although my name bears the sole mark of authorship, countless individuals made its conception, execution, and outcome a reality. While it would be fitting to indicate *all* or even the *many* who have actively shaped my intellectual curiosity over the years, I find myself confined by time and space to mention only a select *few* to whom I am deeply indebted for their feedback, guidance, and love.

My exploration of Thomas Jefferson's writings greatly impinged upon archival research. In this regard, the Robert H. Smith International Center for Jefferson Studies at Monticello, VA and the American Political Science Association's Centennial Center for Political Science and Public Affairs in Washington, DC proved to be beacons of both intellectual and financial support. The opportunity to survey firsthand the vast and daunting canvas of Jefferson's imagination at Monticello and the Library of Congress was directly tied to the generous funding afforded to me by these organizations.

Graduate school is a challenging terrain. Its contours are frequently marked by more failures and struggles than successes. My time at York University has certainly been challenging, underscored by two protracted labor disputes, two life-saving medical procedures, and the financial hardships that accompany graduate-life. On this front, my continuation in the formidable years of the political science program was sustained by the mentorship and assistance of Terry Maley. In the later years of the program, Bob Froese, Janaya Letkeman, and Julian Campisi were not only friends, but became family. Hailey Murphy has been a friend and confidante, helping me to stay afloat during murky waters while cherishing the *eudemonia* that surrounds us.

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My parents have made sacrifices beyond comprehension, always giving, yet never expecting anything in return. None of this would have been possible without their love. Lastly, Sarah and Florence Lillian have taught me to be patient, to believe in my abilities, and to embrace an ethic of *amor mundi*. Together, we have forged our own little world, sustained by laughter, bonheur, and, love. This work is for the two of you.

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PREFACE

Maybe the target nowadays is not to discover
what we are but to refuse what we are.¹

– *Michel Foucault*

When patience has begotten false estimates of it's motives,
when wrongs are pressed because it is believed they will be borne,
resistance becomes morality.²

– *Thomas Jefferson*

In the pantheon of eighteenth and nineteenth century radical democratic thinkers there is a glaring omission. Etched into the Western political canon the names of Jean-Jacques Rousseau, Thomas Paine, Mary Wollstonecraft, and Karl Marx, endure as important contributors to the idea of a society governed by the people. Repudiating a political order demarcated by hierarchical seats of authority in the form of rule by *One* or the *Few*, the promise of democracy offered nothing short of a total reconfiguration and transformation of the limits of political power and, correspondingly, the suitable location for its actualization found in the hands of the *Many*. While democratic theory of late-Enlightenment stood, in many ways, in direct contrast to the highly participatory practices that underscored the ancient Greek *polis* or the Roman *res publica*, a turn towards a representative democratic polity – where the people do not speak directly –

¹ Michel Foucault, "The Subject and Power," *Critical Inquiry* 8, no. 4 (1982): 785.

² Thomas Jefferson to Anne-Louise-Germaine Necker, Baronne [de] Staël-Holstein, 16 July 1807, *Founders Online*, National Archives, <http://founders.archives.gov/documents/Jefferson/99-01-02-5977>.

emerged as a remedy to overcome the dilemma of finite space and the perils of social and economic alienation that accompanied the emergence of a fledgling market society.³

Key events of this period only helped to reaffirm the primacy of popular sovereignty and the possibility of a rule by the Many. From the adoption of the *Declaration des Droits de l'Homme et du Citoyen* to the insurrection and ultimate victory of slave liberation in Saint-Domingue to an establishment of a dictatorship of the proletariat found in the Paris Commune, *the people* were winning back the always contestatory battle for authorship of *the political*. These transformative centuries of revolutionary thought and action evinced by the ongoing struggles of the people signify the difficult terrain that emancipatory politics must maneuver in order for the ideals of political freedom and equality to be realized. The advances and successes won at the hands of the people to achieve political liberation remain in tension with the forces that seek the suppression, if not assured obliteration, of *vox populi, vox Dei*.⁴ As Joseph de Maistre famously remarked, "The counter-revolution will not be a revolution in reverse but the opposite of revolution."⁵ In this light, the achievements and failures of prior democratic experiments have much to offer to the contemporary observer, informing us

³ In this way, "simple democracy" could be overcome, as Thomas Paine suggests, by grafting representation upon democracy. The result would produce a "system of government capable of embracing and confederating all the various interests and every extent of territory and population." See Thomas Paine, *The Rights of Man, Part the Second* in *The Complete Writings of Thomas Paine*, vol. 1, ed. Philip S. Foner (New York: Citadel Press, 1945), 371.

⁴ See Sheldon S. Wolin, "Transgression, Equality, and Voice," in *Fugitive Democracy: And Other Essays*, ed. Nicholas Xenos (Princeton: Princeton University Press, 2016), 76.

⁵ Joseph de Maistre, *Considerations on France*, ed. Richard A. Lebrun (Cambridge: Cambridge University Press, 1994), 83.

of the limits of emancipatory politics – if we can consider there to be any limitation at all? – and the barriers – institutionally, socially, and cognitively – that impede a political experience defined by the collective exercise of power.

It is here that the present study takes root. In the pages that follow, I seek to propose an alternative theory of democracy established along the lines of a transformation of the ossified categories of political rule. I suggest that this break with the dominant One/Few/Many modeling⁶ emerges from a somewhat unexpected place, scattered across nearly seven decades of personal writings from the principal author of the *Declaration of Independence*. While Thomas Jefferson is often cited as a key figure in the development of American democracy, his placement is miscast. Rather, I argue that an unrecognized dimension of Jefferson's thought has remained uncharted, offering a vision of a political community expressed by a *politics of all* sustained by perpetual political action situated in a localized setting. A presentation of this type of political configuration aims at not simply destabilizing Jefferson's place in the early American register, but by situating his thought as an influential voice in the cosmos of radical democratic theory.

But what exactly is a politics of all, and, crucially, does it represent a theoretical moment unique to the Jeffersonian imagination? Vitaly, the idea of a politics of all is not strictly a Jeffersonian meditation. In fact, the twentieth century was defined by a

⁶ See Aristotle, *Politics*, trans. T.A. Sinclair (London: Penguin Books, 1981), BK III, Part VII, 189-190.

promissory and grand mapping of a politics of all. However, these striking moments emerged under and crucially within totalitarian regimes, particularly Nazi Germany, Mussolini-led Italy, and Soviet Russia. In these cases, the promise of a politics of all sought to erase the very divisions that come to define all societies.⁷ By concealing the precise divisions that permit plurality to publically appear, totalitarian regimes dangled, by manipulation and force, the idea of a unified and coherent body that would bring an end to internal conflict and dissent. While this spiritual conversion of the people proceeded along the contours of a strict obedience to a national leader, it imbued at the very base, the pledge that all would be counted. Crucially, it also inscribed the idea that all would be deemed essential to the vitality and growth of the body politic. To sustain this configuration of a politics of all, articulated by One, and then return back to all, totalitarian regimes obliterated the grounding for politics, ostensibly expunging the *publicness* of the human condition.⁸

Jefferson's politics of all, however, is of a different ordering. Through a reorientation of processes of politics back to the people, Jefferson's conceptual horizon strives to expand the political for all, yet prevents particular divisions, specifically those of an artificial distinction and calibration, to dominate public affairs. Rather, natural divisions subscribed along lines of political virtue play a prominent role by bringing to

⁷ Claude Lefort, *The Political Forms of Modern Society: Bureaucracy, Democracy, Totalitarianism*, ed. John B. Thompson (Cambridge, MA: The MIT Press, 1986), 286.

⁸ Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt, Brace & Co., 1973), 474.

the surface the sociological underpinnings of a political community. An exposure of the origins and permutations of power, understood always in a collective orientation,⁹ helps to reveal the central core of Jefferson's politics, affirming an erasure not of primary societal divisions, but of the artificial impediments that prevent all from attaining the full status of political citizenship. Democratic politics understood in this manner becomes less about winning the right to be counted and more narrowly centered on challenging the very idea of vesting authority outside the proximity of the people to a non-place, a setting absent of individuals exercising their capacities as citizens. A democratic politics of all, then, is disposed to the creation of new relations rendered visible through a series of spaces between all those already counted as citizens announced in the immediate.

However, a configuration of politics in this form requires for Jefferson a specific type of maintenance. Centrally, the requisite space and time for an articulation of a politics of all necessitates a constant action against external sources of control and authority. The full implication of Jefferson's understanding of political action represents a caesura offering the scope of the expressive activity beyond the terms of agonism, agitation, or even, revolutionary action. Instead, I will show through a careful exposition of specific politico-historical sites and events that action is a *fundamental condition of political life*, an expression of the ethical and social association between

⁹ Hannah Arendt, "On Violence," in *Crises of the Republic* (New York: Harcourt, Brace & Co., 1972), 151.

people in a localized space. The primary objective of this understanding of action runs to the very heart of Jefferson's political concerns, namely, the necessity – in nearly Newtonian terms – for perpetual challenges by all against forms of governments that claim total control and sovereignty over all realms of political, economic, and social life. It is here that the Jeffersonian imagination reveals its most theoretically rich access point in envisioning a project of radical politics; a call for action directed against the logic of government-form in pursuit of the realization of freedom and equality that is made possible only in the ephemeral *moments* wherein the political appears in a harmonious relation to all vicissitudes of social life.¹⁰

Of course, Jefferson's politics of all is a phantom. It was an unattainable offering terminally negated by the contradictory actions of its architect that fails to escape the settler colonial framework of its conception. Jefferson was certainly a thinker of his time and, at moments, a voice that in cursory, chaotic notes transcends the problematic nature of the early republic to the very plane of political ideas. However, the panacea for an emancipatory project *for our times* is not to be found through or within his thought. Importantly, then, it is imperative to note that this project is not constructed as a device to justify or rehabilitate the problematic elements of either Jefferson's thought or the direct political actions initiated during his tenure in political office. Jefferson's

¹⁰ This point runs closely in line with Miguel Abensour's articulation of a "true democracy." See Miguel Abensour, *Democracy Against the State: Marx and the Machiavellian Moment*, trans. Max Blechman and Martin Breugh (Cambridge: Polity, 2011), 92.

compelling rhetoric is often seeped in emancipatory inflections, yet crucially it remains a system of domination and dehumanization, which he played an active part to legitimate and reinforce. However, Jefferson, the thinker, scientist, politician, and slaveholder, continues to haunt the American psyche in compelling and problematic ways.

As such, I want to suggest that by interrogating Jefferson's thought – all of it, including, the problematic *and* radical elements – we may actually come to draw important lessons for our present period of political unrest and disenchantment. Perhaps, we shall arrive at an impasse, a complicated juncture that helps to drag important facets of our contentious historical legacy into the public sphere. We may, then, after careful scrutiny, resolve that the figure of Jefferson no longer occupy a place of prominence in our collective memory. In Jeffersonian fashion, subsequently, the present generation might, in fact, break free from the past and begin anew, reopening the horizons ahead for future generations to an idea of a political community of all, by all, and for all.

INTRODUCTION

Without a politically guaranteed public realm,
freedom lacks the worldly space to make its appearance.¹

– Hannah Arendt

I have no fear that the result of our experiment will be that men
may be trusted to govern themselves without a master.²

– Thomas Jefferson

“We are all republicans: we are all federalists”

A sense of uncertainty hovered over the steps of the US Capitol. It was not the first time that a murmuring sensation of hopelessness and fear had pervaded the streets of the nation’s capital. For this city – home to the grandiose moments of a nation’s past erected and remembered in pillars of white marble and stone – has borne witness to over two centuries of political change and resistance. However, this day, the twentieth of January 2017, marked a transition of executive power into the hands of a president devoid of prior political or military experience. For the first time in the history of the republic, the highest political seat of power would be governed by a real estate mogul turned Republican candidate, rather than a member of the political class.³

After a divisive and tumultuous presidential election season characterized by inflammatory rhetoric, FBI investigations, and cyber leaks, the position of Commander-

¹ Hannah Arendt, “What is Freedom?” in *Between Past and Future* (New York: Penguin Books, 2006), 147.

² Thomas Jefferson to David Hartley, 2 July 1787, *The Papers of Thomas Jefferson*, vol. 11, 1 January–6 August 1787, ed. Julian P. Boyd (Princeton: Princeton University Press, 1955), 525-526.

³ By political class, I am directly borrowing from the thought of Max Weber, namely viewing politics in vocational terms, not for strictly personal gain. See Max Weber, “Politics as a Vocation,” in *The Vocation Lectures*, eds. David Owen and Tracy B. Strong, trans. Rodney Livingstone (Indianapolis: Hackett Publishing Company, 2004).

in-Chief, an office once held by the likes of Washington, Jefferson, Lincoln, and FDR, was preparing for a new occupant. With flags raised high and ceremonial cannons in tow, the stage was set for the swearing in of the 45th President of the United States of America, Donald J. Trump. For some, the electoral success of the Trump-Pence ticket represented a populist victory of the alt-right against the status quo and the bloated welfare-state policies championed by the Democratic Party. For others, it illustrated the very worst of America: an explicitly racist and xenophobic platform, a slash and burn managerial handling of the federal system, and a tightrope balancing act of *appearing* compassionate while, at the same time, maintaining a fervent commitment to austerity policies and supply-side economics.

As a politically divided nation turned its eyes to the opulent stage assembled at the base of the Capitol Building, Senator Roy Blunt of Missouri, Chairman of the Inauguration Committee, stepped to the podium to commence the official transfer of power. In front of Senator Blunt, hundreds of thousands of onlookers stood, packed within every crevice of the National Mall, filled with suspended exuberance. Behind Senator Blunt, President-Elect Trump, joined by family members and close confidantes, sat in plush leather chairs alongside four former presidents, Supreme Court Justices, and national dignitaries. In reverent silence, the premier members of the American ruling class turned their attention to the podium.

Aware of the contentious fog that permeated the political landscape of the American republic and lurked in the air on this overcast and breezy Friday morning of Inauguration Day, Senator Blunt directed his words not to the upshot of a Republican controlled Congress and White House, but rather to the early beginnings of the nation. Hoping to assuage the radiating fervor of political unrest, Senator Blunt sought solace in the words of America's third president, Thomas Jefferson. Recalling in brief historical strokes, he drew parallels from the current air of political turmoil and the outcome of the 1800 presidential clash between Jefferson and John Adams.

In that election, the future of the infant state was up for grabs. As an ardent supporter of federalism, Adams argued in opposition to Jefferson's platform that stressed a transition of consolidated power away from the federal government and into the hands of the states. For the two dominant political parties – the Federalists and the Democratic-Republicans – the very arrangement of the republic was at stake. More than ever, the election centered around two competing political visions. Two ways of life that would influence and direct the flow of governmental power and authority. In a nuanced, yet strikingly profound manner, the contest for the presidency would provide an answer to the decisive question that has continually plagued the psyche of the

American electorate: *Who governs? And, in turn, what is the scope of legitimate governmental power?*⁴

The outcome of the election, in a manner only fitting for a contest of its magnitude, was neither straightforward nor apparent. Due to a constitutional flaw – a provision that permitted members of the Electoral College to vote for two presidential candidates – Jefferson and his running mate, New York Senator Aaron Burr, each received 73 electoral votes whereas Adams, the incumbent president, received only 65. The electoral deadlock between the two Democratic-Republican candidates was to be decided in the Federalist-controlled House of Representatives. Disenchanted by their party's defeat and a fervent unwillingness to vote for Jefferson, their political rival, the majority of Federalist representatives threw their support behind Burr. However, a supermajority was needed and neither Jefferson nor Burr reached the required nine delegation votes to capture the presidency. What ensued was an exercise in legislative deadlock *par excellence*, as 35 ballots would be cast with none of them procuring a victor. Finally, after seven days of deliberation and voting, the state delegations from Vermont

⁴ Of course, this is not a specifically American question as all ideas and questions of political life deal with issues of power. However, mainstream American scholarship post-WWII has been increasingly interested in *who* holds power and *how* that power can be exercised with the presence of the state being held constant. This driving question has pushed questions concerning the "Good Life" to the background of the American landscape. American political philosophy, as such, has become a secondary mode of investigation that no longer deals with the ordering principles of society. Instead, the field of American political science looks, almost exclusively, to the interactions and exchanges between citizens/corporations/NGOs and the state. Two texts that capture this approach are E.E. Schattschneider's *The Semisovereign People: A Realist's View of Democracy in America* (1960) and Robert Dahl's *Who Governs?* (1961).

and Maryland transferred their vote over to Jefferson's column. After 36 ballots, Thomas Jefferson was finally elected president with Aaron Burr relegated to the Office of the Vice President. The intense intra-party fighting of the Federalists as well as the persistent feeling of uncertainty that clouded the electoral process – tinkering at times to the very edge of political instability and chaos – left a nation severely divided on the eve of a new era of Jeffersonian politics.⁵

The same scent of inimicalness that had clouded the first inauguration of Jefferson reappeared on the national stage once again following the unexpected and, for many political analysts, nearly unexplainable, victory of Trump. Much like the election of 1800, frequently deemed as a political revolution by scholars, the future and soul of the republic was subject to the ballot.⁶ For Trump and the Republican base alike, the logic of the election was reduced to a mere binary: “Either we have a country or we don't.”⁷ Thus the political success rendered by this biting reductionist message of the

⁵ Two detailed accounts, ripe with the daily herculean maneuverings of the events surrounding the task of breaking an electoral deadlock, wonderfully capture the chaos of the 1800 election, see Edward J. Larson, *A Magnificent Catastrophe: The Tumultuous Election of 1800, America's First Presidential Campaign* (New York: Free Press, 2007). Also, see John Ferling, *Adams vs. Jefferson: The Tumultuous Election of 1800* (New York: Oxford University Press, 2004).

⁶ For an examination of the impact of Jefferson's electoral victory and the resulting abolishment of the Federalist Party, see Susan Dunn, *Jefferson's Second Revolution: The Election of 1800 and the Triumph of Republicanism* (Boston: Houghton Mifflin, 2004). Also, see James Horn, Jan Ellen Lewis, and Peter S. Onuf, eds., *The Revolution of 1800: Democracy, Race, and The New Republic* (Charlottesville: The University of Virginia Press, 2002).

⁷ This claim, in some ways, was the beginning of an unleashing of inflammatory rhetoric by then-Republican primary long shot Donald J. Trump delivered at the Iowa State Fair in August 2015. Since the claim “resonated” with the extreme right of the party, Trump, once again, took up the message in November 2015, albeit, this time, via Twitter. It has become the criterion for political decision-making, not

Republicans was not cause for reflection, but an authorization for a hyper-acceleration of policies grounded with protectionist and deregulation inflections. But as electoral success is always coupled with discontent in a two-party system, the chasm between Democrats and Republicans only intensified in the days and weeks following the election. That very same existential claim that proved so successful for Trump was now universal throughout the political landscape of the American populace. Disenchantment was ubiquitous and the foundation of the republic swayed precariously in the balance as the lantern of freedom began to dissipate for the shining city upon a hill.⁸

It was with that sense of desperation and that recognition of a national identity at crisis that parallels between the elections of 1800 and 2016 can be drawn. What was at stake, both then and now more than ever, was nothing short of a total redrawing of the political map, electorally and symbolically. The beginning of two new periods of American politics charged with confronting tensions between the retraction and relocation of political power via classical republican principles and the expansion of the

only by the Trump administration, but also by Democrats alike, in all avenues of governance: borders, immigration “reform,” austerity measures, and health care overhaul.

⁸ The uniquely American claim that it is a shining city upon a hill has been utilized as a campaign and rhetoric technique for centuries. It has, in a very fascinating manner, become a vital part of the American political vernacular. Of course, its lineage can be traced from the Gospel of Matthew (5:14), while making its first major reference in the New World by John Winthrop. However, the claim became a rallying cry for the forward-looking ethos of John F. Kennedy’s 1960 presidential campaign, and then, in more vague form, in the speeches of President Ronald Reagan. A direct transformation of this claim, one that accentuates more egalitarian principles, rather than the pedantic ethos of conservatism, can be found in former New York Governor Mario Cuomo’s address at the 1984 Democratic National Convention, titled, “A Tale of Two Cities.”

empire through imperialistic pursuits. Just as Jefferson prepared to ascend to the presidency in the wake of a stormy and rancorous election, Trump, too, faces a nation defined by discord rather than unity. Perhaps, then, it is apropos that the beginning of President Trump's inauguration ceremony began with a return to the words and guiding ethos of Jefferson's first inauguration speech. Citing Jefferson, Senator Blunt reenlisted that infamous line of harmony coupled with a delicate offering of reconciliation: "We are all republicans: we are all federalists."⁹ Jefferson's words of reunification leapt out into the consciousness of early nineteenth century America imploring an atmosphere of respect and bipartisanship. His words, in turn, have endured as an important example of the complex process of national healing and a lesson in political civility and dialogue. How Jefferson's call of rapprochement will impact the current administration – an administration that has blatantly and unabashedly advanced policies antithetical to inclusion and political equality – is left to be determined. But what is clear is that the political philosophy of Thomas Jefferson, often formulated in mythological expressions, continues to haunt the social imaginary of the American republic.

⁹ For Jefferson's original claim, see "III. First Inaugural Address, 4 March 1801," *The Papers of Thomas Jefferson*, vol. 33, 17 February–30 April 1801, ed. Barbara B. Oberg (Princeton: Princeton University Press, 2006), 148-152. For Senator Roy Blunt's reference to Jefferson during the opening moments of President Donald J. Trump's Inauguration Ceremony it is necessary to watch, or rewatch, the television coverage provided by the major American news outlets, including CBS, ABC, and NBC. Surprisingly, the major American newspapers made no reference to Senator Blunt's homage to the influential speech of the third president of the United States.

“All men are created equal”

On 4 October 2016, the eyes of the American electorate turned their attention to the first and only vice presidential debate. Hundreds of avid supporters interspersed with undecided voters, packed the auditorium of Longwood University in Farmville, Virginia to watch the vice presidential nominees make their case on a national stage. With millions of viewers tuned-in from across the nation, Democratic vice presidential nominee, Senator Timothy Kaine of Virginia, sought to strengthen, if not, at the very least, maintain the purportedly insurmountable lead for the top of the ticket as declared by the prophetic political wonks and corporate media networks wedded to the dictates of metadata. For Republican challenger, Governor Michael Pence of Indiana, his task was demanding: assuage the self-inflicted hemorrhaging spurred by the racist, misogynistic, and xenophobic rhetoric espoused by presidential nominee Donald J. Trump.

As the auditorium drew dark and the glow of the pulsating spotlights primed for the television cameras illuminated the patriotically themed stage, the candidates appeared against the backdrop of the eloquently sweeping opening lines of the *Declaration of Independence*. As the debate commenced, both candidates tactfully went on the offensive fashioning a strategy that forced their counterpart to respond and react, rather than advance any plank of a coherent policy platform. At times, the vice presidential nominees were forced to not only defend their running mate, but also any

remaining ideological value of American conservatism and liberalism. Although the sporadic and discombobulated agenda invited a disparate cornucopia of topics, thus mitigating any level of robust dialogue, Jefferson's axiomatic self-evident claim that "all men are created equal" lingered ever presently in the background of the heated and uncivil political scene.¹⁰

During a pivotal moment of the debate, the conversation shifted to the hot-button topic of immigration. This issue, seemingly always linked with a concern over securing the American way of life through militarized borders, maintained a salient talking point for both campaigns. For many voters, the immigration "crisis," theatrically fabricated by unsubstantiated crime rates committed by "illegals" and the porous southern border that facilitated a pouring-in of drugs and crime, was desperately in need of resolution. The traction of Trump's call for a US-Mexican wall serves to illuminate the growing sentiment of division within the American electorate that is firmly entrenched in an us-versus-them binary, supposedly threatening the very existence of the republic.

Further perpetuating the narrative of the mysterious and dangerous "Other," Pence and Kaine delivered a package of immigration reforms that were inherently grounded in a prioritization of national security over human rights. As expected, both

¹⁰ "V. The Declaration of Independence as Adopted by Congress, 11 June–4 July 1776," *The Papers of Thomas Jefferson*, vol. 1, 1760–1776, ed. Julian P. Boyd (Princeton: Princeton University Press, 1950), 429–433.

candidates appealed to their respected bases to appease party supporters. However, emblematic of the growing trend of escalation in American politics to win over undecided voters, Pence and Kaine offered a ferocious and unwavering commitment to a proliferation of draconian and inhumane security measures in the form of mass deportations, family detention centers, and militarized border crossings. Strength and a resolute protectionist attitude thus emerged as the necessary qualities to rectify the immigration problem.

The thrust of the immigration matter focused around the growing concern over Syrian refugees. Demonstrating a hardline mentality typical of contemporary Republican politicians, Pence emphatically declared that the safety of the American people would be the primary goal of a Trump administration. According to Pence, expulsion and prohibition of Syrian refugees was the only viable policy option to guarantee the security and safety of the United States. Ensuring that he and his running mate would not be accused of being soft on immigration reform, Kaine, too, advocated for stringent immigration enforcement and comprehensive vetting of incoming refugees.

At a critical juncture of the debate, as the articulation of their immigration plan reached its apex, a heated and discourteous exchange developed, one marked by frequent interruptions and tenuous claims, hence creating confusion and a sense of civil indecorousness. Accusing the Trump-Pence vetting strategy as discriminatory because

it was based on citizenship and religion, Kaine affirmed the act of vetting itself, but further challenged the justification for the procedure. Instead, Kaine suggested that decisions for admittance should be determined by a risk-based analysis for each individual applicant. Breaking the flow of Kaine's rhetoric, Pence quickly intruded hoping to seize the issue at hand. Responding in a balanced, yet passionate manner, Kaine asserted that a vetting process premised along racial and religious lines was highly problematic. His reply that such an approach would be "completely antithetical to the Jeffersonian value of..." was abruptly interrupted by Pence and then further obscured by the intruding moderator, Elaine Quijano.¹¹ Pence responded swiftly and reaffirmed control of the issue, quickly rerouting the focus of the conversation back to the likelihood of terror attacks committed by incoming refugees. In a fleeting moment – one embryonic for a robust and meaningful conversation – the Democratic vice presidential nominee's appeal to the political philosophy of Thomas Jefferson vanished into the nocturnal Virginian air.

Surprisingly, neither Pence nor Quijano offered any response to Kaine's invocation of Jefferson. Kaine, himself, concluded the debate without promoting any further mentions of the political vision of Jefferson. In the aftermath of the vice

¹¹ See post-debate coverage provided by *Politico*, *The Washington Post*, *The New York Times*, and *The Los Angeles Times* appearing on 4-5 April 2016. In each of these four major publications, Kaine's line in reference to Jefferson is incomplete. The interruption by Pence towards Kaine's oratory is demarcated by the symbols "--" and "..." or simply indicated by the word "crosstalk."

presidential debate, coverage and analysis by political pundits, journalists, and politicians alike, strikingly neglected Kaine's reference of Jefferson. In fact, to scan the debate transcripts published by the major American news outlets, including *The New York Times* and *The Washington Post*, one would merely find the word "crosstalk" printed to indicate the point of interruption by Pence and, in turn, the termination point of Kaine's Jeffersonian claim. In a confounding manner, then, a mythologized understanding of Jefferson's thought once again appeared on the stage of American politics only to assiduously disappear in a myopic and perplexing fashion.

The fascination with Jefferson in the collective memory of the American public thus remains palpable; however, the key pieces of the Jeffersonian tapestry are categorically missing. A judicious return to Kaine's aborted claim is telling. For what it reveals is not the real Jefferson, but rather, an *unknown* Jefferson: one that conceives of democratic politics as a series of perpetually ongoing struggles by all against seats of authority too far distant from a local political community. To illuminate this Jefferson, we must begin at the final inflection of Kaine's reference, a point that was deeply obscured by virulent objections and misinterpretations. In so doing, the conclusion becomes our entry point into the uniquely radical democratic philosophy of Thomas Jefferson through the uncovering of the climactic word at the end of Kaine's assertion, which was never reported nor questioned post-debate. A term that at *once* and *repeatedly*

reopens the political to the potential of public and private happiness through an announcement of plurality: equality.¹²

“Is it the Fourth?”

A spirit of jubilant happiness permeated the American republic. It was 4 July 1826 and the former colonies of British America were rejoicing in the glow of the fiftieth anniversary of the signing of the *Declaration of Independence*. In the federal capital and small towns across the land, festivities were underway commemorating the nation’s birthday. Although the struggle for independence against the tyranny of King George III remained dearly in the hearts of the American people, the grand spectacle of the celebrations reaffirmed the forward-looking ethos of the American spirit. It was, by many accounts, a day marked by solemn reverence for the past, balanced with a steadfast yearning for the light of independence to shine luminously and perpetually into the future.

The euphoric attitude that flooded every corner of the nation for the memorialization of the United States, however, reached Quincy, Massachusetts in a hushed tone. It was there that America’s second president and prominent Founding

¹² As a comprehensive debate transcript – one that includes moments of interruption and convoluted over-talk between the candidates – is not available from the major news reporting agencies, it is necessary to return to the video of the debate. In so doing, Kaine’s entire claim can be heard, which, importantly, ends with the word “equality.”

Father lay bedridden as his health rapidly deteriorated. Surrounded by family members, Reverend George Whitney, and Dr. Hoibrook, the ninety-year-old John Adams slipped in and out of consciousness throughout the early morning. As the life of America's most staunch supporter of federalism swayed in the balance of the humid New England air, triumphant and celebratory cannons could be heard in the distance. As noon approached, gloomy, ominous clouds moved into Quincy, carrying with it a battery of heavy rain and roaring thunder. Slowly and with great effort, Adams stirred throughout the day, only to quickly succumb to the pressing ailments of a dying body. It had been his great wish to celebrate the fiftieth anniversary of the founding of the republic and his body struggled to fulfill his desire. Just a few days prior on 30 June, a ceremonial delegation appointed by President John Quincy Adams, visited the aging patriot to seek guidance for the president's toast during the official state party to be held on the fourth of July. Without provocation, Adams provided his oratory advice in a short, unequivocal flair: "Independence forever!"¹³

Torrential rain continued throughout the afternoon as alarming claps of thunder reverberated throughout Peacefield, the home and farm of the Adams family. By late day, the torrid rain that had dampened the anniversary celebrations dissipated, inviting

¹³ See John Ferling, *John Adams: A Life* (New York: Henry Holt and Company, 1996). Also, see David McCullough, *John Adams* (New York: Simon & Schuster, 2002); Darren Staloff, *Hamilton, Adams, Jefferson: The Politics of Enlightenment and the American Founding* (New York: Hill and Wang, 2005). All three of these works – some written for a more scholarly audience while others for the general public – provide excellent insight into the final days of John Adams.

a cool, gentle rain. In the silent, tranquil bedroom of the political titan, Adams roused and in a divinely whispered voice declared his final words: "Thomas Jefferson still survives."¹⁴ A few short hours later, the heart of the dynamic American revolutionist and statesman stopped beating. The storm clouds around Quincy had finally lifted and beams of sunlight broke through the budding evening sky. Sorrow and grief swiftly descended upon the Adams' estate and soon enough an entire nation would know of its fallen patriot.

Five hundred miles south of Quincy at Monticello, Virginia, a white bed sheet, affixed to a thorn bush swayed in the muggy, thick Southern evening breeze. The finely woven cotton fabric represented a message of loss and sorrow throughout the plantation. Earlier in the day, just shortly after noon, the principal author of the *Declaration of Independence* and America's third president receded into the chambers of history. Much like Adams, Thomas Jefferson too fought off the encroachments of an ailing body to baste in the radiance of America's gala of independence. On 3 July, with his health hanging precariously in the balance, Jefferson awoke from a slumber plagued with the calamities of an intruding death and summoned his doctor. In a muffled and strained voice, Jefferson inquired: "Is it the Fourth?"¹⁵ After hearing that the day of independence had not yet commenced, Jefferson quickly slipped back into

¹⁴ Dumas Malone, *Jefferson and His Time: The Sage of Monticello* (Boston: Little, Brown and Company, 1981), 498.

¹⁵ Alan Pell Crawford, *Twilight at Monticello: The Final Years of Thomas Jefferson* (New York: Random House, 2009), 241.

unconsciousness, rousing throughout the dreary night and into the early morning, finally yielding to the unrelenting dictates of death on the very same day as his former political rival, turned dear friend, John Adams.

On the day of America's greatest celebration of independence – a day that represented the victory of an improbable revolution and an advance in the progression of human rights – perhaps divine providence ordained the earthly departures of Jefferson and Adams. For all the mythological baggage that surrounds the triumphs and failures of America's Founding Fathers, some verified and others grossly exaggerated, the final days and wishes of Jefferson and Adams speak to a fundamental maxim of the American republic: *E pluribus unum*.¹⁶ Entrenched and greatly woven into the fabric of American life there exists a deeply felt sentiment that transcends the lifespan of the republic. It is the very spirit of the term *America* that calls forth ordinary individuals during extraordinary times to overcome the challenges that face an entire nation while carrying the mantle of liberty and equality into a new epoch of

¹⁶ Often treated as the de facto motto of the American republic meaning “out of many, one.” In July 1776, Jefferson, Benjamin Franklin, and John Adams were given the task of recommending an official motto for the infant republic. A Swiss artist, Pierre Eugène Du Simitière, was commissioned to devise a proposal. Although it was ultimately rejected it did contain the phrase, “*E Pluribus Unum*.” Jefferson was not a fan of the “out of many, one” idea and instead used Du Simitière's sketches for a motto provided by Franklin for the flag and symbol of Virginia. In fact, Jefferson even used the alternative motto as a wax stamp on his personal letters. That motto – Jefferson's preference – bitingly read: “Rebellion to tyrants is obedience to God.” In a letter to Edward Everett on 24 February 1823, Jefferson recommends that the correct syntax of the phrase be changed to “Rebellion *against* tyrants is obedience to God” (emphasis added). For a more detailed discussion, see Thomas Jefferson to Edward Everett, 24 February 1823, *Founders Online*, National Archives, <http://founders.archives.gov/documents/Jefferson/98-01-02-3355>.

enlightenment.¹⁷ For revolutionary America, the bearer of the torch was undoubtedly Jefferson. Whether Adams' divinatory claim that "Thomas Jefferson still survives" actually happened or not, a claim that has been disputed by historians, its revelatory quality has withstood the test of time. For wherever one turns in twenty-first century America, the shadow of Jefferson and the myth ascribed to him looms prominently in complementary and controversial ways.

An Unknown Jefferson

Political theories are defined by particular visions. An interrogation and exhibition of how power, people, and resources are best organized. To enter into a political theory is to grapple with a new understanding of how to classify, order, and reproduce a body politic. But the points illuminated by a theory only illustrate a limited viewpoint; what is concealed and cast into the shadows often speaks of a different way of answering, and more importantly, a commitment to the act of asking the questions pertinent to political life. It is the shadows of the register of early American political thought that animates this study.

¹⁷ Drawing directly from Hannah Arendt's work in "The Crisis in Education," I take the spirit of America to mean the construction of a new order (*novus ordo seclorum*), a new type of political existence, one that is as John Adams articulated, an open terrain and fresh beginning for the illumination of political emancipation. Arendt claims that America's "relation to the outside world has been characterized from the start by the fact that this republic, which planned to abolish poverty and slavery, welcomed all the poor and enslaved of the earth." See Arendt, "The Crisis in Education," *Between Past and Future*, 172.

For what is *missing* in a current understanding of American political life – an omission that finds us with a decaying republic defined by the death of civic engagement – is *already* contained within the historical struggles of individuals and collectives. This alternative vision demarcated by the attainment of political freedom and equality for all members is not codified in constitutional form or even by societal norms. Rather, it survives as a hidden tendency within the writings of Thomas Jefferson. A departure point embedded within a shadow that conceives of politics, not along metaphysical or theo-political grounds, but through the instantiation of all that challenge attempts to relocate political authority outside the immediate proximity of the local community.

It is certainly appropriate to ask: *Why Jefferson?* How in an era of American democratization, characterized by the collusion of politics and money via *Citizens United*, an assault by the Trump administration on a free and critical press, and the infringement of civil liberties at home and abroad, that an invitation to the thought of Jefferson illuminates a path towards a radical political project? Undoubtedly, myriad attempts have been made to isolate the driving ethos of his political philosophy, ranging from the influence of Lockean individualism to the Scottish Enlightenment to classical republican thought. These approaches offer varied interpretations and perspectives into the life and mind of Jefferson, often focusing on him in the *singular* as: principal author of the *Declaration of Independence*; proprietor of Monticello; diplomat to

revolutionary France; and, most notably, third President of the United States. Moreover, the lack of a political *magnum opus* has challenged scholars to wade through the countless sources of Jefferson's letters, speeches, and personal notes to present the intrinsic facets of his thought. These endeavors have often set their sights on discovering the "real" Jefferson as a congruent thinker to a particular register of thought.

It is important to flag that a refutation of the promotion of a new pedantic "real" illustration of Jefferson is central; instead, the objective is to uncover an *unknown* Jefferson. A dimension of Jefferson's thought that conceives of democratic politics as the full and active participation of all members of a community sustained by a praxis of action against intruding challenges – historically seen in forms of tyrannical governmental policies – to erode individual autonomy and communal sovereignty. Such a configuration of politics helps to illuminate Jefferson's theory of democracy. One that exists beyond institutional or procedural formulations that is properly understood as a *kind of society* demarcated by free and direct actions of self-government. C.B. Macpherson's depiction of democracy in societal terms, rather than in governmental form, sets an important background for this study:

[...] democracy as a kind of society [...] must treat the individual members as at least potentially doers rather than mere consumers, must assert an equal effective right of the members to use and develop their human

capacities: each must be enabled to do so, whether or not each actually does so.¹⁸

It is crucial to stress that the panacea for American political philosophy and politics does not exist upon a reactionary plane. A conservative reading of the primordial origins of the republic would merely highlight a specific nodal point of a prior socio-political historical epoch incapable of restoration. In this sense, a return to the scene of the founding of the American republic and an entry into the writings of Jefferson would be a fruitless attempt to resurrect particularities that appear foreign to a contemporary reader. But a return to the political philosophical writings of Jefferson is neither pragmatically superfluous nor intellectually unfruitful. Instead, it permits us to reconsider what shadows have obscured a vision of a democratic society that *could establish* the full and active participation of all members of a political community.

The pages that follow strive, therefore, to provide a new interpretation of an unknown Jefferson. A particular reading that shows the radical underpinnings of his political vision. To present this conceptualization of Jefferson's radical politics, it is imperative to highlight from the onset, that this project treats him as a *political philosopher*. Typically, the field of political theory has not treated Jefferson as a key canonical thinker.¹⁹ Discussions and examinations of his thought have most frequently,

¹⁸ C.B. Macpherson, *Democratic Theory: Essays in Retrieval* (Oxford: Clarendon Press, 1975), 51-52.

¹⁹ Andrew M. Holowchak, *Thomas Jefferson: Uncovering His Unique Philosophy and Vision* (Amherst, NY: Prometheus Books, 2014), 9.

even in revisionists' circles, taken place as an intellectual endeavor that most properly aligns in the field of history as a project of a history of ideas, rather than a scheme of political theory. In turn, this project is a work of political theory, or more specifically, an exercise in politico-historical thought.²⁰ While this project strives to trace and resurrect the threads of Jefferson's radical politics throughout his writings, its approach is historical and normative. As such it is concerned with political life and the issues that emanate from an existence that is always experienced with others.

Rethinking Jefferson

Jefferson's radical politics signifies an active involvement of all members in matters directly concerning the local community. To challenge threats that seek to undermine this localized fraternal process means to perpetually reopen the space between external forms of authority and the constitutive parts of the political. In turn, the instituting capabilities of the people enable the creation of a kind of society that resists omnipotent decrees of obedience and conformity in the attempt to achieve self-sufficiency while, crucially, remaining committed to the immediate community. The aim of Jefferson's politics is, therefore, a reproduction of the conditions necessary for a continuation and intensification of politics.

²⁰ See Arendt, "The Concept of History," *Between Past and Future*, 76-86.

From this perspective, the remedy for an ailing strain of politics – marked by apathy, disenchantment, or corruption – or conversely, a decaying body politic, is for Jefferson, an integration of *more processes* of politics: an expansion of decision-making opportunities that extend to the smallest level of interaction between individuals. To achieve such an outcome, Jefferson’s political vision evinces an active vigilance by the people to resist a transplantation of the political to a withdrawn stage. A relocation that results in a distancing – a nearly insurmountable chasm – that banishes the people from the realm of political authorship and citizenship.

What is unique about Jefferson’s vision of politics is that it contains three central points that form a radical theory of democracy. Firstly, it aims to widen the circle of political status as well as a corresponding infusion of participation through an establishment of a politics of all. Secondly, the staging of this inclusive, thick conception of politics is situated at the local level. Thirdly, the vitality of the local community undergoes processes of renewal and regrowth – both in the present-moment and generationally – through an active spirit of resistance against external threats, historically represented by concentrated seats of political power. To uncover this uncharted aspect of Jefferson’s politics it is necessary to identify and trace the *objective*, *setting*, and *method* of his political vision. In so doing, I will show that these three key elements of Jefferson’s politics enable a conceptual articulation of radical democracy to

emerge, one that encourages a rethinking Jefferson's legacy and the current state of American politics.

To advance my presentation of Jefferson, and in effect, to release from the entirety of his writings, a theory of radical democracy, I must embark upon a historical inquiry that brings to light important spaces of local politics and events of political action in terms of a passageway between related events.²¹ An interrogation of this approach rejects both Machiavelli's *fortuna* and a metaphysical understanding as a means of explanation for historical events. Rather, Jefferson's radical politics is derived from the intrinsic and significant relationships between moments of direct political action against corrupt forms of government. On this point, I must indicate that this project affirms the symbiotic relationship between historical inquiry and the study of the history of political thought.²² By embarking upon an examination of *political ideas and ideals*, we unquestionably engage upon a historical voyage that sets its sight on the mores, norms, and institutions of a particular political landscape. To ignore the historical significance of a political interrogation is, in turn, to eradicate the active, productive forces that directly form a theory concerning the life of a political community. It is my argument that uncovering an unknown Jefferson requires a

²¹ See Michael Oakeshott, *On History: And Other Essays* (Oxford: Basil Blackwell, 1983), 45-70.

²² This claim comes directly from Dick Howard's foreword, "No Political Thought Without History – No History Without Political Thought," to Claude Lefort's *Complications: Communism and the Dilemmas of Democracy*, trans. Julian Bourg (New York: Columbia University Press, 2007). Howard asserts, "Historical action is no more determined by material conditions than it is the result of ideological deception. In other words, political thought cannot be understood apart from the history in which it is embedded, any more than that history makes sense without considering the intentions of the actors" (ix).

politico-historical investigation. How, then, do I intend to present this heterodox reading of Jefferson's radical politics?

This study proceeds in three parts. In Part I, *A Politics of All*, I explore the objective of Jefferson's politics by locating his attempt to transcend the traditional modeling of regime-form found in rule by One, Few, and Many. To do so, Chapter 1 (Jefferson in the Making: Interpretations, Limitations, & Legacy) surveys the vast field of scholarship on Jefferson, turning particular attention to his reception within various registers. Beyond these mainstream interpretations, I examine three important readings of Jefferson that cast him as a radical thinker. Next, I discuss the methods used to interrogate his political vision in order to elucidate a radical democratic reading and an uncovering of an unknown Jefferson. Primarily, I argue that an entry into the archives – an embrace of the totality of Jefferson's published and unpublished writings – is necessary to properly retrace the lines of his thought. The chapter concludes by looking at the problematic nature and inherent limitations of studying Jefferson in direct relation to the issue of slavery, offering a new approach for contextualizing and theorizing from within his thought.

In Chapter 2 (*Divide the Counties into Wards, The Politics Omnium Populorum Principle*), I initiate a philosophical examination of Jefferson's idea of a politics of all located in his theorization of ward republics. Central to his understanding of politics is the subverting of the conventional political regime classification in favor of the

incorporation of *all* political subjects. In a letter to Joseph C. Cabell, dated 2 February 1816, Jefferson adamantly expresses his rejection of the compression of all forms of power in the hands of the “one, the few, the well-born or the many.”²³ Citing the autocratic rule of Russia and France as well as the aristocrats of the Venetian senate as historical examples of excessive power, Jefferson unequivocally advocates for the allocation of political power in a localized, inclusive, and participatory setting. Using the Cabell letter as a primary theoretical framing, I situate Jefferson’s dismissal of the three-scaled regime modeling in dialogue with his speculative network of ward republics. The chapter draws to a conclusion by suggesting that a reading of the ward system through the lens of a politics of all has far reaching implications in teasing out a dimension of radicality in Jefferson’s thought, particularly in the areas of politics, economics, and ecology.

In Part II, *Spaces of Radical Politics*, I turn to three historical examples of localized politics central to Jefferson’s thought. Specifically, I examine Jefferson’s appraisal of the township configuration of the Anglo-Saxons prior to the Norman invasion of England in the eleventh century (Chapter 3, *Interrupted Freedom: The Anglo-Saxon Tradition in Jefferson’s Thought*); the structure of indigenous peoples tribal councils and experimental communes in North America (Chapter 4, *Politics Without Government:*

²³ Thomas Jefferson to Joseph C. Cabell, 2 February 1816, *The Papers of Thomas Jefferson*, Retirement Series, vol. 9, *September 1815 to April 1816*, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2012), 435-439.

Political Power and Happiness in Indigenous and Communal Societies); and, the ability of New England town hall meetings in the early nineteenth century to challenge state policies, particularly those materializing from his own presidential administration (Chapter 5, Democratic Momentum: Challenging the Federal Republic). An interrogation of these sites will reveal Jefferson's preference for small, highly participatory politics at the local level *contra* national or federal channels as the optimal setting for political training, discussion, and action.

For Jefferson, the high degree and style of political participation found in these historical sites exhibits a dynamic energy of radical action that pushes up against the parameters of codified contours of institutional power. These associations, in turn, exist as spaces of democratic politics according to Jefferson, serving as valuable models of the potentiality that underscore processes of local politics to challenge and, at times, subvert encroaching forms of non-local governmental power. In an important sense, these spaces exist as fully coherent social and political totalities that resist assimilation into regimes defined by arbitrary rule, a hierarchical scaling of power, and oppressive mechanisms of political and economic control. In sum, these chapters illuminate Jefferson's perspective on the transformative capabilities of local politics – situated in a non-market/non-capital property relation orientation – to cultivate civic engagement by means of horizontal decision-making practices through a proliferation of opportunities for political participation.

In Part III, *Events of Political Action*, I argue that Jefferson views permanent resistance as the necessary method to erect a political community capable of a politics of all. To show the importance that action plays in his political scheme, I turn to his understanding of revolutionary action and agrarian insurrection. In Chapter 6 (Jefferson's Revolution: 1776, A Democratic Experience), I explore his call and justification for the American colonists' separation from Great Britain. By surveying the precipitating events in the run-up to his drafting of the *Declaration of Independence* and then, importantly, his position on the French Revolution, I suggest that Jefferson views radical action as a means to not only alter social, political, and economic relations, but also, transform human nature towards a more democratic societal configuration understood as an open and indeterminate process. In Chapter 7 (A Spirit of Resistance to Government, Now and Then), I continue my analysis of Jefferson's position on political action by focusing on the events of Shays' Rebellion. Primarily, I examine Jefferson's interpretation of the agrarian insurrection expressed to James Madison and Abigail Adams during the climax of the event and, then again, to William Stephens Smith, in the midst of the Constitution debates in late-1787. By situating his praiseworthy epistolary response in alignment with the democratic organization used by the dissenting farmers, I argue that Shays' Rebellion is key to understanding Jefferson's politics, helping to draw out the regenerative quality that resistance enacts upon a body politic. In concert, these two chapters assist in painting an image of

Jefferson's ideal citizen: an independent, yet fraternal-minded, political subject who is simultaneously concerned with the affairs of their local community and resists governmental efforts to infringe upon freedom, equality, and happiness, both privately and publicly.

If we approach the thought of Thomas Jefferson in this way – as a rendezvous with historical and political terms – then my reading will land along a plane of thought that opens up an important dimension of his thought. A theoretical scene that asks questions, which are still relevant to our current understanding of the American republic and potentially, reveals new sources of democratic energy. Does there exist within the writings of Jefferson, a political vision that suggests a possibility for the instantiation of a politics of all? How do moments of political action – such as, the Occupy Wall Street Movement, Black Lives Matter, and the Women's March – point to the singularities of the democratic experience, meaningfully, as an on-going challenge against oppression, domination, and exclusion? These questions set the stage for my interrogation of the complexities of Jefferson's thought and serve as a backdrop to the analytic parameters of this study. To properly sketch out Jefferson's vision of politics, including its limitations and radical implications, I must first demonstrate how Jefferson's thought has been taken-up within numerous registers, in order to show what fissures remain and theoretical treasures neglected, for a new radical democratic reading to develop.

PART I

A Politics of All

CHAPTER 1

Jefferson in the Making: Interpretations, Limitations, & Legacy

To investigate is of course to scrutinize the world the other designates – the world toward which he clears a path – but in such a way that we know he lives in it and that we live in it, that that world speaks and questions us through him, that the past itself questions our present.¹

– *Claude Lefort*

It is fortunate for those in public trust that posterity
will judge them by their works [...]²

– *Thomas Jefferson*

In the coming years, as America moves closer to its 250th celebration, studies and explorations of the life and mind of Thomas Jefferson are likely to surge. The public and intellectual fascination with Jefferson illustrates not only the political consciousness of an infant and maturing republic, but it also, in a very nuanced and telling fashion, speaks to the social realities of twenty-first century America. The irresistible impulse to look back to Jefferson’s visionary words that “all men are created equal” continues to challenge our contemporary understanding of political life. Jefferson was, as Kurt

¹ Claude Lefort, *Machiavelli in the Making*, trans. Michael B. Smith (Evanston, IL: Northwestern University Press, 2012), 46.

² Thomas Jefferson to John Adams, 5 May 1817, *The Papers of Thomas Jefferson*, Retirement Series, vol. 11, *19 January to 31 August 1817*, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2014), 311-313.

Vonnegut fittingly remarked, “a slave owner who was also one of the world’s greatest theoreticians on the subject of human liberty.”³

A renewed interest in Jefferson is not only timely, but it also invites new approaches to rethinking modern American democracy. Strikingly, the retelling of Jefferson’s radical decrees during the American Revolution and throughout his political and private life, inflammatory assertions that not only incited, but also legitimized revolutionary action against the British Empire, have endured as national artifacts, yet profoundly lacking any contemporary political significance.

In this chapter, I explore how Jefferson’s thought has been treated from within various registers. By surveying Jefferson’s reception, treatment, and legacy across a wide field of theoretical perspectives, I show that central to his thought is an important malleability that permits further study. This dynamic tissue of his writings, while not confined to the rigidity of a specific mode of thought, will be discussed in order to present an alternative interpretation of his political philosophy. Notably, this project strives to present a new reading by elucidating an unknown Jefferson. A particular reading of Jefferson that not only finds compatibility in a number of registers (liberal, classical republican, Scottish, and Christian), but one that is inherently democratic. While the dominant theoretical frameworks used to approach Jefferson have rendered

³ Kurt Vonnegut, Jr., *Breakfast of Champions* (New York: A Delta Book, 1973), 34.

an ideologically neat, if not conservative,⁴ reading of him, I turn to the work of Hannah Arendt, Richard K. Matthews, and Michael Hardt to show an unconventional angle of his political philosophy. Primarily, these leading voices have offered an image of Jefferson's thought that is decisively more radical in orientation than strict canonical interpretations can offer. After turning attention to the prominent currents of Jeffersonian scholarship (mainstream and radical), I provide a discussion on the methodological commitment necessary to tease out the radical democratic elements of his thought. Specifically, I focus on the limitations, difficulties, and challenges that hinder an entry into the vastness of Jefferson's writings, suggesting that a journey to his archives offers promising routes for a new series of interpretations to develop. Finally, the chapter draws to a conclusion by confronting Jefferson's troubling relationship with slavery as a slaveholder. In this section, I offer key anti-slavery writings from Jefferson coupled with how scholarship – in three distinct waves – has evaluated this difficult aspect of his political career and private life. The section draws to a conclusion by offering a new way of understanding Jefferson's rejection, yet continued complicity, with the institution of slavery at Monticello. Specifically, I argue that novel, and important, paths of exploration remain within the Jeffersonian imagination, requiring a reading that neither excuse nor justify his actions (as well as inactions), but help to

⁴ For a conservative reading of Jefferson, – one that squarely emphasizes the *Declaration* and “Virginia Statute for Religious Freedom” as attempts to promote a limited government and individual liberties – see Samuel B. Pettengill, *Jefferson, The Forgotten Man* (New York: America's Future, 1940). Also, see Forrest McDonald, *The Presidency of Thomas Jefferson* (Lawrence: University Press of Kansas, 1976).

contextualize the complicated socio-political realities of the early republic as well as our present political moment. To begin, I now turn to the *making of Jefferson* across numerous points of interpretation.

***Jeffersonian Interpretations:
Liberal, Classical Republican, Scottish, & Christian***

There is no shortage of scholarly work on Thomas Jefferson. The difficulty of slotting Jefferson into a concrete theoretical register lays in the expansive nature of his writings. Jefferson never produced a comprehensive work of political philosophy; however, his thought has been taken up in a number of philosophical registers. In fact, the philosophical legacy and heritage of Jefferson's thought has endured as an enigma in the early American register, shifting theoretical orbits on numerous occasions, often reflective of the evolving dynamics of American scholarship.

One does not need to wade too deeply into the works of Jefferson to find the influence of John Locke. Jefferson's slight revision of Locke's first principle litany of natural rights found in the *Second Treatise* – "life, health, liberty, or possessions"⁵ – into "life, liberty, and the pursuit of happiness"⁶ is often cited as the harbinger of Jefferson's work steeped in Lockean liberalism. This Locke-Jefferson connection ascended to

⁵ John Locke, *Second Treatise of Government*, ed. C.B. Macpherson (Indianapolis: Hackett Publishing, Company, 1980), Ch. II, §6, 9.

⁶ Thomas Jefferson, "The Declaration of Independence as Adopted by Congress, 11 June–4 July 1776," *The Papers of Thomas Jefferson*, vol. 1, 1760–1776, ed. Julian P. Boyd (Princeton: Princeton University Press, 1950), 429-433.

prominence and has remained the dominant scholarly approach to contextualizing as well as locating Jeffersonian thought with Carl Becker's 1922 seminal work, *The Declaration of Independence: A Study in the History of Political Ideas*. In this work, Becker refutes an influence of French thought, arguing that Jefferson was unfamiliar with it prior to the revolutionary outbreak of 1776.⁷ Instead, Becker contends that English writers, predominantly Locke, influenced the Founding Fathers. For Jefferson, Becker is strikingly emphatic, "the lineage is direct: Jefferson copied Locke."⁸

Continuing the theme of an interconnected synergy between Locke's political writings and Jeffersonian thought, Louis Hartz's *The Liberal Tradition in America*, released in 1955, offered the field a further explanation of the unique relationship. Drawing upon Locke's conception of a sanitized state of nature inhibited by individuals with natural rights, Hartz drew parallels between Locke's claim of a collective exit procured by a rational social contract and the establishment of the American republic as a limited, minimal state designed to serve as a physical, enforcing arbiter between disputes. Hartz's understanding of the colonists' separation from the Crown and the

⁷ In great detail Douglas L. Wilson shows the enormous influence that French thought had on Jefferson prior to his drafting of the *Declaration of Independence*. Notably, Wilson identifies a letter written to Robert Skipwith on 3 August 1771 where Jefferson recommends Jean François Marmontel's novel *Belisarius* as an important text on the subject of politics. Jefferson also lists the works of Montesquieu, Sidney, and Locke as key thinkers on the matter. See Douglas L. Wilson, "Thomas Jefferson's Library and the French Connection," *Eighteenth-Century Studies* 26, no. 4, Special Issue: Thomas Jefferson, 1743-1993: An Anniversary Collection (Summer, 1993): 669-685. For the Jefferson-Skipwith letter, see Thomas Jefferson to Robert Skipwith, with a List of Books for a Private Library, 3 August 1771, *The Papers of Thomas Jefferson*, vol. 1, 76-81.

⁸ Carl Becker, *The Declaration of Independence: A Study in the History of Political Ideas* (New York: Random House, 1958), 79.

subsequent creation of a restrained governmental apparatus unfolded through a totalizing vision, one indisputably of a Lockean liberal orientation. Hartz makes this case in an unflinching, nearly dogmatic assessment, stating, “Locke dominates American political thought as no thinker anywhere dominates the political thought of a nation.”⁹ The influence of Hartz’s analysis cannot be understated, fixing the landscape of American scholarship for decades to come.¹⁰ As a result, commentaries on Jefferson followed suit, extending the liberal orthodoxy articulated by Hartz into all facets of his political writings as Max Skidmore confirmed, “Thomas Jefferson was fully within the liberal tradition.”¹¹ This wave of studies, principally found in the work of Dumas Malone, Merrill Peterson, Daniel Boorstin, Henry Steele Commager and Joyce Appleby, squarely cast Jefferson as a direct adherent to liberal ideology and a devout follower of Locke.¹² As a result, moments of affinities between classical republican thought and

⁹ Louis Hartz, *The Liberal Tradition in America* (New York: Harcourt Brace & Company, 1991), 140.

¹⁰ An example of the prevailing influence of Hartz’s analysis can be found in the work of John Diggins. Affirming the significance of Lockean thought, Diggins incorporates Hartz’s main framework, only to modify it, by suggesting that a particular Calvinist iteration of Locke was instrumental in both the revolution as well as the construction of the Constitution. See John Diggins, *The Lost Soul of American Politics: Virtue, Self-Interest, and the Foundations of Liberalism* (New York: Basic Books, 1984), 103-105. In recent years, however, scholarship has witnessed a challenge to the tenability of the Hartz thesis, namely in light of conversations concerning identity politics and the emergence of exclusionary politics. See Philip Abbott, “Still Louis Hartz after All These Years: A Defense of the Liberal Society Thesis,” *Perspectives on Politics* 3, no. 1 (2005): 93-109; Rogers M. Smith, “Beyond Tocqueville, Myrdal, and Hartz: The Multiple Traditions in America,” *American Political Science Review* 87, no. 3 (1993): 549-66; Jennifer L. Hochschild, *Facing Up to the American Dream: Race, Class, and the Soul of the Nation* (Princeton: Princeton University Press, 1995), introduction, 87; Julie Novkov, “Rethinking Race in American Politics,” *Political Research Quarterly* 61, issue 4 (2008): 649-659.

¹¹ See Max J. Skidmore, *American Political Thought* (New York: St. Martin’s Press, 1978), 70.

¹² The work of these scholars is unequivocally impressive, demonstrating a scope of analysis that, albeit methodologically narrow, is immensely wide in content. In this way, Jeffersonian scholarship is indebted to this faithful commitment to archival research and the complicated process of excavating the archives of

Jefferson's writings, or even, points that run congruent to a more radical theorization of democracy, became either reduced to the margins as mere inconsistencies of thought or, remarkably, flat-out ignored. Instead, Jefferson is read not only in line with a traditional liberal account, but as Appleby has stressed, as a proponent of liberal capitalism.¹³ In this light, Jefferson's political vision acquires a critical economic dimension that situates capital production and reproduction as the governing logic of societal organization.

Following Hartz's groundbreaking study, the 1960s emerged with a direct challenge to the liberal dominance. Responding directly to Hartz's account, Bernard Bailyn argued against the prevailing sentiment that imbued the American tradition strikingly deficient of feudal antecedents. Instead, Bailyn suggested that English dissent ideology played a prominent role in the colonists' justification for separation and in early constitutional debates.¹⁴ Scholarship once again shifted in the late-1960s, this time through a new paradigm, notably, classical republicanism. The idea of a full-scale development of classical republican thought as an alternative to Lockean liberalism took root as Gordon S. Wood refined the edifice of a republican synthesis in his work,

early American thinkers. See Dumas Malone, *Jefferson and His Time, vols. I-VI* (Boston: Little, Brown and Company, 1948-1981); Merrill D. Peterson, *The Jefferson Image in the American Mind* (London: Oxford University Press, 1960); Merrill D. Peterson, *Thomas Jefferson & the New Nation: A Biography* (London: Oxford University Press, 1970); Daniel J. Boorstin, *The Lost World of Thomas Jefferson* (Boston: Beacon Press, 1948); Henry Steele Commager, *Jefferson, Nationalism, and the Enlightenment* (New York: G. Braziller, 1975); Joyce Appleby, *Capitalism and a New Social Order: The Republican Vision of the 1790s* (New York: New York University Press, 1983); Joyce Appleby, "Commercial Framing and the 'Agrarian Myth' in the Early Republic," *Journal of American History* 68 (1982): 833-849.

¹³ For Appleby's grafting of the conceptual core of capitalism upon Jefferson's philosophy, see Appleby, *Capitalism and a New Social Order*, 22-23.

¹⁴ See Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: The Belknap Press of Harvard University, 1992), Chs. I, II.

The Creation of the American Republic. Unlike Bailyn's account, one that importantly left space for the influence of Locke, Wood emphasized the importance of an Aristotelian organic conception of a political community.¹⁵ The result was an illustration of the American colonists in line with a duty-based account of political engagement reminiscent of classical republican figures, such as Cicero and Cato, and a communal ethic in-step with Pauline Christianity.

In the subsequent decade, the republican synthesis account gained significant traction with J.G.A. Pocock's towering study, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican*. Unlike his predecessors, Pocock located the American experience within the trajectory of antiquity – one that was carefully predicated along the virtues of a participatory understanding of citizenship – as a direct refutation of the importance of Lockean liberalism.¹⁶ While Bailyn's analysis initiated points of commonality between the American colonists and an Anglicized version of republican thought, Pocock obliterated the distinction, persuasively arguing that the American Revolution represented the final moment in the long-standing tradition of republicanism. Crucially, Pocock focused on how virtue was being applied in the American context as a full-scale *alternative* to liberalism in order to resolve the corrosive

¹⁵ See Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: University of North Carolina Press, 1998), Ch. III, "Moral Reformation," 91-124.

¹⁶ Isaac Kramnick puts it best, writing, "Pocock has applied this revisionist verdict about Locke to an alternative reading of America and its founding. American political culture has been haunted by myths, the most mistaken of which is the role of Locke as 'the patron saint of American values.' The proper interpretation 'stresses Machiavelli at the expense of Locke.'" See "Republican Revisionism Revisited," *The American Historical Review* 87, no. 3 (1982): 632. Emphasis added.

features of both public corruption and commerce.¹⁷ To overcome the uncertainty of time, Pocock made clear that the American narrative was defined by the recognition of the inevitable confrontation between a republic and its own fate. This cuts to the very heart of the “Machiavellian moment,” a thesis that entails a public scrutiny of the fragility of a political community. A position that not only rejects the pre-social reading of man imbued in the liberal account in favor for an understanding of man in the mold of *zoon politikon*, but one that impinges upon a Machiavellian eschatology: a fateful mourning of the unavoidable moment in the history of a republic in which self-interest *qua* economic progress supersedes the available reservoir of public virtue.¹⁸ For Pocock, then, revolutionary action by the colonists came to signify not *novus ordo seclorum*, but rather the “last great act of the Renaissance,”¹⁹ located in the “dread of modernity.”²⁰

In sum, the tripartite architects of the republican synthesis (Bailyn, Wood, and Pocock),²¹ stressed that the creation of the American republic marked both a return to

¹⁷ Chantal Mouffe carefully shows how the work of James Harrington and neo-Harringtonians became transplanted into the language of the early republic and, importantly, into Pocock’s work. See Chantal Mouffe, *The Return of the Political* (London: Verso, 2005), 23-25.

¹⁸ J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 1975), 541.

¹⁹ J.G.A. Pocock, “Virtue and Commerce in the Eighteenth Century,” *The Journal of Interdisciplinary History* 3, no. 1 (Summer, 1972): 120.

²⁰ Pocock, *The Machiavellian Moment*, 509.

²¹ Richard Hofstadter develops the idea of an agrarian myth, which is central to Jefferson’s thought. From this concept, Hofstadter emphasizes Jefferson’s commitment to develop a non-commercial society, one carefully populated by self-sufficient farmers. In an important way, Hofstadter positions this casting of Jefferson firmly within a classical republican vision, yet constrained by a conservative economic logic. See Richard Hofstadter, *The Age of Reform: From Bryan to F.D.R.* (New York: Alfred A. Knopf, 1955), 3-59; Richard Hofstadter, *The American Political Tradition and the Men Who Made It* (New York: Random House, 1973), 26-32. Also, beyond the primary republican synthesis accounts provided by Bailyn, Wood, and

man's natural state as well as a continuation through rectification of an autonomous public realm sustained by civic virtue and sacrifice. Significantly, the separation from the British monarch was not the "end of classical politics"²² as the liberal thesis suggested, but more properly understood, according to the republican paradigm, as "a flight from history into nature"²³ for the fulfillment of man's nature *qua vita activa*. The termination of classical politics through a transitory osmosis into liberal, modern politics would not commence as Wood suggested until the consolidation of political power took root in the form of the 1787 Constitution.²⁴

Following the liberal thesis and republican synthesis, Jeffersonian scholarship witnessed both a revival and revision to the philosophical genesis of his work by turning to the influence of Scottish Enlightenment thinkers. Although the link between Jefferson and Scottish thought first resonated in 1907 with I. Woodbridge Riley's *American Philosophy* and then, in a more comprehensive articulation in 1943, with Adrienne Koch's *The Philosophy of Thomas Jefferson*, a paradigmatic shift in scholarship

Pocock, the work of J.R. Pole features prominently within this paradigm. See J.R. Pole, *Political Representation in England and the Origins of the American Republic* (Berkeley and Los Angeles: University of California Press, 1971).

²² Pocock, *The Machiavellian Moment*, 513. Here, Pocock is directly referring to Wood's key assertion in the concluding chapter of *The Creation of the American Republic*.

²³ Pocock, *The Machiavellian Moment*, 546.

²⁴ See Wood, *The Creation of the American Republic*, Ch. XV, §5, "The End of Classical Politics." John Diggins not only takes up Wood's thesis, but actually pushes it to its stunning logical conclusion, asserting that the ratification of the Constitution brought about the end of classical politics – in line with republican politics – but also, the "end of the authority of political ideas." See Diggins, *The Lost Soul of American Politics*, 97-98.

occurred in the late 1970s.²⁵ Two works were crucial to this reinterpretation of the connection between Scottish and Jeffersonian thought: Morton White's *The Philosophy of the American Revolution* and Garry Wills' *Inventing America: Jefferson's Declaration of Independence*. Strikingly, both of these works breathed fresh air into Jeffersonian scholarship by arguing against the liberal individualism that Becker and Hartz advanced by presenting Jefferson as a communitarian thinker. Jettisoning the atomistic subjectivity of liberalism, White read Jefferson through the philosophic frameworks of Thomas Reid and Richard Price whereas Wills argued that Francis Hutcheson was the focal point of Jefferson's thinking. Both scholars converged in agreement that Jefferson embraced an organic, sociable conception of mankind, one capable of living harmoniously without the presence of centralized governmental authority, which found its direct lineage in Scottish thought.²⁶

Following the efficacy of liberal, classical republican, and Scottish accounts, the debate over the proper theoretical alignment of Jefferson took a somewhat expected

²⁵ See I. Woodbridge Riley's *American Philosophy: The Early Schools* (New York: Dodd, Mead & Company, 1907), 268. Riley succinctly captures the oscillating and various strains of thought that came to define Jefferson's worldview, writing, "In brief, the Scotch realists represented the common-sense scheme of his old age, the French the materialism of his halcyon days, and the work of Priestley the fundamental deism of his whole life." Also, see Adrienne Koch *The Philosophy of Thomas Jefferson* (Chicago: Quadrangle Books, 1964), 16-22. Koch argues that the main thrust of Jefferson's views on the sociability and innate moral sense of individuals was derived from Scottish thinkers, especially Hutcheson and Hume as well as a key lineage to the work of Shaftesbury. Koch crucially picks up Jefferson's notion of a "universality of moral sense" in relation to indigenous societies of the North American continent and how, significantly, it contains a political dimension for the extension of civil rights and civic training in the form of education (18). The significance of this strain of universal thinking and how it relates to Jefferson's understanding of power will be further taken up in Chapter 4.

²⁶ See Morton White, *The Philosophy of the American Revolution* (New York: Oxford University Press, 1978); Gary Wills, *Inventing America: Jefferson's Declaration of Independence* (New York: Vintage Books, 1979).

turn with Garrett Ward Sheldon's 1991 work, *The Political Philosophy of Thomas Jefferson*. Rather than assigning Jefferson to a particular ideological mold, Sheldon opened up scholarship to the complexities of his thought by illuminating the multitudes of influence immanent within his philosophical vision. Instead of demarcating clean, particular conceptual categories, Sheldon's interpretation of Jefferson cuts across numerous registers as a synthesis of thought. In this manner, Jefferson is not simply a liberal or a civic humanist, but rather a cornucopia of thought, expanding his lines of inquiry into the Christian and Scottish moral philosophies. Affirming the import of a liberal orthodoxy on Jefferson's thinking, Sheldon writes, "Jefferson was Lockean during the revolutionary period, especially in the Declaration of Independence, albeit a Lockean modified by the contingencies of a revolutionary colonist [...]"²⁷ Tracing the development, and nuanced evolution, of his political thinking, Sheldon continues by breaking with canonical readings, instead, situating Jefferson's thought both *within* and *beyond* the liberal tradition. Sheldon claims,

Looking at the kind of democratic community that Jefferson so assiduously defended with *Lockean concepts*, we find a more *classical republican vision* of economically independent, educated citizens participating directly in the common rule of local ward republics. This classical political order is premised on a naturally social human nature emanating from a moral sense and refined with *Christian ethics*. And yet, we find that this classical republic in Jefferson's mind is not incompatible with individual freedom and certain kinds of economic developments, but

²⁷ Garrett Ward Sheldon, *The Political Philosophy of Thomas Jefferson* (Baltimore: Johns Hopkins University Press, 1991), 16.

could actually benefit in an Aristotelan self-sufficiency through such freedom and development.²⁸

In an outstanding way, then, Sheldon's reading of Jefferson introduced an important turn in scholarship that permitted a complex and rich interpretation to develop.²⁹ Carefully, Sheldon elucidated myriad strains of thought at-play – at times, operating at odds with the limitations of particular schools of thought³⁰ – within Jefferson's thought, resulting in a valuable showcase of the importance of social, economic, and political realities that underscored his thinking.

In more recent work, scholars have focused on the particularities of his thought, rather than directing attention to the exhausted intellectual debate over Jefferson's philosophical configuration. These efforts have ranged from Jefferson's historical and cultural anthropological view of human nature to his view of the relationship between political leaders and national interests to efforts to propagate education across the

²⁸ Sheldon, *The Political Philosophy of Thomas Jefferson*, 16-17. Emphasis added.

²⁹ Sheldon's attention to the role that Christian thought played on Jefferson can also be found in a number of works. See Karl Lehmann, *Thomas Jefferson, American Humanist* (Charlottesville: The University Press of Virginia, 1985); Edwin S. Gaustad, *Sworn on the Altar of God: A Religious Biography of Thomas Jefferson* (Grand Rapids, MI: William B. Eerdmans Publishing Company, 1996); Jon Meacham, *Thomas Jefferson: The Art of Power* (New York: Random House, 2012); Joyce Appleby, "Consumption in Early Modern Social Thought," in *Consumption and the World of Goods*, eds. John Brewer and Ray Porter (London: Routledge, 1994).

³⁰ In a review of Sheldon's work, Stephen L. Newman highlights the tension between Jefferson's liberal and republican views on the issue of slavery. Extending the debate beyond Jefferson's reactions – both in written form as well as during political office – Newman hones in on how slavery perhaps exposes the very limitations of understanding the American republic as a synthesis of liberal-republican thought. See Stephen L. Newman, review of *The Political Philosophy of Thomas Jefferson* by Garrett Ward Sheldon, in *Eighteenth-Century Studies* 26, no. 4, Special Issue: Thomas Jefferson, 1743-1993: An Anniversary Collection (Summer, 1993): 711-714.

American citizenry.³¹ Rather than focusing solely on the question of canonical alignment, these productive studies shift attention to how Jefferson's thought could be taken up or, more aptly, how it maintains a particular philosophic tissue that enables the idiosyncrasies of his worldview to be applied in various ways and to various questions concerning social life, including, a wide array of issues ranging from gun control to architecture.³² As a result, contemporary scholars have accepted and worked through the difficulties of slotting Jefferson into a firm theoretical register by highlighting the fluidity of his project in an attempt to illuminate, at times, a specific political-philosophical vision. It is from this terrain that numerous scholars have sought to accentuate not only the complexity of Jefferson's thought but, more importantly, a current of radical political and ecological thought present in his writings.

³¹ In particular, see Maurizio Valsania, *Nature's Man: Thomas Jefferson's Philosophical Anthropology* (Charlottesville: The University of Virginia Press, 2013); William Nester, *The Jeffersonian Vision, 1801-1815: The Art of American Power During the Early Republic* (Washington, D.C.: Potomac Books, 2013); Robert M.S. McDonald, ed., *Light & Liberty: Thomas Jefferson and the Power of Knowledge* (Charlottesville: The University of Virginia Press, 2012).

³² See Arthur Scherr, "Have Gun(s), Will Travel: Thomas Jefferson, Gun Ownership and Military Affairs," in *The Elusive Thomas Jefferson: Essays on the Man Behind the Myths*, eds. M. Andrew Holowchak and Brian W. Dotts (Jefferson, NC: McFarland & Company, Inc. Publishers, 2017), 163-190. Also, see Richard Guy Wilson, ed., *Thomas Jefferson's Academical Village: The Creation of an Architectural Masterpiece* (Charlottesville: The University of Virginia Press, 2009). In many ways, a non-political reading of Jefferson can be traced to the field of architectural studies and Jefferson's passion and efforts to erect Monticello, Poplar Forest, and the Rotunda at the University of Virginia in homage to Roman architecture. See Alain de Botton, *The Architecture of Happiness* (New York: Vintage International, 2008), 32. Moreover, recent work by Italian architectural photographer Filippo Romano illustrates Jefferson's attempt to transform Palladio for the new American republic and was featured at an exhibition titled, "Found in Translation: Palladio – Jefferson," at the Canadian Center for Architecture between 8 October 2014 – 15 February 2015. The seminal thinker on Jefferson and architecture is firmly Fiske Kimball. See *Domestic Architecture of the American Colonies and of the Early Republic* (New York: Dover Publications, 1966).

Jefferson, The Radical Thinker

While mainstream readings offer valuable insights into Jefferson's political philosophy, a number of important studies have framed his thought in a more radical light. In this section, I explore three valuable contributions that aid in a radical democratic reading of Jefferson's canon.³³ Emerging from disparate registers, I trace how Jefferson's commitment to perpetual political training and engagement is understood from a classical republican/radical democratic view advanced by Hannah Arendt, a critical theory perspective offered by Richard K. Matthews, and a Marxist-Leninist framing employed by Michael Hardt.

The Dissolution of the Many

First, Hannah Arendt's *On Revolution* released in 1963 is essential in examining Jefferson's theorization of ward republics. Arendt's text marks an important break in scholarship by accentuating the concern on Jefferson's part to maintain a revolutionary spirit *at all times* throughout the United States. In so doing, Arendt correctly links Jefferson's axiom of active sharers and participators in political power with his theorization of ward republics. Concerned with an availability of space for the

³³ For example, see Staughton Lynd's engaging presentation of Jefferson as a radical thinker in his 1968 study, *Intellectual Origins of American Radicalism*. Specifically, Lynd showcases Jefferson's generational claim that "the earth belongs to the living," further suggesting that it came strikingly close to the "socialist conception that living labor has claims superior to any property rights" (77). Staughton Lynd, *Intellectual Origins of American Radicalism* (New York: Pantheon Books, 1968), 17-99.

performance of action, Arendt suggests that Jefferson's ward system was designed as a vehicle capable of institutionalizing revolutionary action.³⁴

Fearful that the spirit of 1776 would dissipate in the hearts and minds of the citizens of the young republic, Arendt reflects on Jefferson's quest for perpetual recreation. "It may seem strange," Arendt asserts, "that only Jefferson among the men of the American Revolution ever asked himself the obvious question of how to preserve the revolutionary spirit once the revolution had come to an end."³⁵ To erect spaces of political creation – those intimately capable of producing and reproducing an order of fraternity – Arendt draws attention to Jefferson's ward system as a forgotten proposal in the early republic. Instead of designing a republic demarcated by a division of space in order for citizens to properly engage in public affairs, the Founders opted to ensure a particular form of political space for entry. However, the safeguarding and assurance of political space designed by the Founders was solely restricted to the activities of representatives, rather than the people.³⁶ For Arendt, the Founders were keenly aware

³⁴ The main thrust of Arendt's views on Jefferson and his theorization of the wards can be found in Chapter VI, "The Revolutionary Tradition and Its Lost Treasure." See Hannah Arendt, *On Revolution* (New York: Penguin Books, 1990), 215-282.

³⁵ Arendt, *On Revolution*, 238-239.

³⁶ Arendt's criticism of the Constitution acquires more force and precision when read in conjunction with her understanding of plurality in relation to the public sphere as discussed in *The Human Condition*. For Arendt, plurality is a central element in the public realm as "action is the political activity par excellence (9)." However, plurality and freedom presupposes a boundary, a particular space for action. According to Arendt, it is in the public realm, drawing from the Greek *polis* and the Roman *res publica*, where action merges with freedom reflecting the highest expression of the human condition. The public realm is thus a creation – a human construct par excellence – of a demarcated space in daily life available and constructed to capture the worldly phenomenon of political action. Such a space became unavailable to

of the necessity for the creation of a reservoir of space; yet, the crafting of the Constitution rendered an institutionalized patrician setting *contra* horizontal structures of communal deliberation and action.³⁷ For Arendt, the very lifeblood of the revolution – the intimate public moments between individuals – that spurred the transformative restructuring of the colonies had given way to a negation of public space and a malaise of civic stasis. She writes,

It was precisely because of the enormous weight of the Constitution and of the experiences in founding a new body politic that the failure to incorporate the townships and the town-hall meetings, the original springs of all political activity in the country, amounted to a death sentence for them. Paradoxical as it may sound, it was in fact under the impact of the Revolution that the revolutionary spirit in America began to wither away, and it was the Constitution itself, this greatest achievement of the American people, which eventually cheated them of their proudest possession.³⁸

The denial of space and, in turn, the destruction of the means for self-expression, which accompanied the ratification of the Constitution, endowed the people with sources of power. However, power of this order was relegated to the private realm, antithetical and untranslatable into the public sphere. The result was a distortion of citizenship. On the one hand, the Constitution provided a basic framing and understanding of

the citizens of the American republic post-ratification. See Hannah Arendt, *The Human Condition* (Chicago: The University of Chicago Press, 1998).

³⁷ For an engaging look at how the council system in Arendt's thought, including Jefferson's ward system, provided the space for perpetual creation and the conditions for freedom, see Christopher Holman, *Politics as Radical Creation: Herbert Marcuse and Hannah Arendt on Political Performativity* (Toronto: University of Toronto Press, 2013), 115-126.

³⁸ Arendt, *On Revolution*, 239.

citizenship with a keen eye towards civil liberties, while on the other hand it had failed to provide a space for citizens to *act* as citizens, effectively abating a sense of belonging.

According to Jefferson, the panacea for this substitution of a spirit of complicity, rather than revolutionary zeal, centered on a much-needed division. Of course, the division of space (and subsequent subdivision) was primary for the design of the wards, reopening sites of engagement for citizens across the nation. But the idea of division ran much deeper in Jefferson's thought as Arendt hones in on, bringing to the surface a percolating infection of a politics of all. For Arendt, the creation of the wards brought with it a devastating division of the category of rule by the Many, widening the circle of political action for all to enter into.³⁹ Briefly, yet powerfully, Arendt makes reference to this double-tiered application of division, writing, "the ward system was not meant to strengthen the power of the many but the power of 'every one' within the limits of his competence; and only by *breaking up* 'the many' into assemblies where every one could count and be counted upon 'shall we be as republican as a large society can be.'"⁴⁰ Jefferson's plan, then, sought not only the restoration of a revolutionary spirit, but a total reconfiguration of the limits of political action fashioned by the coupling of an expansion of public space with a widening of the scope of citizenship.

³⁹ While Sheldon S. Wolin agrees that Arendt's reading of the ward system contains "genuinely democratic features," he suggests that it fails – parallel to the ancient Greek *polis* – to make space for an inclusion of "women, slaves, and aliens." See Sheldon S. Wolin, "Hannah Arendt: Democracy and The Political," *Salmagundi* no. 60 (Spring-Summer 1983): 13.

⁴⁰ Arendt, *On Revolution*, 254. Emphasis added.

As I make clear in the following chapter, the details of Jefferson's scheme were vague and tangential at points. The indeterminacy of the proposal, however, does not invalidate its intent, but rather, as Arendt suggests, impresses a sense of openness and creation back into the prospects of political action and the corresponding realization of freedom. Arendt captures the real upshot of Jefferson's vision to create lasting structures capable of permanently re-imagining the horizons of politics. She attests,

The basic assumption of the ward system, whether Jefferson knew it or not, was that no one could be called happy without his share in public happiness, that no one could be called free without his experience in public freedom, and that no one could be called either happy or free without participating, and having a share, in public power.⁴¹

In sum, Arendt's treatment of Jefferson eschews the liberal presentation that had come to define the revolutionary thinker, proposing instead an alternative exhibition of his thought richly committed to the cultivation of civic virtue *pace* Pocock and Wood for the creation of a political community freed from the constraints of sovereignty.

Undoing Market-Mentality

The second fundamental text, Richard K. Matthews' 1984 *The Radical Politics of Thomas Jefferson*, takes up a revisionist approach to cast Jefferson as a radical egalitarian desirous of perpetual governmental, societal, and legal transitions. Matthews, in short, sees Jefferson as a thinker of renewal advocating for the redrafting of laws and

⁴¹ *Ibid.*, 255.

institutions nearly every two decades. In this work, Matthews utilizes a key textual premise detailed in a letter to James Madison, dated 6 September 1789, that “the earth belongs in usufruct to the living” as the central ethos of Jefferson’s radical program.⁴² Acutely aware that in a paradoxical fashion Jefferson had been notably ignored by political theorists – save Arendt, Pocock, and, in cursory fashion, C.B. Macpherson – Matthews’ project employs a careful textual arrangement that showcases Jefferson’s coherent, yet unsystematic political thinking. The upshot is a recasting of Jefferson as a thinker of radical democracy *contra* the traditional Lockean-liberal paradigm.⁴³

Drawing attention to Jefferson’s belief in a social and moral sense for mankind, Matthews carefully teases out the major features of such a robust view of human nature. Summarizing the key postulates of Jefferson’s perspective on human nature as follows: “(a) man is largely a creature of his environment; (b) he has an innate moral sense; (c) this moral sense is what makes all men equal; (d) man is naturally sociable; (e) his nature evolves; and (f) evolution can lead to human progress and perfectibility.”⁴⁴ The conclusion that Matthews draws from this illustration is significant, offering an

⁴² See Richard K. Matthews, *The Radical Politics of Thomas Jefferson: A Revisionist View* (Lawrence: University Press of Kansas, 1986), 19-30.

⁴³ In “Jefferson Un-Locked,” Matthews and Elric M. Kline obliterate the strict Lockean reading of Jefferson, highlighting the inherent radical features of Jefferson’s thought that were employed as a direct critique of Locke’s philosophy. I further engage with this article in Chapter 3 in my discussion on property in the Anglo-Saxon tradition. See Richard K. Matthews and Elric M. Kline, “Jefferson Un-Locked: The Rousseauan Moment in American Political Thought,” in *History, On Proper Principles: Essays in Honor of Forrest McDonald*, eds. Lenore T. Early and Stephen M. Klugewicz (Wilmington, DE: ISI Books, 2010).

⁴⁴ Matthews, *The Radical Politics of Thomas Jefferson*, 75.

alternative vision of Jefferson's famous litany of natural rights. The effects carefully destabilize mainstream readings of Jefferson producing enormous implications "of how America might have developed, and still could develop."⁴⁵ Matthews contends,

If one is aware that man actively participates in the creation of his environment and that his environment can have either an impeding (as in an urban center) or an enhancing (as in a bucolic setting) effect on his development, then the quality of the social milieu is critical to the human pursuit of life, liberty, and happiness – a happiness and a life, moreover, that is *distinctly non-market* in its ethos.⁴⁶

What is key, and essential for our purposes, then, is how Matthews situates this particular understanding of human nature in relation to a duty-based, participatory account of politics. Here, Jefferson's idea of the ward system becomes elevated as the fertile ground for constant political engagement and the intellectual as well as physical development of an individual with a keen eye to the future. Affirming Arendt's reading of Jefferson's ward republics, Matthews extends the scope of the speculative vision of democratic politics as a logical extension of a more social image of man.⁴⁷ Centrally, in

⁴⁵ Richard K. Matthews, "The Radical Political Philosophy of Thomas Jefferson: An Essay in Retrieval," *Midwest Studies in Philosophy* 28, no. 1 (September, 2004): 38. Matthews makes this point in an essay that slightly updates, but largely rehabilitates the central thesis of *The Radical Politics of Thomas Jefferson*. He does, in a very important fashion though, draw attention to the difficulty of constructing a coherent political theory from Jefferson's writings, suggesting that contemporary questions concerning political life might benefit from turning attention to Jefferson's alternative vision of American life, one crucially "outside of the straightjacket of its historic enmeshment with John Locke" (38).

⁴⁶ Matthews, *The Radical Politics of Thomas Jefferson*, 75. Emphasis added.

⁴⁷ For Matthews' discussion on Arendt's analysis, see *The Radical Politics of Thomas Jefferson*, 15-16, 84-86. In a praiseworthy note on Arendt, Matthews is unrestrained, writing, "In the entire galaxy of secondary studies of Jefferson's political philosophy, only Hannah Arendt firmly grasps the importance of both aspects of the fourth function of the ward-republic in Jefferson's governmental system" (84). In Matthews' view, the fourth, and crucial, function of the wards is "to ensure a *space* in which the citizens can become proficient in the art of politics" (83). Emphasis added.

Matthews' account, the wards permit the necessary space and time for individuals to actively engage in their political community through an institutionalized setting that re-institutes the revolutionary spirit of 1776 and, importantly, facilitates the conditions for a Rousseauian-style understanding of self-governance. In a rejection of patrician politics, therefore, Matthews' exhibition of Jefferson's political philosophy, and the corollary aspects of a democratic praxis that becomes translated through "daily action,"⁴⁸ moves beyond a liberal reading committed to a Straussian interpretation typified in the work of Harry V. Jaffa and Martin Diamond⁴⁹ or even a historical republican synthesis account as produced by Pocock, Wood, Stanley K. Katz, and Lance Banning.⁵⁰ Instead, Matthews casts the third President of the United States as a wholly unappreciated radical democrat, one deeply committed to the establishment of a one-class society free from political tyranny and economic exploitation.⁵¹

⁴⁸ Ibid., 87.

⁴⁹ For an example of a Straussian interpretation of Jefferson's placement in the register of early American political ideas, see Harry V. Jaffa, *The Conditions of Freedom: Essays in Political Philosophy* (Baltimore: The Johns Hopkins University Press, 1975). Also, see Martin Diamond, "The Declaration and Constitution: Liberty, Democracy, and the Founders," in *As Far as Republican Principles Will Admit: Essays*, ed. William A. Schambra (Washington: AEI Press, 1992), 224-241.

⁵⁰ In addition to the leading figures of the republican synthesis (Pocock and Wood), see Stanley N. Katz, "Thomas Jefferson and the Right to Property in Revolutionary America," *The Journal of Law & Economics* 19, no. 3 (1976): 467-488. I take up Katz's account in relation to Jefferson's atavistic view of the history of the Anglo-Saxons in Chapter 3. Also, see Lance Banning, *The Jeffersonian Persuasion: Evolution of a Party Ideology* (Ithaca, NY: Cornell University Press, 1978).

⁵¹ See David E. Ingerson, Richard K. Matthews, and Andrew Davison, *The Philosophic Roots of Modern Ideology*, 4th ed. (Cornwall-on-Hudson, NY: Sloan Publishing, 2010), 165-166.

Resistance, Constituent Power, & Democratic Training

The third source of introducing a more radically oriented reading of Jefferson's writings emerges in the work of post-Marxist, American theorist Michael Hardt. While Hardt's primary work, especially in collaboration with Antonio Negri, centers around the emancipatory potentiality of the Multitude for the expression of democratic action situated within a globalized context, his limited work on Jefferson offers an innovative perspective to rethinking the limits (problematically and democratically) of Jefferson's thought.

At various points across his autonomist work with Negri, the two authors draw minor points to the revolutionary features and dimensions contained within Jefferson's concept of democracy.⁵² I want to focus here on two particular cases where Hardt is squarely committed to engaging with the Jeffersonian imagination, specifically, his 2007 article, "Jefferson and Democracy," and his introductory remarks of the same year that accompanied a republication of Jefferson's *Declaration*. On both occasions, Hardt treats Jefferson as a political thinker and, importantly, utilizes a textual methodological approach that situates the entirety of Jefferson's work within the contours of a non-

⁵² Across their trilogy, Hardt and Negri engage with Jefferson's thought on a number of occasions, specifically in relation to his favorable views of rebellion (and political violence) as well as his vision of an acceleration of space *qua* the western frontier for self-government. See Michael Hardt and Antonio Negri, *Empire* (Cambridge: Harvard University Press, 2000), 168-174, 182, 381; *Multitude: War and Democracy in the Age of Empire* (New York: Penguin Press, 2004), 247-248, 311; *Commonwealth* (Cambridge: The Belknap Press of Harvard University Press, 2009), 355, 368-370, 377-379.

parochial grounding (similar to Hardt's treatment of Bolívar or Rousseau) and the revolutionary tradition (akin to Marx and Lenin).

In "Jefferson and Democracy," Hardt offers his most coherent and fruitful discussion on the radical democratic elements that are immanent – as well as ripe for further theorizing – within Jefferson's writings. Principally, Hardt suggests that Jefferson's democratic theory can be understood across four key themes: *social equality*, *economic equality*, *freedom*, and *republicanism*. Highlighting the inherent contradictions of Jefferson's thinking, particularly regarding his views on indigenous peoples and African Americans, Hardt argues that the elements of the common and singularity can aid in extrapolating his commitment to social equality.⁵³ Approaching Jefferson through the lens of the common, Hardt writes, "When Jefferson says that all men are created equal, then, this does not refer to a past that has been negated by society but means rather that all are animated by a common nature that persists as the permanent basis of social equality."⁵⁴ The difficulty in solidifying Jefferson's commitment to social equality lies in a critical disconnect with the idea of singularity, understood as an erasure of markers of identity or *sameness* in favor for a primacy of the un-representable *difference*

⁵³ In a review of Hardt's article, Betsy Erkkila opposes reading Jefferson through the lens of conceptual tools relevant to contemporary discussions concerning democracy. While Erkkila applauds Hardt's attempt to isolate the radical elements of Jefferson's thinking, she suggests that situating Jefferson within the context of a theoretical idiom unknown to the key early American thinker undercuts a deeper understanding on the issues of race, human nature, and revolution. See Betsy Erkkila, "Radical Jefferson," *American Quarterly* 59, no. 2 (2007): 277-289.

⁵⁴ Michael Hardt, "Jefferson and Democracy," *American Quarterly* 59, no. 1 (2007): 52.

between subjects.⁵⁵ Here, somewhat tentatively, Hardt employs the work of W.E.B. Du Bois to assist in transforming Jefferson's thin concept of singularity into a more fully developed political conceptual tool rather than ontological, one that powerfully invalidates the institution of slavery from the parameters of democratic theory and praxis.

Exploring the second thematic element – economic equality – Hardt explores Jefferson's preference for agriculture over manufacturing precisely because it enables individuals to more freely access productive property.⁵⁶ "His antagonism to manufacturing," Hardt contends, "follows directly from the fact that he cannot imagine how its productive property can be divided equally and all given equal access to it."⁵⁷ Hardt's illustration of Jefferson's economic concerns are essential for they help to draw attention to the interrelated nature between economic equality and political freedom.⁵⁸

⁵⁵ Clarifying the concept of singularity, Hardt and Negri write, "The multitude is composed of a set of singularities — and by singularity here we mean a social subject whose difference cannot be reduced to sameness, a difference that remains different. The component parts of the people are indifferent in their unity; they become an identity by negating or setting aside their differences" (99). From this position, Jefferson's politics of all runs parallel, and receives further clarification, within their demonstration of singularity through an envisioning of a political community that renders identity politics superfluous, bringing about an end of suppression based on categories of race, sex, and class. See Hardt and Negri, *Multitude*, 99.

⁵⁶ Hardt, "Jefferson and Democracy," 56.

⁵⁷ *Ibid.*, 57.

⁵⁸ On this point, Barry Shank believes that Hardt places too much emphasis on Jefferson's economic views, particularly concerning access to productive property. Instead, Shank contends that Jefferson's contradictory position on property (and, in turn, slavery) negate Hardt's juxtaposition of it with the concepts of singularity and the common. See Barry Shank, "Jefferson, the Impossible," *American Quarterly* 59, no. 2 (2007): 291-299.

It is here, in the third element concerning freedom, that Hardt offers his most fruitful contribution. According to Hardt, the history of modern European political thought can be understood by two competing visions of sovereignty. The first line, running from Machiavelli to Spinoza, frames sovereignty as secondary, consummated from an association between the rulers and ruled, configuring the people as *primary*. The second vision, articulated by Hobbes and Bodin, and in Hardt's view, the dominantly victorious line of thought, places the people as subordinate to the autonomous realm of sovereignty. In this manner, the people become *secondary* to the primacy of the terrestrial sovereign (typically understood in religious terms). From this position, Hardt, then, shows how Jefferson can be understood, not only within the first line of thought, but that resistance functions as the "constituent foundation" of popular sovereignty. Carefully tracing Jefferson's remarks around the events of Shays' Rebellion and the French Revolution, Hardt reaches the conclusion that Jefferson unequivocally embraces a perpetual continuation of resistance (even in violent form) against government as the "primary safeguard of freedom."⁵⁹ Linking the primacy of resistance with the possibility for freedom, Hardt writes,

Liberty and freedom mean simply for Jefferson that the multitude is autonomous and thus able to exert its priority over government. This has little to do with individualist notions of the freedom to do as one pleases in the course of everyday life. Freedom for Jefferson is the right of the multitude constantly to exert its power over and determine the actions of

⁵⁹ Hardt, "Jefferson and Democracy," 62.

government. Freedom is the affirmation of the primacy of resistance in opposition to the primacy of sovereignty.⁶⁰

The fourth and final theme – republicanism – reintroduces a now common element, as seen in the work of Arendt and Mathews, the importance of Jefferson’s ward system. Framing Jefferson’s understanding of republicanism as a project designed to help produce new forms of association between individuals in order to rule autonomously, Hardt claims that the wards render political representation complete by firmly linking the people to power and destroying the distance between the people and seats of authority occupied by representatives.⁶¹ Such an understanding of the transformative capacity of the function of the wards obliterates the double purpose of political representation to *connect*, while simultaneously *separating* the people from political control. Hardt expands the notion of representation within the ward system, suggesting that Jefferson’s premise is devised as a critique against a classical republican framing of representation, by attempting to purge the *space* between the ruled and rulers.

In his introductory remarks that accompany a re-release of Jefferson’s *Declaration* in 2007, Hardt returns to these four themes of democracy, albeit in direct relation to the revolutionary tradition. Primarily, Hardt pays close attention to how processes of democratic action are envisioned by Jefferson, specifically focusing on the transitory phrases from rebellious activity to the realization of autonomous conditions. Hardt

⁶⁰ Ibid., 65.

⁶¹ Ibid., 70.

suggests that Jefferson understands resistance of this form as an on-going, infinite process of becoming, one that necessitates “a remaking of human nature.”⁶² To bring about a fundamental change in individuals, a profound transformation that would make possible the conditions for authentic democratic engagement, Hardt finds in Jefferson’s thought a collapse between means and ends.⁶³ Only by actually engaging does one learn how to become a collaborator in a political community defined by deliberation, action, and sacrifice. Democratic training thus becomes a constant activity, an experiment that (potentially) transforms individuals from an individualistic worldview to a communal plane. For Jefferson, the paradigm locus for democratic training is a localized setting for it provides individuals with the opportunity to come face-to-face with all community members as well as the space for self-expression. Hardt identifies this essential training as Jefferson’s proposed ward system. Drawing parallels between Jefferson’s thought and the radical design of the Paris Commune, Hardt proposes,

It is striking how strongly this schema resembles the institutions established by the Paris Commune some fifty years later. Marx himself admires in the Commune exactly the elements that Jefferson proposes in the ward schema: *active participation, local autonomy, and a pyramid of delegation*. Both Marx and Jefferson see this participatory government as an antidote to the dominant, undemocratic form of parliamentary representation.⁶⁴

⁶² Michael Hardt, introduction to *The Declaration of Independence* (London: Verso, 2007), xxiii.

⁶³ Hardt, introduction, xx.

⁶⁴ *Ibid.*, xviii-xix. Emphasis added.

Hardt's analysis, therefore, expressly advances a reading of Jefferson beyond the dominant liberal and republican paradigms, situating him as an important contributor to the project of radical democracy. In this way, Hardt accentuates the radical implications of Jefferson's thought further than either Arendt or Matthews, drawing out valuable elements of his political philosophy that invite a rethinking of the democratic imagination contained across the vastness of his writings.

Reimagining Jefferson & Radical Politics

In each of these presentations of Jefferson, the radical thinker, we therefore acquire important elements in illuminating his radical democratic project. In Arendt's account, we find that the primary *objective* of Jefferson's radical politics is to usher in the dissolution of the category of political rule by the Many. Arendt's reading of the wards provides an important opening to escape the static classification of traditional forms of political regimes (One, Few, Many) and to situate the Jeffersonian imagination outside the realm of conceptual confinement. The shift in Jefferson's thinking that Arendt delicately locates – a transition from the democratic rule of the Many to a hyper-localized politics of all – prompts considerations of the physical terrain for this style of political activity. It is here that Matthews' account helps draw attention to not only the localized *setting* of the wards, but more carefully, the depth of Jefferson's social concerns. Reading Jefferson away from the liberal canon and in such a fashion that

highlights grave trepidation over its further development, Matthews paints the wards in distinctly non-market terms, stressing an innate social and moral nature for the Jeffersonian political actor. The developmental nature of individuals suggested by Matthews helps to underscore the importance of democratic education and training intertwined with action to Jefferson. Such a potential for individual and societal transformation, a change that is conceived as fundamentally antagonistic to liberal and/or capitalist relations, features prominently in Hardt's view. Although Hardt's presentation seeks to align Jefferson within an overtly leftist, Leninist revolutionary constellation, he does, notably, express the *method* required for an establishment of a political community beyond the rule of the Many. By this, Hardt's interpretation is invaluable in showing how the necessity for resistance against centralized and distant seats of power occupies a central pillar in Jefferson's radical politics. Moving beyond the legitimate, yet narrowly constructed avenues of resistance found in the form of revolutionary action evinced in social contract theory, Hardt frames Jefferson as a thinker ultimately committed to a political life that always necessitates, and benefits from, perpetual action.

Significantly, the work of Arendt, Matthews, and Hardt helps to illuminate a neglected side of Jefferson's thought, namely a clear, but overlooked radical dimension. Taken collectively, their projects assist in announcing the formula for Jefferson's radical project: politics of all + non-market localized setting + perpetual political action = radical

democracy. What is necessary now, then, is a discussion of the methodological commitment I use to further develop this preliminary and embryonic conceptual framing in the attempt to arrive at the scene of Jefferson's radical politics. An entry into Jefferson's political vision that, as Melvin L. Rogers contends, locates the "legitimacy of democracy in the contestatory present and open future."⁶⁵

Remaking Jefferson: Exploring the Archives

Jefferson is a complicated and complex thinker. His thought – sprawling, controversial, and on occasion contradictory – spans over seven decades, devoid of a definitive political *magnum opus*. As we saw in the previous sections, the Jeffersonian register contains a malleable tissue that has enabled various theoretical positions to engage from his writings. While this study affirms the complexity of his thought and, in turn, its compatibility within myriad schools of thought, it also suggests, that the Jeffersonian imagination contains an inherent dimension of radicality. This side of Jefferson's thought, a point that stands in stark contrast with his American contemporaries, is intimately concerned with the creation of the best type of dynamic political regime that could provide the conditions for freedom, equality, and happiness over time. In this way, approaching Jefferson is both an exercise in American political thought, through an examination of how the prominent thinker responded to the grand questions posed

⁶⁵ Melvin L. Rogers, "The People, Rhetoric, and Affect: On the Political Force of Du Bois's *The Souls of Black Folk*," *American Political Science Review* 106, no. 1 (2012): 190.

across a history of political ideas, and also an engagement with normative political theory, albeit, through an unsystematic inquiry into varying forms of government.⁶⁶

Through archival research, I engage in a radical democratic reading of Jefferson. An entrance into the personal correspondences, notebooks, and notes of Jefferson, inserts the spectator into the contours of the space between thought and the corpus of the text. There are, of course, limits to an encounter of this magnitude. Scanning the Jeffersonian imagination – probing the published and unpublished, the familiar and unknown – renders an anchoring, an inability of the reader to escape the socio-political realities of the present. For once a reader enters into the Jeffersonian imagination, they summon both the historical intricacies of the past and the precipitating events of a prior moment. But the intimacy of the past remains exactly that, configured as a reimagined artifact stuck between the authenticity of an earlier experience and the gaze of the contemporary reader. The problem that confronts us when approaching Jefferson's thought is thereby: *how does the reader navigate the limitations of Jefferson's thinking? And, does the act of theorizing from within his thought expose lines of congruity and symmetry or fissures of discontinuity and destabilization against the body of the particular text and the wider spectra of the textual-corpus itself?*

⁶⁶ For an engaging perspective on the methodological differences between normative political theory *writ large* and American political thought, see Justin Buckley Dyer, "Political Science and American Political Thought," *PS: Political Science and Politics* 50, no. 3 (2017): 784-788.

This dilemma is not easily resolved when approaching Jefferson. Mainly, there is a high level of difficulty in accessing the archives of Jefferson, both pragmatically and logistically.⁶⁷ Jefferson was a prolific writer with his recorded writings spanning over seven decades. But to access these documents, ranging from architectural sketches to legal seminar notes, requires an excavation of archival repositories across vast geographical and digital spaces. Physical distance, resources, and cataloguing inconsistencies produce a nearly insurmountable challenge for a reader, effectively creating gaps across the sequential ordering of his thought. Research of this order thus requires the reader to assume the role of a *super-sleuth*, comparing handwriting samples, scanning postal indices, and tracking down missing or damaged fragments of information.⁶⁸ As over 50,000 primary documents relating to Jefferson are housed in a number of archival sites, cataloguing mistakes are bound to appear.⁶⁹ Comparing

⁶⁷ The difficulties that surround accessing the archives are, of course, not restricted only to the work of Jefferson. In fact, the sheer volume of the Jeffersonian archive is quite astonishing, offering a nearly unparalleled view, compared to other key Founders, into his thought. For the challenges that researchers face engaging in archival work, see Catherine A. Johnson and Wendy M. Duff, "Chatting Up the Archivist: Social Capital and the Archival Researcher," *American Archivist* 68, no. 1 (2005): 113-29. Also, see Richard Harvey Brown and Beth Davis-Brown, "The Making of Memory: The Politics of Archives, Libraries and Museums in the Construction of National Consciousness," *History of the Human Sciences* 11, issue 4 (1998): 17-32.

⁶⁸ The role of the researcher today, often caught between the nexus of primary documents and digital repositories, requires, as Tony Bennett suggests, a pathology similar to that of a sleuth. See Tony Bennett, *The Birth of the Museum: History, Theory, Politics* (London: Routledge, 1995).

⁶⁹ For example, original Jefferson manuscripts are located at over 900 archival sites. The largest of these repositories are: the Library of Congress, the Massachusetts Historical Society, the Albert and Shirley Small Special Collections Library located at the University of Virginia, the Swem Library at the College of William and Mary, and the Gilder Lehrman Institute. In addition to these major locations, a large number of documents are housed by *The Papers of Thomas Jefferson*, Retirement Series (coordinated in partnership with Princeton University and the Robert S. Smith International Center for Jefferson Studies at Monticello) and at the Nicholas Philip Trist Papers at the University of North Carolina, Chapel Hill.

primary texts against digitized transcriptions, a reader comes face-to-face with the enormity and importance of a meticulous recording of dates, names, and subject-based classification. The smallest of mistakes contains the potential to conceal an unknown relationship between interlocutors or an occulted strain of thought briefly wrestled with by the author. For example, to survey the archives of the Library of Congress, a reader would find only a brief exchange between Jefferson and Cornelius Blatchly in 1822.⁷⁰ However, to conduct a query search across numerous archival repositories, ranging from the National Archives to the Library of Congress to Jefferson's private libraries at Monticello, and to evaluate earlier postal recordings as well as handwriting samples, one would come to find an engaging relationship that spanned nearly two decades between these two radical American thinkers.⁷¹ While I discuss this relationship in Chapter 5, it illuminates the many challenges of both preserving primary documents

⁷⁰ See Cornelius Camden Blatchly to Thomas Jefferson, 6 October 1822, with Receipt, Alexander Garrett to William Mitchell, Dated October 7, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 053, image 1. And for Jefferson's recording of the letter and reply, see Thomas Jefferson, "Epistolary Record or Summary Journal of Letters," *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 057, image 414; Thomas Jefferson to Cornelius Camden Blatchly, 21 October 1822, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 053, image 1.

⁷¹ In October 1804, Jefferson received a letter from Blatchly, a New York physician. It is important to note that the archives at the Library of Congress have incorrectly credited this letter to Cornelius Backley; however, upon careful examination of Jefferson's "Summary Journal of Letters" and handwriting comparisons across two letters, the author of the 1804 letter is undeniably Blatchly. See Chapter 4 for an examination of the Jefferson-Blatchly correspondences in 1804 and 1822. For Blatchly's 1804 letter and Jefferson's recording of its receipt, see Cornelius C. Blatchly to Thomas Jefferson, 31 October 1804, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 031, image 1; Thomas Jefferson, "Epistolary Record or Summary Journal of Letters," microfilm reel: 057, image 213.

and conducting research within those parameters. A seemingly minor error, a mistake as innocuous and banal as an omission of a mere letter from an author's surname, can condemn the ideas of the past to an inaccessible and forgotten plane. To help assuage the potentially terminal act of omitting specific periods of his writings, this study relied on a commitment to exploring multiple archival sites, including: university, corporate, and government funded and operated archival repositories as well as documents available through numerous historical societies, privately owned holdings, and special collection exhibits.

Primarily, my archival research evaluation ranged from his personal legal and educational notebooks of the 1760s to his final recorded letters shortly before his death in 1826. In the survey of various archival sites, this study initiated a subject-based exploration centered on Jefferson's understanding of varying forms of governments. Although searches of such a wide framing only slightly reduced the scope of primary documents it did, nonetheless, provide an entrance for the reader. From this point, research narrowed around the idea that perhaps *Jefferson expressed trepidation over the prospect of any form of government*. Importantly, this enabled a more rigorous and focused analysis to commence that carefully isolated specific historical points described by Jefferson that ran analogous to the emerging research perspective. Surveying the archives *qua* Jefferson's thought thus assumed a double-reading: an interpretation of Jefferson's reading of canonical Western political thinkers and the accompanying socio-

political realities that inspired their production as well as an arrival of Jefferson's response to questions intimately related to political life.

The result, however, failed to produce a presentation of Jefferson's thought in its entirety. It did, nevertheless, aid in the construction of a particular philosophical reflection that permitted points to be drawn outward in order to present a vision in the singular. This enabled a confrontation with the issue of *limitation*. To resolve the inherent limitation in taking up Jefferson's works, this study moves along both a historical and conceptual plane. Historical in the sense that Jefferson's works are situated in relation to the events, moments, and challenges that prompted the crafting of the text, offering, as a result, an invitation to explore the intersection between thought and action. On the other hand, these positions of historical exploration and textual analysis were then scrutinized to elucidate points of political theorization. In this way, textual misrepresentation and distortion that accompanies acts of theorization from a distant socio-political setting becomes not necessarily muted, but minimized through the transparent recognition that the specificities of Jefferson's words only, at their very best, facilitate a demarcation of the visible lines of a theoretical framing.⁷² All that

⁷² By this, I am explicit in the intended audience of this study, namely the intersection of early American historical studies and critical democratic theory. Transparency detailing who, what, and why this research was performed is necessary to show how inherent power structures encircle the archives and how extrapolated information is then presented to a larger audience for *a particular purpose*. See, Terry Cook and Joan M. Schwartz, "Archives, Records, and Power: From (Postmodern) Theory to (Archival) Performance," *Archival Science* 2, issue 3-4 (2002): 171-185.

follows is, therefore, a careful arrangement, exposition, and re-visioning within the parameters of the Jeffersonian imagination that commences from the *present moment*.

In order to sketch out the broad framing of Jefferson's politics and, then, subsequently theorize from within this reconstructed space, we must identify the *objective, setting, and method* of his political program. To do so, the preceding chapter initiates the trajectory of the study by first exploring the objective of his democratic project ideally present in his theorization of the ward system. It is here, that the idea of a politics of all will be drawn out from Jefferson's thought as the primary objective of his unconventional political vision. From there, an examination of the setting of key historical examples, decisively local in orientation, that strode to erect a political community for all will be explored. Jefferson's explicit writings on these sites will then be used to theorize the fundamental characteristics of his understanding of democratic politics. Finally, a turn to two important political events – the American Revolution and Shays' Rebellion – will commence in order to show how perpetual action functions as the method to erect, sustain, and reproduce a localized political community demarcated by a politics of all.

Therefore, the limitations that accompany archival research on Jefferson are significant. But while these difficulties can be managed, the potential to theorize from inside the Jeffersonian imagination remains hindered by an issue that has plagued the distinguished author of the *Declaration of Independence* and the very moral fabric of the

American republic. Without bracketing or ignoring, a radical democratic reading of Jefferson's politics – one that carefully strives to illuminate a germ of emancipatory thinking that has been lost in the American register – must confront the history of slavery. A discussion is thus required to explore Jefferson's view (and actions) of the institution of slavery and whether or not a radical project can be drawn from his thought.

On Slavery: Emancipation, Contradiction, & Legacy

There is no greater tragedy in the thought and action of Jefferson than the issue of slavery. How is Jefferson to be theoretically approached and morally evaluated? Does his political *inaction* coupled with his *actions* as a slaveholder invalidate any germ of emancipatory energy contained within his thinking, effectively nullifying his other achievements? What is to be made of Jefferson in today's light: a champion of liberty and devout promoter of natural rights? Or, a contradictory and problematic figure of the early republic, one that was painfully unable to escape the social, political, and economic realities of his Virginia setting?

In this section, I attempt to unpack these difficult questions. In so doing, I will deploy two tracks of analysis. Firstly, I present key inflections of Jefferson's anti-slavery positions that reveal his unsuccessful attempts to eradicate slavery in the colonies and in the early republic. Secondly, I turn attention to scholarship's reception of this

troubling aspect of Jefferson, showing how analyses have evolved in three distinct, yet at times, in direct conversation with each other, waves of study. Here, I refer to these three modes of interpretation as: i) the gradual, incremental emancipation view; ii) the failure of action revisionist perspective; and, finally iii) the context *contra* justification approach. My hope in exploring these interrelated routes of analysis is to show the inherent limitations of Jefferson's thought as well as how and why his writings should be considered for further acts of theorization.

Before turning to Jefferson's anti-slavery writings, two qualifying remarks are needed. First and foremost is the clear acknowledgment that Jefferson was, indeed, a slaveholder. This may appear as an odd and perplexing statement of fact, but it is important for a number of reasons. Essentially, this qualifying remark is deployed in direct opposition to recent attempts that strive to muddy the waters, so to speak, around the terms of racism and slavery. The intent on those fronts is to show that if we accept that there is a lack of consensus around the definitional treatment of racism, then we cannot cast Jefferson as an explicit racist.⁷³ Implicit in this account is an effort to complicate, vis-à-vis conceptual and historical distortion, the image of Jefferson, the slave master, but for all the wrong reasons. Fundamentally, it strives to obfuscate, if not flat-out justify, that approximately 600 individuals were held in bondage at Monticello

⁷³ For example, see M. Andrew Holowchak, "'The spirit of the master is abating': The Myth of Jefferson's Racism," in *The Elusive Thomas Jefferson: Essays on the Man Behind the Myth*, eds. M. Andrew Holowchak and Brian W. Dotts (Jefferson, NC: McFarland & Company, Inc., Publishers, 2017), 81-117.

and surrounding sister farms over the course of Jefferson's life.⁷⁴ While eschewing the very real presence of human bondage that occurred under Jefferson's eye, it also, runs counter to the very impressive studies that have emerged in recent years that offer insights into plantation life at Monticello. While the Jefferson-slavery relationship has been explored in nearly an exhaustive fashion for over two centuries, the work of Lucia Stanton, William M. Kelso, and Annette Gordon-Reed, importantly shed light on the trans-generational effects of the institution.⁷⁵ Rather than engaging in conceptual roulette often in contrarian fashion, these studies, unlike those that attempt to distort the very real implications of racism and slavery, underscore the *human* element that surrounds analysis of the subject.

The second point of qualification runs paradoxically in an opposite direction of the first remark. While the seemingly contradictory nature between the sweeping words deployed by Jefferson and his position as slaveholder muddies how exactly to assess his legacy, it is important to note that Jefferson never deviated in his writings from the belief that slavery was a violation of natural rights. Jefferson was steadfast in his conviction that slavery was an abomination directly violating, as Charles A. Miller has

⁷⁴ It has been noted, based on Jefferson's own recordkeeping and recent archaeological excavations of former slave quarters, that up to nearly 200 slaves were present at any time at Monticello. See Francis D. Cogliano, *Thomas Jefferson: Reputation and Legacy* (Charlottesville: The University of Virginia Press, 2006), 222.

⁷⁵ See Lucia Stanton, *Slavery at Monticello* (Chapel Hill: The University of North Carolina Press, 1996); *"Those Who Labor for My Happiness": Slavery at Thomas Jefferson's Monticello* (Charlottesville: The University of Virginia Press, 2012); William M. Kelso, *Archaeology at Monticello: Artifacts of Everyday Life in the Plantation Community* (Charlottesville: Thomas Jefferson Memorial Foundation, 1997); Annette Gordon-Reed, *The Hemingses of Monticello: An American Family* (New York: W.W. Norton, 2008).

carefully pointed out, “natural liberty, natural equality, natural law, and natural right.”⁷⁶ According to Jefferson, slavery must and will – at the hands of education, economics, and Providence⁷⁷ – be terminated, permitting blacks to enjoy the same rights as all men and enjoy the exercise of the innate sense of moral equality that *all* possess.⁷⁸

Although Jefferson’s position on slavery remained consistent, his troubling remarks on the inferiority of blacks, often veiled by claims of scientific observations and falsifiable conclusions, cannot be ignored. Most notably, Jefferson’s *Notes on the State of Virginia* has persisted as a source of genuine concern as Henry Wiencek has suggested that the text is a “Dismal Swamp that every Jefferson biographer must sooner or later attempt to cross.”⁷⁹ In Query XIV, Jefferson writes, “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 both of body and mind.”⁸⁰ Although Jefferson prefaces the statement with an invocation of the scientific method that invites further research to reach a conclusion of racial inferiority, his prejudices remain glaringly scattered across his writings. In particular, Jefferson equates both

⁷⁶ Charles A. Miller, *Jefferson and Nature: An Interpretation* (Baltimore: The Johns Hopkins University Press, 1988), 67.

⁷⁷ Matthews, *The Radical Politics of Thomas Jefferson*, 72.

⁷⁸ Here Jefferson is directly drawing from Scottish thought, particularly Francis Hutcheson, in stressing a universalism of innate morality. For a discussion on the influence of Scottish Enlightenment and Jefferson’s training in this school of thought, see Marc Egnal, *Divergent Paths: How Culture and Institution Have Shaped North American Growth* (Oxford: Oxford University Press, 1996), 121.

⁷⁹ Henry Wiencek, *Master of the Mountain: Thomas Jefferson and His Slaves* (New York: Farrar, Straus and Giroux, 2013), 43.

⁸⁰ Thomas Jefferson, *Notes on the State of Virginia* (Boston: Lilly & Wait, 1832), 150.

Europeans and indigenous peoples in North America in terms of beauty, while deeming blacks inferior based on differences in pigmentation.⁸¹ Further, Jefferson would go as far as to compare the slaves at Monticello to articles of property.⁸² In a 1785 letter addressed to Marquis de Chastellux, Jefferson, again, returns to the position that blacks were inferior in physical and mental characteristics when compared to Europeans and indigenous peoples. However, his depiction in the letter to Chastellux contains important insights into his view of the developmental aspect of humans. Pointing to the effects of socialization, Jefferson suggests that this level of inferiority could be mitigated in a “few generations.”⁸³ In difficult and complex ways, then, Jefferson’s views on race and slavery shows how he was never fully able to escape the cultural and social forces of his home state and the early republic.

With these caveats and images in mind – Jefferson, the slaveholder *and* Jefferson, the promoter of natural rights – let us further explore his position on slavery and his attempts to thwart the further continuation of the corrosive institution that would ultimately tear the republic apart.

⁸¹ Jefferson, *Notes on the State of Virginia*, 145.

⁸² See Thomas Jefferson to Edward Coles, 25 August 1814, *The Papers of Thomas Jefferson*, Retirement Series, vol. 7, 28 November 1813 to 30 September 1814, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2010), 603-605.

⁸³ See Thomas Jefferson to Chastellux, 7 June 1785, *The Papers of Thomas Jefferson*, vol. 8, 25 February–31 October 1785, ed. Julian P. Boyd (Princeton: Princeton University Press, 1953), 184-186.

Jefferson Against Slavery

The centrality of Jefferson's abolitionist efforts is located in the early years of his political career over a decade span (1774-1784). During this period, Jefferson wrote, advocated, and disseminated amongst his colleagues, a number of documents, pamphlets, and legislative proposals that directly sought to eliminate slavery in America. Unable to persuade his Southern peers of the morally corrosive effects of the institution – an objection that emphasized a moral harm for *both* masters and slaves found in Query XVIII of his *Notes on the State of Virginia*⁸⁴ – this period would mark the formidable years of Jefferson's strongest efforts to turn the tide on the issue of slavery. Disheartened and deeply upset by political partisanship and regional hegemony, Jefferson's vehement efforts would recede after 1784, before his departure to France. While in France and upon his return back to Virginia, Jefferson carefully studied and communicated with Condorcet on his views concerning slavery.⁸⁵ Jefferson never abandoned his conviction that slavery was an abomination and in need of overturning, evident in his personal letters and scholarly pursuits post-1784;⁸⁶ however, the main

⁸⁴ See Jefferson, *Notes on the State of Virginia*, 169-170. He writes, "the whole commerce between the master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other."

⁸⁵ See "Jefferson's Notes from Condorcet on Slavery," *The Papers of Thomas Jefferson*, vol. 14, 8 October 1788–26 March 1789, ed. Julian P. Boyd (Princeton: Princeton University Press, 1958), 494-498.

⁸⁶ For example, Jefferson affirms the efforts of the Quakers to end slavery across the republic in an exchange of letters with Edward Bancroft. See Thomas Jefferson to Edward Bancroft, 26 January 1789, *The Papers of Thomas Jefferson*, vol. 14, 492-494; Edward Bancroft to Thomas Jefferson, 20 February 1789, *The Papers of Thomas Jefferson*, vol. 14, 578-580.

fervor and sense of urgency that came to characterize his earlier writings became decisively less frequent and firmly more private.

The first major expression of Jefferson's abolitionist energies is found in his 1774 political tract, "A Summary View of the Rights of British America." Taking direct aim at King George III, Jefferson lambasts the Crown for the introduction of slavery in the colonies. Objections by the colonists against the inhumane institution failed to gain traction as the Crown opted to promote the interests of a "few British corsairs,"⁸⁷ rather than the appeals and interests of the colonists. Attacking the conduct of the Crown, Jefferson emphasizes the numerous attempts by the colonists to terminate, or, at the very least, strongly inhibit, the perpetuation of slavery in the colonies, all in an unreceptive manner by the majesty. Elevating the issue of slavery to the highest plane for the colonists, he details the acrimonious reception of the monarch, writing,

The abolition of domestic slavery is the great object of desire in those colonies, where it was unhappily introduced in their infant state. But previous to the enfranchisement of the slaves we have, it is necessary to exclude all further importations from Africa; yet our repeated attempts to effect this by prohibitions, and by imposing duties which might amount to a prohibition, have been defeated by his majesty's negative.⁸⁸

Jefferson's disdain for the institution of slavery and his sharp attack of the transatlantic slave trade on display in his "Summary View," became further refined in his original

⁸⁷ Thomas Jefferson, "A Summary View of the Rights of British America: Set Forth in Some Resolutions Intended for the Inspection of the Present Delegates of the People of Virginia, Now In Convention," American Imprint Collection, Thomas Jefferson Library Collection, Library of Congress, Washington, D.C. (Williamsburg, VA: Printed by Clementina Rind, 1774), 17. In his original draft, Jefferson wrote, "few African corsairs." In a subsequent draft, the word "British" was inserted.

⁸⁸ Jefferson, "Summary View," 16-17.

draft of the *Declaration of Independence* two years later. In this second major abolitionist writing, Jefferson again, in his June 1776 draft, attacks the Crown for his unwillingness to stop the slave trade and its corresponding impact on freedom. He writes,

He has waged cruel war against human nature itself, violating it's most sacred rights of life & liberty in the persons of a distant people who never offended him, captivating & carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of *infidel* powers, is the warfare of the Christian king of Great Britain. Determined to keep open a market where MEN should be bought & sold, he has prostituted his negative for suppressing every legislative attempt to prohibit or to restrain this execrable commerce [...].⁸⁹

This critical passage, of course, was expunged in the final version of the text that was adopted by Congress, much to the disapproval of Jefferson. Deeply frustrated by the unwillingness of his fellow American patriots to adopt his more egalitarian ideals, Jefferson disseminated his original draft amongst his close friends in an effort to keep the promise of emancipation alive.⁹⁰ Moreover, Jefferson was woefully worried that his sentiments would be lost to future generations. In turn, he scrupulously copied and inserted the draft into his *Autobiography* in the hope that his ideas would survive in posterity.⁹¹ While Jefferson was drafting the *Declaration*, he was also, simultaneously, outlining model constitutions for his home state. In a short, yet powerful line of text,

⁸⁹ See "III. Jefferson's 'original Rough draught' of the Declaration of Independence, 11 June–4 July 1776," *The Papers of Thomas Jefferson*, vol. 1, 423-428.

⁹⁰ Cogliano, *Thomas Jefferson: Reputation and Legacy*, 201.

⁹¹ See Thomas Jefferson, *Autobiography of Thomas Jefferson, 1743-1790*, ed. Paul Leicester Ford (New York: G.P. Putnam's Sons, 1914), 21-34.

Jefferson obliterates the institution, asserting, “No person hereafter coming into this country shall be held in slavery under any pretext whatever.”⁹² The fate of Jefferson’s proposed Virginia Constitution, however, would, much like his slavery-refutation passage in the *Declaration*, fail to achieve ratification, succumbing to the scorn of pro-slavery advocates.

The tenor of his 1776 writings reemerged, albeit, in an explicitly Virginia context, two years later. In Bill 51, Jefferson’s proposed law called for the abolishment of the transatlantic slave trade. Prohibiting the importation of enslaved Africans to Virginia, Jefferson’s draft additionally pointed to the idea of gradual emancipation. The bill states, “Be it enacted by the General Assembly, that no persons shall, henceforth, be slaves within this commonwealth, except such as were so on the first day of this present session of Assembly, and the descendants of the females of them.”⁹³ The prospect of freeing slaves born after a fixed date, and then followed by a total elimination of the institution, briefly considered in Bill 51, marks a defining feature of Jefferson’s vision of emancipation and the restraints that prevented its immediate implementation. In yet another endeavor to draft a new constitution for Virginia in the summer of 1783, Jefferson would return to the idea of gradual emancipation. Providing more details than his 1778 proposal, Jefferson offers the commencement point for total emancipation,

⁹² See “Second Draft by Jefferson, before 13 June 1776,” *The Papers of Thomas Jefferson*, vol. 1, 347-355.

⁹³ See “51. A Bill concerning Slaves, 18 June 1779,” *The Papers of Thomas Jefferson*, vol. 2, 1777–18 June 1779, ed. Julian P. Boyd (Princeton: Princeton University Press, 1950), 470-473.

suggesting no further “introduction of any more slaves to reside in this state, or the continuance of slavery beyond the generation which shall be living on the 31st. day of December 1800; all persons born after that day being hereby declared free.”⁹⁴ Jefferson’s plan for gradual emancipation *qua* institutional abolition succinctly expressed in the 1788 and 1783 drafts are central to his racial beliefs put forth in his *Notes on the State of Virginia*.

In Query XIV of his *Notes*, Jefferson offers a litany of revisions for the laws of Virginia. Specifically, he presents an amendment of his Bill 51 concerned directly with the emancipation of slaves. Here, Jefferson reveals the inner core of his plan for emancipation. For all slaves born after the ratification of the proposed law, Jefferson offers, “they should continue with their parents to a certain age, then be brought up, at the public expense, to tillage, arts or sciences, according to their geniuses, till the females should be eighteen, and the males twenty one years of age.”⁹⁵ Upon reaching the fixed age, they shall “be colonized to such place as the circumstances of the time should render most proper, sending them out with arms, implements of household and of the handicraft arts, seeds, pairs of the useful domestic animals, and to declare them a free and independent people.”⁹⁶ The justification for expatriation is telling, helping to draw out his thoughts on race, national homogeneity, and self-government. Primarily,

⁹⁴ “Jefferson’s Draft of a Constitution for Virginia, May–June 1783,” *The Papers of Thomas Jefferson*, vol. 6, *21 May 1781–1 March 1784*, ed. Julian P. Boyd (Princeton: Princeton University Press, 1952), 294-308.

⁹⁵ Jefferson, *Notes on the State of Virginia*, 144.

⁹⁶ *Ibid.*

Jefferson saw two separate nations in constant tension in America. He conceived of a white, settler vision of the American nation – one that did, however, permit racial assimilation with indigenous peoples – compared to a nation constituted by enslaved blacks.⁹⁷ This denial of inclusion for enslaved-turned-freed-blacks into the American nation was underscored by Jefferson’s view of racial inferiority, detailed in Query XIV, as well as his belief that resentment carried by freed slaves would terrorize former masters, nullifying the prospects of domestic peace.⁹⁸ Instead, Jefferson envisioned the erection of a new nation, outside the territorial bounds of the United States, as the appropriate setting for freed slaves to habituate and establish their own system of self-government.⁹⁹ Only, then, in Jefferson’s view, would enslaved blacks experience “total emancipation” afforded with the opportunity to create a new nation on their own terms. Moreover, the eradication of slavery in America would ensure that future generations were no longer habituated to the revulsive manners and customs that accompanied the institution.

The final inflection of Jefferson’s abolitionist efforts came a decade after his “Summary View” in 1784. Concerned with how lands west of the Appalachian

⁹⁷ See Peter S. Onuf, “‘To Declare them a Free and Independent People’: Race, Slavery, and National Identity in Jefferson’s Thought,” *Journal of the Early Republic* 18 (1998): 1-46.

⁹⁸ Also, see Thomas Jefferson to Edward Coles, 25 August 1814, *The Papers of Thomas Jefferson*, Retirement Series, vol. 7, 603-605.

⁹⁹ Specifically, Jefferson saw the African continent or the West Indies as viable locations for colonization. See Thomas Jefferson to James Monroe, 24 November 1801, *The Papers of Thomas Jefferson*, vol. 35, 1 August–30 November 1801, ed. Barbara B. Oberg (Princeton: Princeton University Press, 2008), 718-722. Also, see Thomas Jefferson to Jared Sparks, 4 February 1824, “*Founders Online*, National Archives, <http://founders.archives.gov/documents/Jefferson/98-01-02-4020>.

Mountains would be divided, Jefferson was charged with the task by Congress to comprise a proposal outlining a basic government structure for the new territories. In his draft, Jefferson insisted on two major tenets for inclusion: i) that newly formed western states should be republican in form, and ii) that “neither slavery nor involuntary servitude” be permitted in the territories.¹⁰⁰ Significantly, these two key components remained in the final, ratified version of the Ordinance of 1784. For Jefferson, it was an important policy victory that prevented the further expansion of slavery throughout the republic.

In the years of 1774-1784, we can thus locate the most noteworthy and explicit efforts by Jefferson to end slavery in America. His positions on the Crown’s forceful continuation of slavery, the morally corrosive aspects of the institution, and the prospects for total emancipation, form the nucleus of his concerns articulated across his major writings (“Summary View,” *Declaration*, and *Notes*). In his various proposals for legal and constitutional reform, we find specific attempts by Jefferson to ameliorate the present conditions of slavery as well as its eventual termination through an incremental approach in his home state.

Following 1784, Jefferson’s positions on slavery remained consistent, yet his writings (public and private) and policy directives avoided direct confrontation with the issue. He upheld the belief that slavery, if ignored, would ultimately destroy the

¹⁰⁰ “III. Report of the Committee, 1 March 1784,” *The Papers of Thomas Jefferson*, vol. 6, 603-607.

republic, though he remained assertive that a full-out domestic emancipation of slaves would lead to a bloody and violent race war analogous to the slave revolt in Saint-Domingue. Upholding the *status quo* in Jefferson's view, however, meant that the union was destined for a fateful clash. While Jefferson's prophecy was correct, his legacy as a revolutionary writer *and* slaveholder emerged in complicated and challenging ways following his death. The image of Jefferson, or rather, the biographical narrative of the principal author of the *Declaration* ascended to a level of nationalized myth, attempting, in many ways, to grapple with the difficult question of contradiction. It is important now to trace how the Jefferson-slavery relationship has unfolded, prompting considerations over the validity and acceptance of Jefferson's thought.

Three Waves of Scholarship

In an unexpected fashion, the image of Jefferson as an ardent opponent of slavery developed at the hands of Jefferson himself. Ever mindful of his legacy and how future generations would judge his actions (or inactions), Jefferson carefully cast himself, both publicly and across private correspondences, as firmly against the institution and strongly in support of gradual emancipation. In a letter to his Albemarle neighbor Edward Coles, written in August 1814, Jefferson advised Coles against his plan to free his own slaves. Instead, Jefferson recommends that Coles raise public awareness via

writings and speeches to gather support for the gradual emancipation of slaves.¹⁰¹ Coles, however, refused the advice provided by the Sage of Monticello, choosing instead to free his slaves on route to Illinois and assist in their relocation. While the letter importantly expresses Jefferson's views on the institution (incremental over immediate emancipation, a profound moral impact on masters and slaves, and a non-confrontational *contra* direct action approach to the institution) it carefully illustrates the dilemma that ensnared him. Jefferson knew that slavery was wrong, yet he refused direct action in fear of the consequences that could follow wide-scale emancipation.

"We have the wolf by the ear," Jefferson wrote to John Holmes in 1820, drawing attention to the predicament that he and his fellow slaveholders faced, "and we can neither hold him, nor safely let him go."¹⁰² The imagery is striking and troubling, aiming to invoke both an understanding and a sense of sympathy from his reader in his inability to let go of the institution that he was culturally and economically dependent upon, yet strongly opposed on moral grounds. The prospect of the manumission of slaves at Monticello was further complicated by Jefferson's financial troubles. Under Virginian state law, the release of slaves required slaveholders to provide for their successful transportation out of the state and relocation. Slaves that were not safely relocated outside of state lines were still considered under a slave-status, thereby they

¹⁰¹ Thomas Jefferson to Edward Coles, 25 August 1814, *The Papers of Thomas Jefferson*, Retirement Series, vol. 7, 603-605.

¹⁰² Thomas Jefferson to John Holmes, 22 April 1820, Photostatic copy examined at the Albert and Shirley Small Special Collections Library, University of Virginia, Charlottesville, VA.

could be enslaved under the control of a new slaveholder. Emancipation under this method required significant funds for transportation as well as basic necessities in securing their livelihood. Jefferson, deeply saddled with debt, remained obedient to state law, vitally unwilling to explore new measures to procure the necessary funds for emancipation, while rationalizing economic and legal justifications for the continuation of slavery at Monticello.

In this way, Jefferson's major abolitionist writings of 1774-1784 coupled with his private letters later in life, helped to construct a sympathetic view of him. This supportive view was greatly aided by his careful arrangement of writings in his *Autobiography*, one that authoritatively illuminated a picture of him as a strong foe of slavery. Importantly, then, Jefferson's image was self-constructed, helping to establish an important reception of his efforts from a historical perspective. This notably marks the first major reception of the Jefferson-slavery relationship characterized as the *gradual, incremental emancipation view*.

While Jefferson may be considered the architect of such a complementary treatment, it received much support by nineteenth century abolitionists in their usage of anti-slavery passages contained in *Notes* as well as sympathetic biographies written in the twentieth century. Predominantly, the work of Dumas Malone, Adrienne Koch, William Peden, Merrill D. Peterson, and Douglas L. Wilson, strongly reinforced an image of Jefferson as a reluctant slaveholder committed to the process of gradual

emancipation.¹⁰³ Often ignoring the issue of slavery all together, or deeply qualifying the explicit racism of his writings, sympathetic readers of Jefferson sought to present his writings in the most favorable light possible. For example, Wilson suggests that rather than asking how the author of the words that “all men are created equal” could possibly own slaves, an entirely different question should be explored. Instead, Wilson offers a question that, in his view, takes into consideration historical circumstances and is actually more revealing:

How did a man who was born into a slave holding society, whose family and admired friends owned slaves, who inherited a fortune that was dependent on slaves and slave labor, decide at an early age that slavery was morally wrong and forcefully declare that it ought to be abolished?¹⁰⁴

Wilson’s revised question eschews both the inherent contradictory nature of Jefferson as well as the conditions faced by slaves at Monticello. The reframing of such an important and probing question as to how and why Jefferson remained complicit within the institution is therefore a salient feature of the first wave of scholarship, one that sought to enshrine the legacy of Jefferson in favorable ways.

In the 1960s, the integrity of Jefferson’s character, however, became an object of attention and criticism at the hands of a critical, revisionist interpretation. Marking the

¹⁰³ See Malone, *Jefferson and His Time*, vols. I-VI; particularly, vol. I: 264, vol. III: 208, vol. VI: 316-327; Adrienne Koch and William Peden, eds., *Life and Selected Writings of Thomas Jefferson* (New York: Modern Library, 1944), 641-642; Peterson, *Thomas Jefferson & the New Nation: A Biography*, 998; Douglas L. Wilson, “Jefferson and the Character Issue,” *Atlantic Monthly* 270, no. 5 (Nov. 1992): 57-74. For another example of this sympathetic reading of Jefferson, see Noble Cunningham, Jr., *In Pursuit of Reason: The Life of Thomas Jefferson* (Baton Rouge: Louisiana State University Press, 1987).

¹⁰⁴ Wilson, “Jefferson and the Character Issue,” 66.

second wave of scholarship, the *failure of action revisionist perspective* offered a direct refutation of the Jefferson-as-abolitionist image that came to characterize the first wave. Written amidst the growing American Civil Rights Movement, the second wave sought to overturn the dominant sympathetic view of Jefferson on ethical grounds. On this front, a number of crucial works significantly destabilized Jefferson's legacy, focusing instead on the racial basis that underscored his major writings as well as emphasizing a direct contradiction between his writings and actions. The defining studies of this approach, included: Robert McColley's *Slavery and Jeffersonian Virginia*, Winthrop D. Jordan's *White Over Black: American Attitudes toward the Negro, 1550-1815*, William Cohen's article, "Thomas Jefferson and the Problem of Slavery," and John Chester Miller's *The Wolf by the Ears: Thomas Jefferson and Slavery*.¹⁰⁵ Essentially, these groundbreaking studies – in conjunction with more recent efforts, such as Garry Wills' "Negro President" and Roger G. Kennedy's *Mr. Jefferson's Lost Cause*¹⁰⁶ – can be summarized by the following structure: i) Jefferson's strongest anti-slavery writings can be found between the years of 1774-1784; ii) there remains a fundamental contradiction

¹⁰⁵ See Robert McColley, *Slavery and Jeffersonian Virginia* (Urbana: University of Illinois Press, 1964); Winthrop D. Jordan, *White Over Black: American Attitudes toward the Negro, 1550-1812* (Chapel Hill: University of North Carolina Press, 1968), introduction; William Cohen, "Thomas Jefferson and the Problem of Slavery," *Journal of American History* 56 (1969): 503-525; John Chester Miller, *The Wolf by the Ears: Thomas Jefferson and Slavery* (Charlottesville: The University of Virginia Press, 1991). For perhaps the strongest promoter of the revisionist circle, see Paul Finkelman, *Slavery and the Founders: Race and Liberty in the Age of Jefferson* (Armonk, NY: M.E. Sharpe, 2001).

¹⁰⁶ See Garry Wills, "Negro President": *Jefferson and the Slave Power* (Boston: Mariner Books, 2005); Roger G. Kennedy, *Mr. Jefferson's Lost Cause: Land, Farmers, Slavery, and the Louisiana Purchase* (Oxford: Oxford University Press, 2003). Also, see Francis D. Cogliano, "Founders Chic," *History* 89 (2005): 411-419; Tim Matthewson, "Jefferson and Haiti," *Journal of Southern History* 61 (1995): 209-248.

between his words and actions; iii) Jefferson's political actions, especially as president, should be considered as an advancement of a pro-slavery position; and, finally, iv) Jefferson's failure to end slavery (both at Monticello and throughout the union) was a result of his deep-seated racism.¹⁰⁷

The stark contrast between an emphasis on gradual emancipation (first wave) and the problematic chasm between writing and deed (second wave), however, opened up new contours for scholarship to explore. Forging a path between these two competing interpretations, the third wave, *context contra justification approach*, asks how Jefferson's stance on slavery could be understood in relation to a broader historical context. Paying attention to ideological, economic, political, and moral issues of the early republic, the third wave has sought to explain, rather than affirm or vilify Jefferson's actions. Drawing from both waves of interpretations, the context approach accepts his early writing as valid (and sincere) efforts to challenge the institution, yet further explores the reasons that inhibited subsequent action on his part. This approach crucially acknowledges the dilemma that Jefferson faced, seeking to offer important context, not as a means to excuse his inaction, but rather as an attempt to provide a fuller picture of the dynamic and complex realities of early American life. Centrally, this

¹⁰⁷ This point is stressed by Conor Cruise O'Brien in his article, "Thomas Jefferson: Radical and Racist," *The Atlantic Monthly* 278 (1996): 53-79. Eschewing the legacy of Jefferson because of his views on race, O'Brien writes, "Washington did not, as Jefferson did (in Query XIV of *Notes on the State of Virginia*), go on about such topics as the supposed preference of black males for white women, as compared with the supposed preference of orangutans for black women. Nor did Washington display, as Jefferson did (most obsessively in Query XIV), the classic racist itch to identify black characteristics that might be interpreted as indicative of genetic inferiority" (68).

approach can be found in the work of Edmund Morgan, Peter Onuf, Ari Helo, and Andrew Burstein, amongst others.¹⁰⁸ While each of these respected scholars anchor their analysis within various contextual fields, the approach is enormously fruitful, carefully aligning Jefferson's writings, politics, and convictions in direct conversation with the issue of slavery *inter alia* showing how historical inquiry is often at-odds, if not beholden, to the competing forces of time, space, and change.

While each of these three interpretations of Jefferson's relationship with slavery have offered various perspectives, both historically and conceptually, that assist in approaching his thought, this study suggests that there is much to be gained by using elements of each approach, respectively. Primarily, this alternative route maintains three central premises of historiographical and theoretical analysis concerning Jefferson and slavery.

First, a recognition and acceptance of political writings as genuine expressions crafted to articulate a particular vision of public life. In this way, Jefferson's early abolitionist writings are treated as inherent acts of political engagement directly aimed to challenge the *status quo* (first wave). Also, in a vein not too far from Wilson's query,

¹⁰⁸ See Edmund S. Morgan, *American Slavery, American Freedom: The Ordeal of Colonial Virginia* (New York: W.W. Norton, 1975); Ari Helo, *Thomas Jefferson's Ethics and the Politics of Human Progress: The Morality of a Slaveholder* (Cambridge: Cambridge University Press, 2014); 1-16, 40-45; Peter S. Onuf, *Jefferson's Empire: The Language of American Nationhood* (Charlottesville: The University of Virginia Press, 2000); Andrew Burstein, *Jefferson's Secrets: Death and Desire at Monticello* (New York: Basic Books, 2005). Also, see Richard B. Bernstein, *Thomas Jefferson: The Revolution of Ideas* (Oxford: Oxford University Press, 2004); Joseph J. Ellis, *American Sphinx: The Character of Thomas Jefferson* (New York: Alfred A. Knopf, 1997).

there remains value in asking how Jefferson – born into a society deeply marked by slavery – could envision questions concerning emancipation and human rights.

Second, a clear recognition of a critical contradiction found between Jefferson's thought and action (second wave). From this perspective, there is much to be gained by exploring *how* and *why* Jefferson accepted Sally Hemings, and her brother James, as free subjects and servants deserving of compensation, during their time in Paris between 1785-1789, yet relegated them to the status of slave upon return to Monticello.¹⁰⁹ Such a gap is significant and problematic, further revealing the limitations of his thought and the necessity to theorize from within and beyond, incorporating new dimensions and energies that more properly reflect the changing dynamics of the present-moment.

Third, an understanding that to explore the issue of Jefferson and slavery is not to excuse, exonerate, or promote a further image of politics compressed in a strictly settler colonial, white-proprietary identity (third wave). Rather, by working through the contradictory nature between thought and action, new questions and ideas may emanate that shed light not simply on the social realities of early America, but importantly, on our current political juncture. The myth of Jefferson still resonates intellectually and culturally and scholars of early American political thought cannot simply purge his writings because similar dilemmas exist today. To approach the

¹⁰⁹ Annette Gordon-Reed, *Thomas Jefferson and Sally Hemings: An American Controversy* (Charlottesville: The University of Virginia Press, 1997), 163. For a discussion on the lifestyle changes suggested by Jefferson that would be afforded to Sally Hemings and her unborn child at Monticello as well as the possibility of freedom, see Gordon-Reed, *The Hemingses of Monticello*, 352.

contradictory nature of Jefferson is to enter into a theoretical impulse toward equality that is, however, constrained by exceptional racism and sexism. Melvin L. Rogers makes notes of the lines of homogeneity and patriarchy that encircle his thinking, writing, “For Jefferson, the similitude of race and culture and the restriction of women to the private sphere sustained the integrity of the polity.”¹¹⁰ In order to comprehend the histories of the United States and, in turn, the events, people, and ideas that have shaped our present situation, we must continue to explore the contradiction in Jefferson's thought, not for the sake of celebrating Jefferson, but for the purpose of attaining political freedom and equality for all. In sum, there remains much to reconsider and rethink in Jefferson's thought. For new spaces remain that have yet to be explored, offering our contemporary gaze an entry into a vision that points towards an alternative configuration of political life.

* * *

In this chapter, I surveyed the vast field of Jeffersonian scholarship. Such a journey, showed how various registers have taken-up Jefferson's thought and the difficulty that accompanies a strict theoretical reading of his work. Instead, this study suggests that an engagement with Jefferson requires an exploration into the archives to help construct a systematic presentation of his political philosophy. By excavating the thought of

¹¹⁰ Rogers, “The People, Rhetoric, and Affect,” 190.

Jefferson, an occulted dimension is discharged, providing a historical and conceptual theorization of a project of radical politics.

In the next chapter, I initiate a philosophical examination of the *politics omnium populorum principle* to tease out how a *politics of all* functions as the primary objective within Jefferson's radical politics. To do so, I turn to his theorization of ward republics, in a manner akin to that of Arendt, Matthews, and Hardt. Examining his writings on the ward system – which developed over four decades – I present a coherent understanding of the role and function of the ward republics. Primarily, I argue that Jefferson views ward republics as a solution to the ailments of republican governments, namely, the Roman Republic and the Italian city-states of the Renaissance, by redirecting the expansionist logic of empire *inward* in order to ensure that all members of the political community are afforded with the necessary time, space, and training for engagement. It is from Jefferson's adamant rejection of the compression of all forms of power in the hands of One, Few, well-born or Many, contextualized within the framework of the ward system, that the *politics omnium populorum principle* finds its most profound articulation. Such a position, then, enables this study to retrace the lines of Jefferson's thought, in order to illuminate a vision of a politics of all, scattered across various points of his writings.

CHAPTER 2
Divide the Counties into Wards:
The Politics Omnium Populorum Principle

Perhaps, then, democracy should be about forms rather than a form or constitution; and, instead of an institutionalized process, it should be conceived as a moment of experience, a crystallized response to deeply felt grievances or needs on the part of those whose main preoccupation – demanding of time and energy – is to scratch out a decent existence.¹

– Sheldon S. Wolin

The event of our experiment is to shew whether man
can be trusted with self government.²

– Thomas Jefferson

In turning to his theorization of ward republics, this chapter initiates a philosophical examination of the *politics omnium populorum principle* (politics of all people) immanent within Jefferson’s radical democratic project. In this chapter, I argue that Jefferson sees a network of ward republics as a safeguard against excessive encroachments by governmental power; a crucial training ground for localized education; a vital space for citizens to engage, practice, and learn the art of politics; and, the ultimate scene of political time-space for the creation of a politics of all. In turn, the ward system preserves and reignites the revolutionary spirit of 1776 as Richard K. Matthews and Michael Hardt suggest. It also, and more importantly, as Hannah Arendt briefly identified, resolves the theoretical and practical deficiencies of democratic-republicanism, namely the problems of political time-space and the unrelenting quest

¹ Sheldon S. Wolin, *Politics and Vision* (Princeton: Princeton University Press, 2004), 603.

² Thomas Jefferson to David Hall, 6 July 1802, *The Papers of Thomas Jefferson*, vol. 38, 1 July–12 November 1802, ed. Barbara B. Oberg (Princeton: Princeton University Press, 2011), 24-25.

for empire through an intensification of politics and an enlargement of active participators.³ In this way, my present task is to follow and advance the thread of a politics of all – first noticed by Arendt – in order to demonstrate the primary objective of Jefferson’s political vision.

To explore this neglected side of Jefferson’s thought, I engage with key aspects of his thinking on politics to explain his attempt to reconfigure the classical regime modeling of governmental form. In particular, attention will be paid to the economic dimension that runs throughout his work, notably, the pastoral vision of American society that finds all members endowed with the necessary political and economic skills to actively engage in the task of self-government. Moreover, Jefferson’s ideal political design, one that envisions a multitude of local republics, will be juxtaposed against the Madison-Hamilton paradigm of patrician government. In stark contrast to Jefferson’s ward system, Madison and Hamilton sought to resolve the inherent flaws of republican regimes through a proliferation of economic activity that would effectively render the citizenry passive. Such a vision of an extended commercial republic populated by disinterested, anti-political subjects stands in direct opposition to Jefferson’s enlarged agrarian republic comprised of politically energized local wards inhabited by active citizens. To explore this route, I follow these two distinct visions of American political

³ In particular, see Richard K. Matthews, *The Radical Politics of Thomas Jefferson: A Revisionist View* (Lawrence: University Press of Kansas, 1986), 81-89; Michael Hardt, “Jefferson and Democracy,” *American Quarterly* 59, no. 1 (2007): 70-71; Michael Hardt, introduction to *The Declaration of Independence* (London: Verso, 2007), xviii-xxi; Hannah Arendt, *On Revolution* (London: Penguin Press, 1965), 239-255.

life, examining the intricate features of the opposing designs as well as their understanding of prior regimes located throughout history. Primarily, I turn to Madison and Hamilton's repudiation of ancient systems of government while arguing that Jefferson's development of the ward system was greatly influenced by classical thought, importing a valuable ethical dimension to politics.

An examination of the ward system also helps to express the objective of Jefferson's political vision in a precise manner. Specifically, it reveals his thinking on the structure and design of self-government and its corresponding impact on a citizen's ability to access decision-making channels. The wards strive to provide an answer to the critical problem facing the American republic: the supplanting of active, ongoing processes of political participation and deliberation by citizens for an ensnarement of constituted power that eschews the revolutionary fever of 1776.⁴ For Jefferson, the wards aim to thwart an enclosed constituted power that underscores the Constitution as well as an unresponsive federal government by subverting the direction of top-down political power back into a local setting predicated upon the active and full participation of all members.

By uncovering this uniquely radical principle of a politics of all found in the scene of Jefferson's ward republics, we will move closer to the heart of his understanding of politics. To begin, I turn to Jefferson's understanding of republican

⁴ See Antonio Negri, *Insurgencies: Constituent Power and the Modern State*, trans. Maurizia Eoscagli (Minneapolis: University of Minnesota Press, 1999), 147-153.

regimes throughout history and the problems that his ward republics must overcome to effectively institute a “true democracy” in America.⁵

*The Dilemma of the Republican Regime:
Political Time-Space and Empire*

For Jefferson, the ward system is nothing short of a reconstitution of public space for the engagement of all members. Primarily, it sought to resolve two main problems that, according to Jefferson, had plagued republics throughout history. Firstly, the promise of accessible space for the actualization of effective freedom for *a new type of political citizenship* that reflectively prescribes its own laws in concert with others while remaining, at least temporarily, freed from the material constraints of existence. And, secondly, the infectious tendency to redraw the boundaries of a body politic by means of expansion in order to erect an empire.

The dynamics of republican governing bodies throughout history – a lineage spanning from the ancient Greek *polis* to the Roman Republic to the Italian city-states of the Renaissance – carefully accentuates the inherent and often contradictory tension between this promise of political time-space and a haunting energy and movement

⁵ See Thomas Jefferson to Samuel Kercheval, 5 September 1816, *The Papers of Thomas Jefferson*, Retirement Series, vol. 10, *May 1816 to 18 January 1817*, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2013), 367-369. Also, central to this understanding of Jefferson’s democratic vision is A. Whitney Griswold’s text, *Farming and Democracy*. The account details the essential aspects of Jefferson’s agrarian commitment, especially the significance of the independent farmer and the implications of engaging in such an endeavor that affords both time and space for political engagement. Importantly, Griswold asserts that for Jefferson, “Democracy meant self-government.” See A. Whitney Griswold, *Farming and Democracy* (New York: Harcourt, Brace & Co., 1948), 18-46.

towards empire. Looking at these two strenuous poles, a crucial dimension comes to light that captures the main thrust of classical republican theory. This defines a republican body politic as a regime of self-reflectiveness and perpetual scrutiny populated by the people striving to erect self-government *on their own terms*. An understanding of this regime thus signifies a particular constitutional form of government as well as a theory of freedom articulated by the axioms of non-domination and self-institution.⁶ It is more appropriate, then, to interrogate the historical and theoretical deficiencies of classical republican theory as the problems of a *democratic-republican* body politic that takes the *political* to signify the lucid activities of all aimed directly at the institutions of society *in relation with* an understanding of *politics* as an

⁶ My assertion of freedom under the tradition of classical republican thought attempts to move beyond the conceptually neat categories of negative and positive freedom as proposed by Isaiah Berlin in his 1958 essay, "Two Concepts of Liberty." Instead, I propose a democratic-republican understanding of freedom, similar in vein to Philip Pettit's presentation of republican freedom in *Republicanism: A Theory of Freedom and Government* and Quentin Skinner's in "The Idea of Negative Liberty: Philosophical and Historical Perspectives." A democratic-republican theory of freedom acquires the central thesis of Pettit's axiomatic claim of non-domination, yet shifts the conceptual lens to more fully capture the dilemma of political time-space. Freedom, in this sense, while operating through a rejection of both private and public domination, is orientated towards the question of the political. In such a manner, freedom is intrinsically – both conceptually *and* historically – concerned with the actualization of equality through an interrogation of the stringent tensions between the poles of non-domination and non-interference (central to the liberal telling of freedom) and the contours of daily life that permit full engagement in the affairs of the city by master-less citizens. The theoretical backdrop that I have proposed for a democratic-republican concept of freedom expands and widens the depth of freedom enabling both the ancient Greek *polis* and the Roman Republic to be seen as an explicit scene concerned with available space and time for the maturation of the citizen through public and private freedom as well as political *and* economic equality. See Isaiah Berlin, "Two Concepts of Liberty," in *Four Essays On Liberty* (Oxford: Oxford University Press, 1969), 118-172; Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Clarendon Press, 2002), 51-79; Quentin Skinner, "The Idea of Negative Liberty: Philosophical and Historical Perspectives," in *Philosophy in History*, eds. Richard Rorty, J.B. Schneewind, and Quentin Skinner (Cambridge: Cambridge University Press, 1984), 193-224.

inherently democratic experience enacted through an explicit questioning of the established institutions of society.⁷

Jefferson's theorization of the ward system – a network of civic republics – confronts the issues of political time-space and empire through a framework that inverts the pitfalls that had afflicted republics of antiquity and the Renaissance. By envisioning a common stage for all to engage in public affairs *while at the same time* localizing and redirecting the energetic drive for empire away from imperialistic drives, Jefferson reimagines the limitations and possibilities of a republican government. Before turning attention to how Jefferson accomplishes such a demanding task, let us first more fully examine crucial ailments of prior republics.

First, classical republican theory maintains a rich history that imports a commitment to direct and active political engagement as the ideal means of political participation. However, the feasibility of such a time and energy-consuming endeavor became untenable due to the stringent requirements of labor for the fulfillment of material necessities and population growth. Neither Algernon Sidney nor Jean-Jacques Rousseau's idealized political communities can be seen here as the archetypes for this

⁷ Here, I am conceptually drawing upon Cornelius Castoriadis' understanding of democratic politics. See Cornelius Castoriadis, "Intellectuals and History," in *Philosophy, Politics, Autonomy: Essays in Political Philosophy*, ed. David Ames Curtis (New York: Oxford University Press, 1991), 7. Also, see Castoriadis, "The Greek *Polis* and the Creation of Democracy," in *Philosophy, Politics, Autonomy: Essays in Political Philosophy*, 104.

particular regime form directly confronted with the issue of political time-space.⁸ Any territorial or population growth would undermine the availability (and necessity) for all members to participate in the ongoing process of law-creation. The enlargement of the body politic in terms of both territory and population ultimately results in a diminution of *available time* for all citizens to engage politically, due to the material necessities of life. The duality of the republican political actor, and in Rousseau's account one that is conceived as both subject and citizen, becomes untenable and decisively degenerates away from citizenship and towards mere obedience with the inevitable growth of the body politic; a growth that is always impregnated with a finality of decay and destruction.⁹ In turn, the health of a small republican regime impinged upon a fixed boundary and homogenous citizenry linked with a surplus of free time available outside of the confines of the labor process.

⁸ See Algernon Sidney, *Discourses Concerning Government* (London: Printed by J. Darby, 1704), §44. Also, see Jean-Jacques Rousseau, *On the Social Contract*, ed. Roger D. Masters, trans. Judith R. Masters (New York: St. Martin's Press, 1978), Book the Third, Ch. I.

⁹ The inevitability of decay and the death of the body politic are undeniably central themes in the history of political thought. Plato's regime classification carefully illuminates the cyclical deterioration of political bodies and the corresponding new form. In Montesquieu's epistolary novel, yet importantly political, *Persian Letters*, the subject of decay is embedded within the historiography of the Troglodytes. For Montesquieu, political bodies are always subject to decay; however, this is accelerated when the ancestral past is repressed. An essential duty of political citizenship is, therefore, to preserve and keep the past alive in the present and projected into the future for the body politic. In both his *On the Social Contract* and his unfinished *Constitutional Project for Corsica*, Jean-Jacques Rousseau discusses the devolution of the body politic immediately triggered once it is enacted into existence. Moreover, Rousseau cautions that a separation between the political body and the institutional arrangement of political power will most certainly lead to decline and decay. See Charles-Louis de Secondat Montesquieu, *Persian Letters*, trans. C.J. Betts (Baltimore: Penguin Books, 1973), Letters XI-XIV. Also, see Rousseau, *On the Social Contract*, Book the Third, Ch. X & Book the Fourth, Ch. VI; Jean-Jacques Rousseau, *Constitutional Project for Corsica*, in *Political Writings*, ed. & trans. Frederick Watkins (Madison: The University of Wisconsin Press, 1986), 279-321.

Second, as an avid reader of classical antiquity, Jefferson was aware of the troubling expansionist instincts of republican bodies, especially in the transformation of the Roman Republic. Citing English historian Edward Gibbon's *The History of the Decline and Fall of the Roman Empire* in a list of recommended books comprised in October 1809,¹⁰ Jefferson saw a drive to empire predicated along imperialistic grounds as prohibitive to popular sovereignty and individual as well as societal enlightenment. Writing to Thomas Leiper on 12 June 1815 concerning the tyrannical and defective qualities of Napoleon Bonaparte, Jefferson likens the current depraved state of the European continent to the Roman Empire stressing, "the establishment, in our day, of another Roman empire, spreading vassalage and depravity over the face of the globe, is not, I hope, within the purposes of heaven."¹¹ Again, in a letter to John Adams in December 1819, Jefferson suggests that the Roman people were "incapable of exercising a wholesome control" due to the decline of political involvement and the lack of ideas concerning self-government.¹²

Although Gibbon's account appears to have been Jefferson's most important link to the history of Rome, scholarship has crucially missed the influence that

¹⁰ See "Enclosure: Thomas Jefferson's List of Recommended Books, ca. 4 October 1809," *The Papers of Thomas Jefferson*, Retirement Series, vol. 1, 4 March 1809 to 15 November 1809, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2004), 580-582.

¹¹ Thomas Jefferson to Thomas Leiper, 12 June 1815, *The Papers of Thomas Jefferson*, Retirement Series, vol. 8, 1 October 1814 to 31 August 1815, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2011), 531-534.

¹² Thomas Jefferson to John Adams, 10 December 1819, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 051, images 1-2.

Machiavellian thought has played on the subject. In his private library at Monticello, slotted between Xenophon and Voltaire, Jefferson carefully placed volumes four and five of *Opere di Niccolò Macchiavelli, coll aggiunta della inedite*.¹³ This important work, printed in 1768, featured Machiavelli's fundamental texts, *The Prince* and *Discourses on Livy*. In his personal journal, dated 26 April 1784, Jefferson briefly summarizes an exchange with the prominent Dutch bookselling firm of Boinod & Gaillard affirming the acquisition of the text.¹⁴

This is important not simply because it showcases the depth of Jefferson's historical interests, but precisely because there are strong parallels between Rome's downfall and the design of the American republic envisioned by James Madison and Alexander Hamilton. According to Machiavelli, an insatiable ambition plagued the Roman Empire, writing, "Whenever men cease fighting through breasts that whatever high rank men climb to, never does ambition abandon them."¹⁵ We shall see shortly that both Madison and Hamilton are fully aware of the dynamics of ambition. However, their prescriptions were not an inoculation from its energetic movement, but rather a redirection of it into economic endeavors in pursuit of an American Empire. As the "city was never again free,"¹⁶ due to its incessant move towards empire, Machiavelli –

¹³ See Thomas Jefferson, *Thomas Jefferson's Library: A Catalog with the Entries in His Own Order*, eds. James Gilreath and Douglas L. Wilson (Washington, D.C.: Library of Congress, 1989), Ch. 2, entry 144.

¹⁴ Thomas Jefferson to Boinod & Gaillard, 26 April 1784, *The Papers of Thomas Jefferson*, vol. 7, 2 March 1784–25 February 1785, ed. Julian P. Boyd (Princeton: Princeton University Press, 1953), 124.

¹⁵ Niccolò Machiavelli, *Discourses on Livy* (New York: The Modern Library, 1950), Bk. I, Ch. XXXVII.

¹⁶ Machiavelli, *Discourses on Livy*, Bk. III, Ch. XXIV.

and, in a fascinating way, Montesquieu's *Considerations on the Causes of the Greatness of the Romans and their Decline*¹⁷ – greatly ascribe the expansionist ethos via economic and military pursuits of the republic-turned-empire as a decisive catalyst for the corrosion and ultimate demise of the republic. For Jefferson, then, Madison and Hamilton's embrace and transplantation of ambition into an orbit of a vast, depoliticized commercial society will be met with great reluctance and trepidation to avoid the dangers that afflicted the Roman Republic.

*The Madison-Hamilton Remedy to the
Problems of Republican Self-Government*

The complications surrounding the dilemma of time-space and the drive for empire were of central concern to the American Founders. Particularly, James Madison and Alexander Hamilton provide an elaborate and complex transformation of these potentially terminal problems prescribed throughout *The Federalist Papers*. Madison's diagnosis of an active citizenry within a democratic society is unsympathetic, as he views no benefit to the extension of political participation as a means to resolve the basic elements of human nature. In *Federalist No. 10*, Madison rejects the prospects of a highly participatory political community, writing, "a pure democracy, by which I mean a society consisting of a small number of citizens, who assemble and administer the

¹⁷ See Charles-Louis de Secondat Montesquieu, *Considerations on the Causes of the Greatness of the Romans and their Decline*, trans. David Lowenthal (New York: Free Press, 1965), Ch. IX, 91-97.

government in person, can admit of no cure for the mischiefs of factions.”¹⁸ Echoing similar sentiments, Hamilton describes ancient democracies, such as the Greek *polis* and early Roman Republic, as “petty republics” viewing them with “horror and disgust.”¹⁹ For Madison and Hamilton, then, the complications inherent within pure democracies and republican governments necessitated a new method to destabilize the political energy of the Many, while simultaneously rechanneling it into other contours of civil society. To do so, they would turn to the past to avoid replication in order to engineer a new political edifice for the American republic.

For Madison and Hamilton, the ancient Greek *polis* was anathema to their modern understanding of self-government. The ancient Greek solution to overcome the problems of political time-space was fraught with shortcomings and incompatible for the vicissitudes of eighteenth century political and economic challenges. Instead, the Madison-Hamilton paradigm relied on the intercessions of commerce and empire to help devise the American republic by reversing the structural design of the *polis*. Their vision was spectacular: a spatial and temporal transformation of ancient principles grafted upon a depoliticized commercial society. The idea of a demarcated space for political engagement populated by an active citizenry was substituted for a public

¹⁸ James Madison, *The Federalist No. 10*, 22 November 1787, *The Papers of James Madison*, vol. 10, 27 May 1787–3 March 1788, ed. Robert A. Rutland, Charles F. Hobson, William M. E. Rachal, and Frederika J. Teute (Chicago: The University of Chicago Press, 1977), 263-270.

¹⁹ Alexander Hamilton, *The Federalist No. 9*, 21 November 1787, *The Papers of Alexander Hamilton*, vol. 4, January 1787–May 1788, ed. Harold C. Syrett (New York: Columbia University Press, 1962), 333-339. Also, see Robert W.T. Martin, “Reforming Republicanism: Alexander Hamilton’s Theory of Republican Citizenship and Press Liberty,” *Journal of the Early Republic* 25, no. 1 (2005): 21-46.

market-space that would destabilize political activity through the depoliticizing effects of constant production and consumption. Space was envisioned in a conquering mentality,²⁰ equipped with a material force to seize untapped and underutilized terrains as a means for an enlargement of the republic. The drive for an expansion of space provided the necessary playing field for the development of the commercial republic while at the same time eliminating localized spaces for political involvement. The *zoon politikon* of the ancient *polis* was, in effect, being relocated directly away from the *ekklēsia* into a newly transformed American *agora* that was decisively market-centric.

Available time for political engagement would now be consumed, literally and figuratively, by the dictates of a fledgling capitalistic marketplace casting the citizenry as market actors rather than power-sharers in the political process. In turn, available time for politics was exchanged for the scheduling and ordering logic of market-time. Public time, both in a political and historical sense as exemplified by the ancient Greeks, became transplanted upon schedules of production processes. An especially striking illumination of this substitution is the relative lack of American historiographical studies post-founding and throughout the nineteenth century compared to the plethora of analyses emerging from Great Britain and Europe.²¹ The historiographical

²⁰ Alexis de Tocqueville identifies this mentality for the conquering of space in relation to America's westward expansion and its prospects for global maritime control, likening it to the pursuits of the Roman Empire. See Alexis de Tocqueville, *Democracy in America*, eds. & trans. Harvey C. Mansfield and Delba Winthrop (Chicago: The University of Chicago Press, 2000), Vol. 1: Part Two, Ch. 10, 390.

²¹ This is not to suggest that historiographical studies were completely absent in the early republic. However, the general focus of these efforts were strikingly concerned with economic matters, with the

interpretations that did materialize, emerging particularly from Loyalist, Whig, and Imperial traditions, framed the grievances of the American colonists in economic terms, particularly issues concerning taxation and trade, as well as the economic potentiality that the newly formed republic possessed post-revolution.²² The time of the American republic was, thus, absent of inquiry and specifically conceived in a starkly administrative manner as public space became both expansive in market-form and politically retracted.

While the Founders were convinced that the American republic represented a new experiment in self-government, situated as in Thomas Paine's rationalist-

exception resting on republican historiographical material, as J.G.A. Pocock and Bernard Bailyn have stressed. For an appreciation of these economic-centric analyses in a contemporary lens and how they pay particular attention to how physical space can be understood in relation to the logic of early-capitalism, see Herbert G. Gutman, "Work, Culture, and Society in Industrializing America, 1815-1919," *The American Historical Review* 78, no. 3 (Jun. 1973): 531-588; Kingston Wm Heath, *The Patina of Place: The Cultural Weathering of a New England Industrial Landscape* (Knoxville: The University of Tennessee Press, 2001); Janet Greenlees, *Female Labour Power: Women Workers' Influence on Business Practices in the British and American Cotton Industries, 1780-1860* (Hampshire, UK: Ashgate Publishing Limited, 2007); Margaret Crawford, *Building the Workingman's Paradise: The Design of American Company Towns* (London: Verso, 1995), 11-28.

²² For Loyalist studies, see Joseph Galloway, *The Claim of the American Loyalists, Reviewed and Maintained Upon Incontrovertible Principles of Law and Justice* (Boston: Gregg Press, 1972); Jonathan Boucher, *Reminiscences of an American Loyalist, 1738-1789* (Boston: Houghton Mifflin, 1925); Peter Oliver, *Origin & Progress of the American Rebellion: A Tory View*, eds. Douglass Adair and John A. Schultz (Stanford, CA: Stanford University Press, 1961); For Whig analyses, see George Bancroft, *History of the Formation of the Constitution of the United States of America* (New York: D. Appleton, 1882); George Bancroft, *A History of the United States, From the Discovery of the American Continent* (Boston: Little, Brown and Company, 1834); Finally, for Imperial historians, see George L. Beer, *The Commercial Policy of England toward the American Colonies* (New York: Columbia College, 1893); Lawrence Gibson, *The British Empire Before the American Revolution* (New York: Knopf, 1958); Lawrence Gibson, *The British Empire in the Eighteenth Century: Its Strength and its Weakness, an inaugural lecture delivered before the University of Oxford on 13 November 1951* (Oxford: Clarendon Press, 1952).

apocalyptic view,²³ an “asylum for mankind,”²⁴ one that was birthed through the rays of the Enlightenment, Madison and Hamilton’s design for the American republic was, indeed, reminiscent of the past. Rather than emulate the scheme of the ancient Greek city-states, they directed their sights towards the image of the vast, sprawling Roman Empire as a source of inspiration. Avid readers of Cicero, Madison and Hamilton believed that the adoption of ancient Greek principles would lead to riot and potentially mob rule in the infant republic, demonstrated in the wild and eruptive fever brought forth by the enactment of direct democracy in the *polies*.²⁵ Madison’s distrust of the Many as co-sharers in a collective and direct style of government elevated a primacy of state sovereignty over public control while positioning popular sovereignty as a theoretical construct virtually devoid of practical realization. Directly condemning the active participation and direct control of the *ekklēsia*, Madison opines, “Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a

²³ For Paine’s integration of republican thought within an eschatological framing, see Stephen L. Newman, “A Note on *Common Sense* and Christian Eschatology,” *Political Theory* 6, no. 1 (1978): 101-108.

²⁴ Thomas Paine, *Common Sense* in *The Thomas Paine Reader*, eds. Michael Foot and Isaac Kramnick (London: Penguin Books, 1987), 93. Paine closes the pamphlet with this grandiose assertion, an important linkage to his earlier claim that America exists as an asylum for the “persecuted lovers of civil and religious liberty” (81).

²⁵ For the influence of classical political thought on the Founders, see Carl J. Richard, *Greeks and Romans Bearing Gifts: How the Ancients Inspired the Founding Fathers* (Lanham, MD: Rowman & Littlefield Publishers, 2008) chapters 6-8; Carl J. Richard, *The Founders and the Classics: Greece, Rome, and the American Enlightenment* (Cambridge, MA: Harvard University Press, 1994), chapters 1 & 5; Eric Nelson, *The Greek Tradition in Republican Thought* (Cambridge: Cambridge University Press, 2004), 195-233; Zera S. Fink, *The Classical Republicans: An Essay in the Recovery of a Pattern of Thought in Seventeenth-Century England* (Evanston, IL: Northwestern University Press, 1945); Howard Mumford Jones, *O Strange New World* (New York: Viking Press, 1964); H. Trevor Colbourn, *The Lamp of Experience: Whig History and the Intellectual Origins of the American Revolution* (Chapel Hill: University of North Carolina Press, 1965); Gilbert Chinard, “Polybius and the American Constitution,” *Journal of the History of Ideas* 1, no. 1 (Jan. 1940): 38-58.

mob.”²⁶ Instead, Madison and Hamilton as well as John Jay, saw the Middle Republican era of Rome, spanning from roughly 287-133 BCE, as an optimal form of government for the American scene. Seeking to replicate the mixed polity erected in constitutional form within the Middle Republic detailed by Polybius, as well as the idea of a division of departmental powers (*trias politica*) found in Montesquieu's *The Spirit of the Laws*,²⁷ Madison and Hamilton wanted order, rather than the indeterminacy of public sway, procured through a dilution and scattering of power across governmental branches. The result of such a design is not simply a separation of powers for the sake of accountability *inter alia*, but it functions as a mechanism aimed at dismantling and a disintegration of democratic control *en masse*. Madison and Hamilton's desire to keep the people away from political power, thus found its historical inspiration in the Roman Republic *de jure* as seen in the institutional and symbolical design of the American republic: a senate rather than *boulai*; Capitol Hill in the nation's capital over a network of *acropolises*; and, the affirming utilization of the pseudonym "Publius" throughout the *Federalist Papers*, instead of Cleisthenes.

Scholarship has well documented Madison and Hamilton's rejection of the *polis* as a potential site of replication, leading some to suggest that the prominent American

²⁶ James Madison, *The Federalist No. 55*, 13 February 1788, *The Papers of James Madison*, vol. 10, 504-508.

²⁷ See Charles de Secondat Montesquieu, *The Spirit of the Laws*, trans. Thomas Nugent (New York, Hafner Publishing Co., 1949). In particular, see Books IV, VI, and XI.

figures were actually unfamiliar with ancient Greek history and political events.²⁸ What they were able to gather regarding the ancient Greek experience notably emerged in the writings of Plutarch and Thomas Hobbes' translation of Thucydides' *History of the Peloponnesian War*.²⁹ These sources confirmed the Founders' fears of a lack of civic proficiency found in the Many and the possibility of the American republic becoming marred in political and economic tumult and riot, rather than stability, order, and liberty.

In similar manners, then, both Madison and Hamilton call for a crucial break with the design of the ancient Greek *polis* in favor of a structure analogous to the Roman Empire, yet more properly situated within modernity and the accompanying benefits brought forth by the promise of progress *qua* Enlightenment. In order to construct a system capable of producing and maintaining stability as well as liberty,³⁰ Madison and Hamilton sought to devise the American republic not simply around the shortcomings of prior regimes observed throughout history, but rather with human nature in mind. Therefore, it is necessary to examine their understanding on power, individual desires,

²⁸ Paul Cartledge, *Democracy: A Life* (Oxford: Oxford University Press, 2016), 293.

²⁹ For Madison's scorn of the Many and Thucydides' thoughts on oligarchy, see James Madison, "For the *National Gazette*, 31 December 1791," *The Papers of James Madison*, vol. 14, 6 April 1791–16 March 1793, ed. Robert A. Rutland and Thomas A. Mason (Charlottesville: The University Press of Virginia, 1983), 178-179. The influence of the thought of Plutarch can be seen in *Federalist No. 18 & 38*, both written by Madison.

³⁰ While not as extreme as Jefferson, Jeremy D. Bailey stresses that the common understanding that Madison strongly favored stability over republican liberty is inaccurate. Instead, Bailey suggests that the importance of stability has long been overestimated in Madison's thought at the detriment to his commitment to republican liberty and the creation of a constitution that provides energy, stability, and liberty. See Jeremy D. Bailey, *James Madison and Constitutional Imperfection* (Cambridge: Cambridge University, 2015), 11.

and group dynamics, in order to show how the American system was designed to control, exploit, and benefit from central human tendencies.

In *Federalist No. 48*, Madison provides his view of power contending that institutional mechanisms are necessary to check both men and government, precisely because *power always wants to expand*.³¹ This power-checking requirement is further linked up to an argument advanced in *Federalist No. 51*. In this entry, Madison suggests that a “necessary partition of power” must be established between governmental departments.³² Establishing the American republic as a constitutional government,³³ Madison believes that a division of power, checks and balances, an independent judiciary, and a representative legislature can crucially manage power. This containment of power runs to the heart of Madison’s bleak view of human nature and, as an offspring, the vital necessity for government, writing, “If men were angels, no government would be necessary.”³⁴ Madison’s assertion and his negative view of mankind suggest an inherent difficulty in framing a government that would be administered by “men over men.” In order to achieve this trying task, Madison contends that a double layer of security is needed in which government must be able to control the governed and the mechanism of government itself too must be checked. Hamilton, too, advances a low view of mankind accentuating the role that passions play

³¹ See James Madison, *The Federalist No. 48*, 1 February 1788, *The Papers of James Madison*, vol. 10, 456-460.

³² James Madison, *The Federalist No. 51*, 6 February 1788, *The Papers of James Madison*, vol. 10, 476-480.

³³ See Hamilton, *The Federalist No. 9*, *The Papers of Alexander Hamilton*, vol. 4, 333-339.

³⁴ Madison, *The Federalist No. 51*, 476-480.

on an individual. In a vital speech given on 22 June 1787 during the Constitutional Convention, Hamilton invokes language strongly influenced by the Scottish philosopher David Hume asking, "Take mankind as they are, and what are they governed by?" His retort is nothing short of pure Humean thought: "passions."³⁵

Highly influenced by Hobbesian and Lockean thought,³⁶ Madison sees individuals as essentially selfish and in constant pursuit of power. Invoking Machiavellian overtones, Madison suggests that individuals have a deep-seated interest in ambition, and primarily, an insatiable thirst to hold high political office.³⁷ Constructing his argument from these first principles, Madison, much like Hamilton, embraces the writings of Hume in an attempt to further illuminate his solution to the

³⁵ Alexander Hamilton, "Constitutional Convention. Remarks on the Ineligibility of Members of the House of Representatives for Other Offices," 22 June 1787, *The Papers of Alexander Hamilton*, vol. 4, 216-217.

³⁶ As a child it is believed that Madison was familiar with at least one of Hobbes' works. However, in 1782 it is documented that he purchased a copy of *Leviathan* originally owned by William Byrd II of Westover. See James Madison to James Madison, Sr., ca. 12 February 1782, *The Papers of James Madison*, vol. 4, 1 January 1782–31 July 1782, ed. William T. Hutchinson and William M. E. Rachal (Chicago: The University of Chicago Press, 1965), 64-65. Madison was quite acquainted with the writings of John Locke particularly *An Essay Concerning Human Understanding*, first published in London in 1690. For Madison, both Locke and Montesquieu were helpful for looking at issues of political liberty, although their writing predates a further revelation of Enlightenment thought. This once again demonstrates the future-looking ethos that the American Founders believed that they uniquely maintained. In "Helvidius" Number 1, 24 August 1793, Madison writes, "Writers, such as Locke and Montesquieu, who have discussed more particularly the principles of liberty and the structure of government, lie under the same disadvantage, of having written before these subjects were illuminated by the events and discussions which distinguish a very recent period." See James Madison, *The Papers of James Madison*, vol. 15, 24 March 1793–20 April 1795, ed. Thomas A. Mason, Robert A. Rutland, and Jeanne K. Sisson (Charlottesville: The University Press of Virginia, 1985), 66-74. In a 12 August 1793 letter to Thomas Jefferson, Madison admits that he quite frequently cites Montesquieu, albeit only from memory and typically inaccurately. See James Madison, *The Papers of James Madison*, vol. 15, 59-60.

³⁷ Garrett Ward Sheldon, *The Philosophy of James Madison* (Baltimore: The Johns Hopkins University Press, 2001), 55.

ills that had plagued republican principalities throughout history, namely an interplay between the boundaries of political space and an impulse towards empire. In “‘That Politics May Be Reduced to a Science’: David Hume, James Madison, and the Tenth Federalist,” Douglass Adair carefully traces Madison’s adaptation of Hume’s ideas for *Federalist No. 10*. Adair also points out that Madison’s 6 June and 26 June 1787 speeches at the Federal Convention were strongly presented with Humean inflections.³⁸ Following Humean thought closely, Madison contends that individuals are motivated by passions and private interests, frequently adverse to the “rights of other citizens,” or to the common good of the community. According to Madison, the notion of passions refers to individuals who are motivated by religious sentiments, whereas the pursuit of interests indicates economic connotations, chiefly an attainment of private property.³⁹ As individuals differ in their passions or interests, Madison is fearful that a number of citizens could unite together, comprising a faction.

To address a threatening emergence of factions, Madison asserts two methods for “curing the mischiefs of faction: the one, by removing its causes; the other, by controlling its effects.”⁴⁰ Since the latent causes of factions are ontologically, both methods categorically fail to remedy the origin and occurrence of factions. An

³⁸ Douglass Adair, “‘That Politics May Be Reduced to a Science’: David Hume, James Madison, and the Tenth Federalist,” *Huntington Library Quarterly* 20, no. 4, Early American History Number (Aug., 1957): 343-360. Also, see James Madison to Thomas Jefferson, 24 October 1787, *The Papers of James Madison*, vol. 10, 205-220.

³⁹ Drew R. McCoy, *The Last of the Fathers: James Madison and the Republican Legacy* (Cambridge: Cambridge University Press, 1989), 41.

⁴⁰ Madison, *The Federalist No. 10*, 263-270.

enactment of the first method necessitates a total destruction of liberty whereas the second approach is equally impractical for it is predicated upon an annihilation of the “diversity in the faculties of men,” which is the locus from where private property rights originate.⁴¹ Since the causes of factions cannot be removed, Madison adopts the position that controlling an influence of factions is the only viable relief.

To control the effects of a faction containing a minority of support, Madison relies on the republican principle of majority rule to squash dissenting objectors. However, at the heart of Madison’s concern, is the presence of a majority faction that could impose upon a minority. To deal with the occurrence of a majority faction, Madison offers three remedies to counteract the faction. First, Madison relies on the classical republican tradition of constitutionalism, which leads to a separation of power, effectively breaking up concentrations of power by making it more difficult for a majority faction to achieve what they seek. Second, the role of representatives is crucial. Specifically, Madison articulates an acutely patrician image of political representation depicted by a trustee relationship. For Madison, representatives do not emerge from the lower classes, but rather, are exemplar models of civic virtue through their sense of justice, patriotism, and public good. Third, and finally, Madison sought to dilute the potency of factions through his proclamation of “extend the sphere [...]”⁴²

⁴¹ Madison, *The Federalist No. 10*, 263-270.

⁴² *Ibid.*

Madison's containment of factions through an enlargement of the republic – a broadening that does not trigger an increase in political time-space – rests upon his desire for a highly commercial state. In “extending the sphere,” a stimulation of commerce will occur, spurring a creation of multiple interests, thereby leaving citizens deeply consumed by their economic interests.⁴³ As a result, political matters will be left to the well-respected, virtuous elites to “*Divide et impera*” (divide and conquer) political capital.⁴⁴ His solution, then, is premised along economic conditions with a basic view that citizens will be left with little time and energy to engage in a process of self-government and democratic action.⁴⁵ Madison's plan is nothing short of extraordinary constitutional engineering. On the one hand, Madison is cautious not to deny political access through an erasure of the political, thus establishing a narrow entry for the people into the political process as *Federalist No. 37* confirms that all power be *directly* derived from the people.⁴⁶ Yet on the other hand, Madison carefully devises an intricate system that not only redirects the energy of the citizenry, but also encloses political power into the hands of elites.⁴⁷ Madison's offering of a classical republican interpretation of liberty found in *Federalist No. 37* – crucially underscored by an affinity

⁴³ See Stephen L. Elkin, *Reconstructing the Commercial Republic: Constitutional Design after Madison* (Chicago: The University of Chicago Press, 2006), 24.

⁴⁴ James Madison to Thomas Jefferson, 24 October 1787, *The Papers of James Madison*, vol. 10, 205-220.

⁴⁵ See Richard K. Matthews, *If Men were Angels: James Madison and the Heartless Empire of Reason* (Lawrence: University Press of Kansas, 1995), 153.

⁴⁶ James Madison, *The Federalist No. 37*, 11 January 1788, *The Papers of James Madison*, vol. 10, 359-365.

⁴⁷ Woody Holton, *Unruly Americans and the Origins of the Constitution* (New York: Hill and Wang, 2007), 10.

with anti-Federalist positions – becomes reversed in *Federalist No. 39* with his claim that the American republican government may derive “all its powers directly or *indirectly* from the great body of the people.”⁴⁸ What Madison’s enlightened, modern, and commercial republic leads to is a retraction of the political through an enclosure of political space by redirecting the flow of decision-making power into institutional departments at the hands of elected officials *while at the same time* directing the citizenry into a flourishing, time-consuming market.⁴⁹

Hamilton also saw an expansion of size as beneficial, writing in *Federalist No. 9*, “I mean the enlargement of the orbit within which such systems are to resolve [...]”⁵⁰ From this position, then, Hamilton posits that a large, diverse, heterogeneous, and plural society, reminiscent of Montesquieu’s notion of intermediary bodies, will ultimately lead to an enlargement of the territorial bounds of the republic resulting in a reduction of the efficacy of factions and a proper channeling of passions.⁵¹ It is here that Hamilton’s view of the human psyche returns with its strongest sway, shaping both his political and economic vision. Since an inherent division between the Few and the

⁴⁸ James Madison, *The Federalist No. 39*, 16 January 1788, *The Papers of James Madison*, vol. 10, 377-382. Emphasis added.

⁴⁹ For a discussion on how democratic practices become muted when power becomes concentrated within the boundaries of constitutional form, see Sheldon S. Wolin, “Fugitive Democracy,” *Constellations* 1, no.1 (1994): 11-25; Sheldon S. Wolin, “Norm and Form: The Constitutionalizing of Democracy,” in *Athenian Political Thought and Reconstruction of American Democracy*, eds. J. Peter Euben, John R. Wallach, and Josiah Ober (Ithaca, NY: Cornell University Press, 1994), 29-58.

⁵⁰ Hamilton, *The Federalist No. 9*, 333-339.

⁵¹ See Harvey Flaumenhaft, *The Effective Republic: Administration and Constitution in the Thought of Alexander Hamilton* (Durham, NC: Duke University Press, 1992), 63.

Many underscores society,⁵² Hamilton believes that such a fundamental chasm must be exposed rather than concealed. To assuage the potential dangers of a naturally divided society, political power should be placed into the hands of the Few as well as the Many with each body maintaining a vital check within their respected governmental department.⁵³ Naturally, the House was suitable as the depository for the Many, while the Few, endowed with privilege and virtue, would maintain a voice of opposition in the Senate. Hamilton's remedy here to deal with an unrelenting influence of passions operates within a purely political context. The real genius of his vision rests upon economic prescriptions.

With political power properly stabilized, or more bluntly put, destabilized, an energetic federal government – capable of instituting public credit, debt management, and international trade⁵⁴ – was essential as *the* institutional mechanism to foster a development and proliferation of a commercial republic. For Hamilton, what a consolidation of political power into a singular body via the federal government effectively created was a redrawing of the legitimate boundaries for economic expansion, bringing with it, undoubtedly, the full protection and enforcement powers

⁵² Alexander Hamilton, "Alexander Hamilton's Notes," 18 June 1787, *The Papers of Alexander Hamilton*, vol. 4, 178-187.

⁵³ Darren Staloff, *Hamilton, Adams, Jefferson: The Politics of Enlightenment and the American Founding* (New York: Hill and Wang, 2005), 84.

⁵⁴ For Hamilton's economic plan, see Colleen A. Sheehan, *James Madison and the Spirit of Republican Self-Government* (Cambridge: Cambridge University Press, 2009), 41-45; Michael P. Federici, *The Political Philosophy of Alexander Hamilton* (Baltimore: The Johns Hopkins University Press, 2012), 187-213.

of a comprehensive system that stood as a “permanent barrier” against the people.⁵⁵ Just as Madison offered a redirection of factionary interests, Hamilton, too, plunges the passions of individuals and, taking Madison’s argument one-step further, resettles the federal governmental into the depths of commercial pursuits. Empire is thus the *raison d’être* for Hamilton’s American republic. For both Hamilton and Madison, the *civic republic* of the ancients and the Italian city-states of the Renaissance required an aptly modern transformation into a *commercial republic*.

As an embryo of a fledgling empire,⁵⁶ Hamilton’s vision of the American state – a project that runs congruently with Madison’s political thinking – demonstrates a theoretical attempt to rectify key problematic elements of republican self-government. For both Hamilton and Madison, important institutional mechanisms were necessary to thwart the wild, eruptive ethos of popular sovereignty found in ancient modes of government.⁵⁷ Understood as modern inventions, these self-correcting institutional checks,⁵⁸ namely the creation of a federal system defined by political representation and a division of power across departments, offered a promise of surpassing and rectifying

⁵⁵ See “James Madison’s Version, 18 June 1787,” *The Papers of Alexander Hamilton*, vol. 4, 187-195. Also, see Colleen A. Sheehan, “Madison versus Hamilton: The Battle over Republicanism and the Role of Public Opinion,” in *The Many Faces of Alexander Hamilton: The Life and Legacy of America’s Most Elusive Founding Father*, eds. Douglas Ambrose and Robert W.T. Martin (New York: New York University Press, 2006), 175.

⁵⁶ Alexander Hamilton, “The Defence No. II,” 25 July 1795, *The Papers of Alexander Hamilton*, vol. 18, *January 1795–July 1795*, ed. Harold C. Syrett (New York: Columbia University Press, 1973), 493-501.

⁵⁷ See James Madison, *The Federalist Number 38*, 12 January 1788, *The Papers of James Madison*, vol. 10, 365–372; Also, see Andreas Kalyvas, “Popular Sovereignty, Democracy, and the Constituent Power,” *Constellations* 12, no. 2 (2005): 229.

⁵⁸ See Lance Banning, *The Sacred Fire of Liberty: James Madison and the Founding of the Federal Republic* (Ithaca, NY: Cornell University Press, 1995), 188.

the deficiencies that had plagued the politics of past regimes. Ultimately, Hamilton and Madison advocate for an enlargement of the republic; however, this increase is advanced through economic justifications, effectively stifling the private interests and passions of the citizenry in relation to political issues. What we are left with then is a clear retraction of political time-space – a shrinkage of available resources for active political engagement – in favor of an acceleration and proliferation of economic interests propelled by an expansionist energy, at both the individual and state level.

*Jefferson's Turn to the Past:
Classical Thought and Ward Republics*

It is imperative to note that Jefferson, too, announces a repudiation of the past much like his fellow American contemporaries. However, the uniquely Jeffersonian solution to the defects of republicanism rests along a rehabilitation of active political and economic grounds, rather than a politically passive vision of self-government subordinate to dynamic economic prescriptions as provided by Madison and Hamilton. Before turning to the design of Jefferson's ward republics, it is useful to show how his remedy for the ailments of republican government contains an important dimension that runs parallel with ancient thought, particularly an emphasis on civic participation found in the Greek *polis* underscored by a duty-based, ethical relationship towards others found in Epicurean, Stoic, and Christian traditions. By examining this side of Jefferson's thought, the contrast between his political vision and the logic of patrician

politics will become starker, vitally illuminating key historical sources for the development of his ward system as the optimal scene for a politics of all. To begin, I turn to the hesitations that Jefferson maintained against the ancient world, before shifting attention to central aspects that were instrumental in his architectural design of the ward system.

Jefferson, much like his American contemporaries, was especially opposed to the adoption of ancient Greek principles, vehemently criticizing the philosophical projects of both Plato and Aristotle. Jefferson's distaste for Plato is certainly real and unremitting, writing "no writer antient [sic] or modern has bewildered the world with more *ignes fatui* than this renowned philosopher, in Ethics, in Politics & Physics."⁵⁹ For Jefferson, the implementation of a form of Platonic republicanism within America would destroy individual liberty and stunt scientific progress, leaving all "men, women and children [living] pell mell together, like the beasts of the field or forest."⁶⁰ Strikingly, however, M. Andrew Holowchak has argued – while fully granting Jefferson's distaste for Plato's *Republic* – that significant commonalities exist between the two thinkers.⁶¹ Notably, Holowchak suggests that civic education and full, active

⁵⁹ Thomas Jefferson to William Short, 4 August 1820, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 052, images 1-7.

⁶⁰ Thomas Jefferson to John Adams, 5 July 1814, *The Papers of Thomas Jefferson*, Retirement Series, vol. 7, 28 November 1813 to 30 September 1814, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2010), 451-455.

⁶¹ M. Andrew Holowchak, *Jefferson's Political Philosophy and the Metaphysics of Utopia* (Leiden: Brill Press, 2017), 76-105. Also see, M. Andrew Holowchak, "Jefferson's Platonic Republicanism," *Polis, The Journal for Ancient Greek Political Thought* 31 (2014): 369-386.

political participation underscores both Jefferson and Plato's political philosophies. While Holowchak's analysis is impressive, particularly in its ability to accentuate numerous underappreciated aspects of ancient Greek thought on Jefferson, it affixes Jefferson's program to the liberal tradition as nothing more than a "political medianist."⁶² Where Holowchak does succeed is inserting Jefferson's writings into the ancient Greek cosmos; yet, by grafting it onto Platonic thought, it critically eviscerates any remaining radical potentiality in a move squarely directed *contra* Michael Hardt's presentation of Jefferson.⁶³

Furthermore, Plato's Theory of Forms drew the most ire from Jefferson, condemning them as "the great delusion of Western history,"⁶⁴ existing as the clearest indication of a distorted understanding of materiality and, as a result, reality. Jefferson's disdain for ancient Greek metaphysics revolved around his rejection of a bifurcation of material objects from a foreign, external, complete understanding of a particular object. Rather, Jefferson viewed material conditions, not as a deterrent for comprehension or a mere copy or incomplete representation that exists in a transcendental realm, but as the only way to experience reality.

⁶² Holowchak, "Jefferson's Platonic Republicanism," 371 & 383.

⁶³ *Ibid.*, 375. Here Holowchak is directly rejecting Hardt's reading of Jefferson as presented in "Jefferson and Democracy," discussed in Chapter 1.

⁶⁴ Garry Wills, *Inventing America: Jefferson's Declaration of Independence* (New York: Vintage Books, 1979), xxii.

The strong anti-Platonic leanings of Jefferson played an integral part in his denunciation of spiritualism and its subsequent adoption with Christian theology. The merging of Platonism and early Christian thought resulted in a contamination and bastardization of the basic teachings and practices of Jesus Christ, leading Jefferson to produce a chronological telling of the life of the Christian-messiah, yet devoid of spiritual speculations. Jefferson's edited gospel rendition helps to reveal his refutation of Platonic Christianity as well as accentuate his strong materialist leanings. Jefferson's assault on Platonic thought, both in its original formation and through its co-optation in the early Christian register, can be sharply captured in his philosophical maxim: "I am a Materialist."⁶⁵

Jefferson's criticisms were not simply confined to ancient Greek teachings on metaphysics, but also to Aristotelian politics. Condemning a presence of unnecessary "jargon,"⁶⁶ Jefferson believed that Aristotle's *Politics* offered little, if any, insights into the structure and problems of modern government. In a letter to Isaac H. Tiffany, dated 26 August 1816, Jefferson provides his thoughts after reading John Gillies' English translation of Aristotle's *Politics*.⁶⁷ Familiar with the text in Greek, Jefferson praises the latest translation, yet the complimentary tone ceases when discussing a major flaw of

⁶⁵ Thomas Jefferson to William Short, 4 August 1820, microfilm reel: 052, images 1-7.

⁶⁶ Thomas Jefferson to Benjamin Waterhouse, 13 October 1815, *The Papers of Thomas Jefferson*, Retirement Series, vol. 9, *September 1815 to April 1816*, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2012), 78-79.

⁶⁷ Thomas Jefferson to Isaac H. Tiffany, 26 August 1816, *The Papers of Thomas Jefferson*, Retirement Series, vol. 10, 349.

Aristotle's account.⁶⁸ According to Jefferson, the ancient Greeks were caught between the poles of freedom and tyranny. While knowledgeable of the value and necessity of personal liberty, the ancient Greeks failed to create proper institutions to safeguard and preserve freedom. A structural flaw of the *polis* – the lack of popular control capable of recalling rulers – enabled the aristocratic class, or in perilous times tyrants, to rise up within the city-state effectively leaving the people outside of the political process. The failure to maintain public control as a force against usurpation and corruption of political power is thus the grave defect of the ancient system of government for Jefferson.

His identification of an emergence of tyrants within the ancient Greek system is indicative of Jefferson's somber concern with political structures that legitimize recognition for a singular ruler over *any period of time*. Aware that a lack of constant vigilance on the part of the citizenry within the ancient Greek case, coupled with an impulse for the authorization of dictators in times of critical need under the Roman Empire, led to the destruction of personal freedom,⁶⁹ Jefferson cautions against the authorization of a dictator in times of crises. Jefferson expresses these recommendations

⁶⁸ Jefferson preferred the Gillies translation to the more dominant English version of the time found in William Ellis' *A Treatise on Government. Translated from the Greek of Aristotle* (London: Sowerby, 1778).

⁶⁹ In a letter to John Garland Jefferson, Jefferson asserts that reading Edward Gibbon's *The History of the Decline and Fall of the Roman Empire* will provide a sufficient understanding of the dissolution of the Roman Empire. In Gibbon's account of Rome, a severe decline in civic virtue in the empire greatly exacerbated its fall; a thesis that was of the utmost concern to Jefferson. For Jefferson's brief commentary on the text, see Thomas Jefferson to John Garland Jefferson, 14 April 1793, *The Papers of Thomas Jefferson*, vol. 25, 1 January–10 May 1793, ed. John Catanzariti (Princeton: Princeton University Press, 1992), 547-548.

in proposal modifications to the Constitution of the Commonwealth of Virginia in 1776 and 1781.⁷⁰ For Jefferson, any constitutional arrangement or regime that *permits* authorization of a dictator, even if only temporary, or *negates* the force of the people as a safeguard against encroachments, does not serve as a model for emulation.⁷¹ In the same letter to Tiffany, Jefferson concludes by offering a solution which points directly to his ward system. He writes, “my most earnest wish is to see the republican element of popular controul [sic] *pushed to the maximum* of it’s practicable exercise. I shall then believe that our government may be pure & perpetual.”⁷²

For all of his condemnation of Platonic republicanism and Aristotelian politics, Jefferson, however, did believe that studying ancient Greek philosophy and culture possessed an intrinsic educational value. Jefferson’s introduction to the ancient world began at the age of nine through his schooling under the tutelage of Reverend Mr. Douglass, a Scottish clergyman with a devout penchant for teaching French language.⁷³ Enamored with the ethical values explored in classical thought, as well as the

⁷⁰ Importantly, Jefferson held fears of a dictator emerging in America. His concerns are drawn heavily from Roman history and are discussed in his *Notes on the State of Virginia*. See Thomas Jefferson, *Notes on the State of Virginia* (Boston: Wells and Lilly, 1832), Queries XIII & XXIII. Also, see Andreas Kalyvas, “The Tyranny of Dictatorship: When the Greek Tyrant Met the Roman Dictator,” *Political Theory* 35, no. 4 (2007): 429-431.

⁷¹ Jefferson did, however, maintain a commitment to executive prerogative power, stressing that an exercise outside of the law is acceptable regarding matters concerning self-preservation and political necessity. Jeremy D. Bailey argues that Jefferson “democratizes” Locke’s understanding of prerogative power framing it in a more active light, one capable of unifying and directing “public opinion toward national objects” (748). See Jeremy D. Bailey, “Executive Prerogative and the ‘Good Officer’ in Thomas Jefferson’s Letter to John B. Colvin,” *Presidential Studies Quarterly* 34, no. 4 (2004): 732-754.

⁷² Thomas Jefferson to Isaac H. Tiffany, 26 August 1816, 349. Emphasis added.

⁷³ Winfield E. Nagley, *Foundations of Thomas Jefferson’s Philosophy* (University of Hawaii: Hawaii Bicentennial Commission, 1976), 8.

promissory fulfillment of a dying wish on his father's part, Jefferson continued his exploration of classics throughout his adolescence under the watchful eye of Reverend Mr. Maury and throughout periods of formal schooling at the College of William & Mary.

As a timid and uncomfortable orator due to a speech disability, even throughout his two terms as president, the young Jefferson was known to memorize and recite speeches of Demosthenes, Livy, and Cicero.⁷⁴ Jefferson's fascination with the classics rested heavily on the importance of honor and friendship as first principles within the Homeric and Stoic system of ethics, a central theme that would strongly resonate in Cicero's thought.⁷⁵ Even at a young age, Jefferson denounced the spiritual mysticism of the Christian ethic, opting instead for a moral code that relied upon the material conditions of the present-moment in an effort, as Winfield E. Nagley has suggested, to "join actuality with philosophy."⁷⁶

During his first term in the White House, Jefferson spent late evenings and, at times, long nights studying, writing, and commenting on the teachings of Christianity. It was during this period of his life that Jefferson committed countless hours interpreting and reorganizing the Christian bible. But Jefferson's scrutiny wasn't

⁷⁴ Gilbert Chinard, *Thomas Jefferson: The Apostle of Americanism* (Ann Arbor: The University of Michigan Press, 1957), 63.

⁷⁵ On countless occasions Jefferson stresses his strong praise and respect for Cicero. In particular, see Thomas Jefferson to John Adams, 10 December 1819; Thomas Jefferson to Francis Eppes, 19 January 1821; Thomas Jefferson to Francis Walker Gilmer, 25 November 1823.

⁷⁶ Nagley, *Foundations of Thomas Jefferson's Philosophy*, 12.

confined to the teachings of Jesus Christ alone; rather, Jefferson sought out affinities between the words and deeds of Christ and other registers of thought, particularly classical sources. In a document titled, "Doctrines of Jesus Compared with Others," written on 21 April 1803, Jefferson carefully crafted a syllabus examining numerous commonalities between Jesus and classical thinkers, including: Pythagoras, Socrates, Epicurus, Cicero, Epictetus, Seneca, and Antoninus.⁷⁷ In a section labeled "Philosophers," Jefferson affirms the strong emphasis of duty and fraternity in the ancient world. He writes, "they embraced indeed the circles of kindred & friends; and inculcated patriotism, or the love of our country in the aggregate, as a primary obligation."⁷⁸ Continuing, Jefferson underscores a communitarian bent to classical ethics believing that justice was taught to "neighbors & countrymen."⁷⁹ However, Jefferson was hesitant to fully embrace a duty-based system of ethics due to one fatal flaw: an inability to situate this system of thought and action within a "circle of benevolence" towards the "whole family of mankind."⁸⁰ Here, as my examination of the *politics omnium populorum principle* will show, the arch of Jefferson's worldview freely permits inquiry along lines of political, economic, and ethical grounds for the creation of a *kind of society* that is defined by the actions of all, not just the One, Few, or Many.

⁷⁷ Thomas Jefferson, "Doctrines of Jesus Compared with Others, 21 April 1803," *The Papers of Thomas Jefferson*, vol. 40, 4 March–10 July 1803, ed. Barbara B. Oberg (Princeton: Princeton University Press, 2013), 253-255.

⁷⁸ "Doctrines of Jesus Compared with Others," 254.

⁷⁹ *Ibid.*

⁸⁰ *Ibid.*

Classical languages and literature were also invaluable to Jefferson precisely because they were expressly concerned with the act of questioning. What Jefferson located in ancient Greek and Roman thought as well as the Epicurean and Stoic traditions was an explicit interrogation and pursuit of the good life – Jefferson’s *summum bonum* of happiness as well as Epicurus’ “aim of life”⁸¹ – through the development of a method to achieve such a type of flourishing existence. For Jefferson, the fluidity and inherently scientific nature of these schools of thought existed as a negation of theological dogmas, an error that had gravely tarnished traditional Christian doctrines through its promotion of miracles and spiritual fanaticism. Jefferson’s frustration with Christianity’s extension of the idea of messianic omnipresence, a move that operates beyond the spatial and temporal dimension of Christ’s earthly dwelling, can be seen in his document, *The Life and Morals of Jesus of Nazareth*, by the redaction of biblical events that are incompatible with verifiable scientific examination and knowledge. Rather, the supernatural powers of Christ were nullified in Jefferson’s account, reducing the *historical figure* of Jesus to a teacher, presented as a sage endowed with indispensable acumens into how best to lead a virtuous life. The stripping down of spiritual and fantastical elements of the Synoptic Gospels is telling for it stresses Jefferson’s reliance on classical thought as an entry point

⁸¹ For a thorough detailing of Jefferson’s understanding of the fundamental principles of Epicureanism, including how happiness is situated as the axiomatic core, see Thomas Jefferson to William Short, 31 October 1819, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 051, images 1-4.

into an ongoing, cumulative questioning of ethical and political issues, while still orienting a quest for happiness within the mysterious interplays of the cosmos.

The perpetual act of questioning by the ancients regarding matters concerning the proper cultivation of an individual and, centrally, the intertwined association between an individual and the larger community, attracted Jefferson as a proper foundational point for *all types* of scientific inquiry. Writing to his nephew, Peter Carr, concerning the suitable path for acquiring a rich and thought-provoking education, Jefferson lays out a schedule of readings and subjects that are necessary for the cultivation of all other fields of knowledge. Cautioning Carr, Jefferson believes that before his scholarly novice nephew can truly examine areas of mathematics, natural history, physics, and astronomy, he must begin with the ancient world, most notably, ancient Greek history. He suggests,

First read Goldsmith's history of Greece. This will give you a digested view of that field [sic]. Then take up antient [sic] history in the detail, reading the following books in the following order. Herodotus. Thucydides. Xenophontis hellenica. Xenophontis Anabasis. Quintus Curtius. Justin. This shall form the first stage of your historical reading, and is all I need mention to you now.⁸²

Jefferson, continues, suggesting that he cultivate a thirst for poetry by reading Virgil, Theocritus, and Homer as well as a vital entry into questions of morality through the works of "Epictetus, Xenophontis memorabilia, Plato's Socratic dialogues, Cicero's

⁸² Thomas Jefferson to Peter Carr, 19 August 1785, *The Papers of Thomas Jefferson*, vol. 8, 25 February–31 October 1785, ed. Julian P. Boyd (Princeton: Princeton University Press, 1953), 405-408.

philosophies.”⁸³ Through an examination of canonical texts, Jefferson is steadfast in his belief that these sources will provide the necessary groundwork for further studies because of an explicit act of questioning characterized by a scientific cosmological ethos. Only after firmly grasping the scientific process *qua* methodological attractions of the ancient style of inquiry, can his nephew properly expand his educational pursuits, particularly towards the study of languages. According to Jefferson, this regimen of texts is not simply designed for his nephew’s own sake and benefit, but rather it is necessary for the maturation and transformation of young Carr into a “public man.”⁸⁴

Jefferson’s scholarly prescriptions all point towards a suitable level of maturity for his nephew; a point of development in which he decisively acquires a sense of *public-ness*. The concern here expressed by Jefferson is undoubtedly based on his belief that Carr will one day enter into politics, thereby providing him with an invaluable worldview sustained through an inquisitive scientific approach. But Jefferson’s prudential advice runs much deeper than a mere elucidation of practical career development counsels, for it helps to tease out his understanding of how the act of questioning itself is constitutive of an autonomous public sphere. In the same letter, Jefferson presses his nephew to be diligent and steadfast, carefully avoiding a lackluster immersion into his academic pursuits. Fearful that avoidance will lead to an atrophy of intellectual and civic virtues, Jefferson frames a well-developed curriculum as a

⁸³ Ibid., 405-408.

⁸⁴ Ibid.

necessary condition for an “entrance” onto the “public stage.”⁸⁵ This passage – a shift from the private to public realm – thus signifies an announcement of appearance, a declaration of one’s existence in service of *the political*.

Jefferson returns to an image of society as a stage in a letter to the inhabitants of Albemarle County dated 3 April 1809. Shortly after his retirement from political office, Jefferson returned back to Monticello in Albemarle County, Virginia. Neighbors and friends alike sent Jefferson a formal letter welcoming him home and congratulating him on his life of civic service. In his reply, Jefferson speaks to the various political stations that he had occupied throughout his political tenure. These positions, Jefferson writes, have taken place “on the theatre of public life” through an offering and submission in fulfillment of “duties.”⁸⁶ Aware that his occupancy of prestigious titles of government has bestowed upon him a level of national esteem and respect, Jefferson offers an invitation of scrutiny to be placed upon him by friends and neighbors. Imploring “observers...from triers of the vicinage” to render a verdict on his performance while active on the public stage, Jefferson asks, lifting directly from 1 Samuel of the Old Testament, ““whose ox have I taken, or whom have I defrauded? whom have I

⁸⁵ Ibid.

⁸⁶ Thomas Jefferson to the Inhabitants of Albemarle County, 3 April 1809, *The Papers of Thomas Jefferson*, Retirement Series, vol. 1, 102-103.

oppressed, or of whose hand have I received [sic] a bribe to blind mine eyes therewith?"⁸⁷

In light of these two letters, an important dimension of the Jeffersonian imaginary is delineated. The proximity between Jefferson's thought and the ancient Greek *polis* therefore runs deeper than anticipated. The main roads of the Jeffersonian ancient Greek *polis* interplay have been thoroughly explored within the republican synthesis.⁸⁸ Tenets of classical republicanism, namely an innately political nature of man, the strong emphasis on civic participation, and the establishment of a political space defined by freedom, were quickly detected in Jefferson's thought and, as a result, serve as a central lens for approaching his ward system. Jefferson's devout commitment to sustain the wards through active participation has, as a result, been seen in Michael Knox Bean's words, as a direct attempt to "resurrect the Athenian ideal in America."⁸⁹ Bean rightly picks up that the ancient Greek *polis* was designed as a pattern of a political community that challenged subjects to minimize their own *idios* or self-interest, in

⁸⁷ Ibid., 102-103.

⁸⁸ See J.G.A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 2003), 506-552. For the influence of civic humanism and the republic tradition on the American Republic and Anglo-American political thought more broadly, see J.G.A. Pocock, *Politics, Language and Time: Essays on Political Thought and History* (Chicago: The University of Chicago Press, 1989), 80-103. Also, see Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Belknap Press of Harvard University Press, 1967), 62-101. Finally, the import of traditional republican features of government were deeply ingrained in the drafting of the 1787 Constitution, particularly under the guidance of James Madison as a transformative moment in the history of American political thought conceptualized as the "Madisonian Moment," see Jack N. Rakove, *Original Meanings: Politics and Ideas in the Making of the Constitution* (New York: Vintage Books, 1997), 35-56.

⁸⁹ Michael Knox Bean, *Jefferson's Demons: Portrait of a Restless Mind* (New York: Free Press, 2003), 196.

pursuit of *becoming* citizens.⁹⁰ The act of becoming full members of a political community brought with it a deep level of responsibility, one that challenged citizens to resist usurpations by tyrants, both in their domestic and foreign manifestations, of the collectively shared political power. In her highly influential work, *The Philosophy of Thomas Jefferson*, Adrienne Koch is careful to point out such a concern for Jefferson. To Koch, Jefferson's vision of a localized ward contained a pivotal internal *power-checking* mechanism that confronted an ascendance of "petty tyrants at home in the immediate community."⁹¹ Koch's reading of Jefferson, and in particular, her identification of Jefferson's desire for a constant level of vigilance against political corruption, therefore, necessitates that members of the wards remain *active* in the tasks and sacrifices that accompany processes of self-government.

The full import of such a strong emphasis on civic engagement by Jefferson – a central feature of the classical republican paradigm spanning from Aristotle's *Politics* to Polybius' *Histories* to Machiavelli's *Discourses on Livy* – is that the task of ruling extend beyond a cadre of political elites to an accessible plane open to common citizens. It is here, that according to Suzanne W. Morse, Jefferson's emphasis on civic participation runs parallel with the ancient Greek *polis*, especially seen in the thought of Pericles and Aristotle. Morse contends that Jefferson relied heavily on Aristotle's notion that citizenship meant active involvement in matters concerning the public. Morse

⁹⁰ Bean, *Jefferson's Demons*, 196.

⁹¹ Adrienne Koch, *The Philosophy of Thomas Jefferson* (Gloucester, MA: P. Smith, 1957), 162.

additionally suggests that Jefferson envisioned the wards as a publically centric space that was consistent with Pericles' idea of everyday citizens "executing the life of the community."⁹²

In his work, *Thomas Jefferson and American Nationhood*, historian Brian Steele continues this common theme by locating the influential sway that civic engagement within the *polis* played on Jefferson's theorization of the wards. Steele writes, "[...] Jefferson saw the wards as ground where ordinary people could practice the reasoned discourse and cooperative action that would sustain the American spirit he valued by affording those citizens at least a hint of the meaningful participation that characterized the ideal ancient Greek polis."⁹³ Steele continues, pushing the actions of the wards to its potential limits, writing, "The national state itself could be affected, shaped, and turned, in fact, by the voice of the people as expressed in and through the wards."⁹⁴ He maintains, "This was a relationship between government and its citizens unprecedented in human history, since at least the Greek city-states, and on a scale that the Greeks could never have imagined."⁹⁵

⁹² Suzanne W. Morse, "Ward Republics: The Wisest Invention for Self-Government" in *Thomas Jefferson and the Education of a Citizen*, ed. James Gilreath (Washington, D.C.: Library of Congress, 1999), 266. Also, see Werner Jaeger, *Paideia: The Ideals of Greek Culture: Volume III: The Conflict of Cultural Ideals in the Age of Plato*, trans. Gilbert Highet (Oxford: Oxford University Press, 1986), 111-112.

⁹³ Brian Steele, *Thomas Jefferson and American Nationhood* (Cambridge: Cambridge University Press, 2012), 153.

⁹⁴ Steele, *Thomas Jefferson and American Nationhood*, 154.

⁹⁵ *Ibid.*

What is so compelling about Steele's understanding of the synergy between the ward system and the ancient city-states is how there contains an emphasis on Jefferson's desire to see the wards ignite and proliferate an "American spirit" that could potentially transform the entire mechanism of the federal system. My presentation of Jefferson rests on a similar ground, albeit, it engages in a theoretical pivot towards the position that at the core of Jefferson's political vision there exists an inherent objective to establish a politics of all. It is from here, that I turn to how exactly Jefferson envisioned the ward system and its direct correlation with economic and ecological concerns.

*Approaching the Wards:
Property, Ecology, & Pastoralism*

As I suggested, the Madison-Hamilton paradigm sought to establish the American republic in a direct path towards empire and expansion through an intercession of commerce, finance, and self-interest. Central to this vision of a large commercial republic is a particular conception of citizenship, one that disentangles economic pursuits from political concerns, through a prioritization of the former. The image of citizen under the Madison-Hamilton specter is decisively an American iteration of *homo economicus*. However, this vision stands in direct opposition to Jefferson's portrait of the ward republics and citizenship. Rather, Jefferson presents a radical and unorthodox worldview that sees beauty, sublimity, moderation, and the perfectibility of mankind,

drawn along the backdrop of pastoral landscape of the ward republics, as the optimal design to achieve public and private happiness.⁹⁶

For Jefferson, both political and economic space, coupled with available time for political engagement, are requisites for citizens to experience freedom – and, then, in turn, pursue happiness – understood as a distinctively American-version of *zoon politikon*. In a compelling way, the development of the Jeffersonian citizen is accompanied by an internationalization of social responsibilities, an essential point stressed in my discussion on classical thought and ethics, effectively rendering Madison’s scheme obsolete.⁹⁷ To see how Jefferson uses the ward system to resolve the problems of time-space and empire, I explore his understanding of property and agriculture, which are essential in creating *conditions* for citizens to achieve political freedom and equality.

It is only fitting to begin with Jefferson’s conception and understanding of property. For Jefferson, no natural right to property exists and, as a result, only nature,

⁹⁶ In a number of important letters, Jefferson describes Nature in terms of the “beautiful” and “sublime.” His political vision thus strives for integration in a naturalistic setting, rather than a destructive entry *qua* conquest and domination. In this way, politics takes on a holistic, aesthetic dimension where citizens use nature as a means of expression, ever cognizant of ecological destruction brought about at the hands of human activity. See Thomas Jefferson to Maria Cosway, 12 October 1786, *The Papers of Thomas Jefferson*, vol. 10, 22 June–31 December 1786, ed. Julian P. Boyd (Princeton: Princeton University Press, 1954), 443-455; Thomas Jefferson to John Trumbull, 20 February 1791, *The Papers of Thomas Jefferson*, vol. 19, 24 January–31 March 1791, ed. Julian P. Boyd (Princeton: Princeton University Press, 1974), 298-301; Thomas Jefferson to Benjamin Henry Latrobe, 10 October 1809, *The Papers of Thomas Jefferson*, Retirement Series, vol. 1, 595-596.

⁹⁷ Joseph J. Ellis, *American Sphinx: The Character of Thomas Jefferson* (New York: Alfred A. Knopf, 1997), 101.

not man, is the true creator of value.⁹⁸ Since individuals lack any natural right to property, the establishment and enforcement of property rights occurs via positive law.⁹⁹ In a letter to James Madison on 6 September 1789, Jefferson extends his discussion on property, further outlining his unorthodox vision of the relationship between mankind and the earth. Repudiating primogeniture and hereditary claims to property, Jefferson offers his most striking and radical proposition. He categorically asserts, “I set out on this ground, which I suppose to be self-evident, ‘*that the earth belongs in usufruct to the living*’: that the dead have neither powers nor rights over it.”¹⁰⁰ From this sweeping claim, Jefferson takes direct aim at both hereditary and aristocratic claims of prior generational-supremacy, affirming the right of the *present generation* – freed from long-standing markers of rank, status, and wealth – to recreate the governing institutions for all in the present-moment.

This attack on aristocracy is only adumbrated in his letter to Madison. A fuller articulation of his critique resonates in a missive to John Adams nearly twenty-four years later. Writing to Adams on the benefits of science, understood as an “attainable and useful”¹⁰¹ field of study, Jefferson marks a distinction between *natural* and *artificial* manifestations of aristocracy. For Jefferson, virtue and talents – not pedigree or

⁹⁸ Thomas Jefferson to Benjamin Austin, 9 January 1816, *The Works of Thomas Jefferson*, vol. 11, ed. Paul Leicester Ford (New York: Knickerbocker Press, 1904), 502-503.

⁹⁹ Thomas Jefferson to James Madison, 6 September 1789, *The Papers of James Madison*, vol. 12, 2 March 1789–20 January 1790 and supplement 24 October 1775–24 January 1789, ed. Charles F. Hobson and Robert A. Rutland (Charlottesville: The University Press of Virginia, 1979), 382-388.

¹⁰⁰ Thomas Jefferson to James Madison, 6 September 1789, 382-388. Jefferson’s emphasis.

¹⁰¹ See Allan Bloom, *The Closing of the American Mind* (New York: Simon & Schuster, 1987), 349.

hereditary titles – are the truest reflection of a natural aristocracy that is the “most precious gift of society.”¹⁰² Conversely, Jefferson sees artificial aristocracy predicated along lines of wealth and birth as a “mischievous ingredient in government and provision should be made to *prevent* its ascendancy.”¹⁰³

Jefferson’s condemnation of artificial aristocracy runs directly to his understanding of property and, as a corollary, its instrumental value as a means to achieve happiness. Since the earth is utilized in usufruct and belongs only to the living generation devoid of prior generational claims, no perpetual agreement, whether in the form of land entitlements or political constitutions, can be permitted. Rather, Jefferson advocates for a releasing of debts, civil laws, property rights derived from positive law, and political constitutions, for each subsequent generation as an exercise of individual and generational right. In short, prior laws, customs, and traditions do not bind *the people of the present* with “every constitution then, and every law, naturally expiring at the end of 19 years.”¹⁰⁴ Jefferson’s repudiation of the past and his future-oriented vision stands out in opposition to the strongly pragmatic and respectful reverence held for past traditions and institutions held by his fellow American patriots, such as Hamilton, John Adams, and John Marshall.¹⁰⁵

¹⁰² Thomas Jefferson to John Adams, 28 October 1813, *The Papers of Thomas Jefferson, Retirement Series*, vol. 6, 11 March to 27 November 1813, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2009), 562-568.

¹⁰³ Thomas Jefferson to John Adams, 28 October 1813, 562-568. Emphasis added.

¹⁰⁴ Thomas Jefferson to James Madison, 6 September 1789, 382-388.

¹⁰⁵ Daniel J. Boorstin, *The Lost World of Thomas Jefferson* (Boston: Beacon Press, 1966), 241.

With individuals, and, in turn, each ensuing society, unencumbered from the stringency of social, economic, and political hierarchies, Jefferson turns to the earth as the appropriate locus for individual development. Unequivocal in his advocacy for the cultivation of the earth via agricultural endeavors, Jefferson sees farming as the *human activity par excellence*. The striking sub-header for Query VII of his *Notes on the State of Virginia* provides valuable insights into his penchant of farming. Opening the query, Jefferson poses a question, “A notice of all that can increase the progress of human knowledge?”¹⁰⁶ What follows is telling, *contra* intellectual and philosophical proposals, as Jefferson offers instead a rigorous analysis of the contributing factors, such as suitable temperatures, levels of rainfall, and geographical locations, necessary for the flourishing of agriculture. Human knowledge and progress is, therefore, symbiotically tied to individuals turning their talents, skills, and energy to an enrichment of the earth. In Query XXII, Jefferson is steadfast in his promotion of agricultural development over involvement in foreign commerce and financial sectors, postulating, “[...] turn all our citizens to the cultivation of the earth; and, I repeat it again, cultivators of the earth are the most *virtuous* and *independent* citizens.”¹⁰⁷ Again, he echoes similar sentiments for the virtuous farmer in a 23 August 1785 letter to John Jay. Assaying the prospects of other laborious activities, he contends,

¹⁰⁶ Thomas Jefferson, *Notes on the State of Virginia* (Boston: Wells and Lilly, 1832), 77.

¹⁰⁷ Jefferson, *Notes on the State of Virginia*, 183.

Cultivators of the earth are the most valuable citizens. They are the most vigorous, the most independent, the most virtuous, and they are tied to their country and wedded to it's [sic] liberty and interest by the most lasting bands. As long as therefore as they can find employment [sic] in this line, I would not convert them into mariners, artisans, or anything else.¹⁰⁸

In light of Jefferson's depiction of aristocracy, those who toil the land can be seen as members of a natural aristocracy, advancing mankind towards complete emancipation.

C.B. Macpherson picks up this latter element of Jefferson's claim, particularly the belief that farmers are *independent* citizens. Briefly turning attention to the role of farming in Jefferson's thought, Macpherson contends,

With one's own small property one could not be made subservient. [...] It was to secure individual liberty, and all the *virtues* that can flourish only with sturdy *independence*, that Jefferson wanted America to remain a country of small proprietors. [...] This justification of property rests, in the last analysis, on the right to life at a more than animal level: freedom from coerced labour and arbitrary government are held to be part of what is meant by a fully human life.¹⁰⁹

Macpherson importantly identifies that for Jefferson, an individual's possession of property not only ensured a life freed from oppressive, exploitative wage-labor, *but it also* provided the necessary physical, intellectual, and emotional space for full development. In a letter to Samuel Kercheval, dated 12 July 1816, Jefferson renounces the oppressive, dehumanizing working conditions of the European laborer, specifically

¹⁰⁸ Thomas Jefferson to John Jay, 23 August 1785, *The Papers of Thomas Jefferson*, vol. 8, 426-428.

¹⁰⁹ C.B. Macpherson, *Democratic Theory: Essays in Retrieval* (Oxford: Clarendon Press, 1975), 135. Emphasis added.

because it does not afford the worker any time to “think.”¹¹⁰ Jefferson writes, “as the people of England are, our people, like them, must come to labor 16. hours in the 24. give the earnings of 15. of these to the government for their debts and daily expences; and the 16th being insufficient to afford us bread, we must live, as they now do, on oatmeal & potatoes.”¹¹¹ To escape a fate of exploitative labor and excessive taxation, Jefferson turns his sights to the soil. Not only is there more “time” for the Jeffersonian farmer to exercise his capacities, but as Jefferson details in his 6 September 1785 letter to Geismar, there is more “freedom, more ease and less misery” in the rural setting of Monticello compared to the dense urban spaces of Europe.¹¹² Further, Cornelius Castoriadis, in a step consistent with Macpherson’s appraisal, identifies Jefferson’s emphasis on the proper conditions necessary for autonomy, linking his agricultural view directly within his political scheme. Castoriadis writes,

And when one knows of Jefferson’s attitude in opposition to the development of large-scale industry (therefore, of a proletariat) in the United States of his time, one can comprehend that behind this attitude lay the idea that democracy had to be based on the small agrarian property, the extension of which actually was possible in the United States until the “closing of the frontier” in the West in the early years of the twentieth century.¹¹³

¹¹⁰ Thomas Jefferson, “Proposals to Revise the Virginia Constitution: I. Thomas Jefferson to ‘Henry Tompkinson’ (Samuel Kercheval),” 12 July 1816, *The Papers of Thomas Jefferson*, Retirement Series, vol. 10, 222-228.

¹¹¹ Jefferson, “Proposals to Revise the Virginia Constitution,” *The Papers of Thomas Jefferson*, Retirement Series, vol. 10, 222-228.

¹¹² Thomas Jefferson to Geismar, 6 September 1785, *The Papers of Thomas Jefferson*, vol. 8, 500.

¹¹³ Cornelius Castoriadis, “The Athenian Democracy: True and False Questions,” in *The Rising Tide of Insignificance (The Big Sleep)*, translated from the French and edited anonymously as a public service (2003), 320-321. <http://www.notbored.org/RTI.pdf>

In this sense, Jefferson views an independent farmer as perfectly suited to actively engage in a project of self-development due to *sufficient time* and *physical space*, affixed to a rural, bucolic landscape. Jefferson's agricultural aesthetic view here – a point that stresses a corresponding impact between individuals and oppressive working conditions – runs *contra* to the Madison-Hamilton conception of the market man. As those thinkers posited man as self-interested, rational, and economically minded, Jefferson – drawing from classical thought, as our previous section exposed – offers a conceptualization of man that is fundamentally antithetical to the market man model. Instead, Jefferson stresses, “nature hath implanted in our breasts a love of others, a sense of duty to them, a moral instinct [...]”¹¹⁴ For Jefferson, it is the heart, an “honest heart” specifically, that is the primary blessing of man, not the rational mind.¹¹⁵ Daniel J. Boorstin observes this innate feeling of duty and fraternity found in Jefferson's vision of man, explaining in *The Lost World of Thomas Jefferson*, “[...] this sense of creaturehood that finally gave the Jeffersonian their sense of community and prevented an emphasis on ‘rights’ from becoming anarchy [...]”¹¹⁶

Importantly, Jefferson expresses worry on ecological degradation and its effect on individual development relating to a “species of happiness.”¹¹⁷ Repudiating

¹¹⁴ Thomas Jefferson to Thomas Law, 13 June 1814, *The Papers of Thomas Jefferson, Retirement Series*, vol. 7, 2010), 412-416.

¹¹⁵ Thomas Jefferson to Peter Carr, 19 August 1785, 406.

¹¹⁶ Boorstin, *The Lost World of Thomas Jefferson*, 245.

¹¹⁷ Thomas Jefferson to Charles Willson Peale, 5 May 1809, *The Papers of Thomas Jefferson, Retirement Series*, vol. 1, 187.

ecological destruction as a byproduct of progress enacted by the industrious of the world, Jefferson opposes any economic system that would lead to the total destruction of the environment. In a note reminiscent to Montesquieu's ecological concern voiced in Book XIV of *The Spirit of Laws*, Jefferson comments on the effects that climate and environmental conditions can play on a body politic.¹¹⁸ In Query XX of *Notes on the State of Virginia*, Jefferson favors a cultivation of wheat over tobacco precisely because of the extreme impact that tobacco farming has on the land. He suggests,

Little food of any kind is raised by them; so that the men and animals on these farms are illy fed, and the *earth is rapidly impoverished*. The cultivation of wheat is the reverse in every circumstance. Besides clothing the earth with herbage, and preserving its fertility, it feeds the labourers plentifully, requires from them only a moderate toil, except in the season of harvest, raises great numbers of animals for food and service, and diffuses plenty and happiness among the whole. We find it easier to make an hundred bushels of wheat than a thousand weight of tobacco, and they are worth more when made.¹¹⁹

In a personal note titled, "Scheme for a System of Agricultural Societies," dated March 1811, Jefferson provides a litany of recommendations for the proper treatment of farmlands. Notably, Jefferson mentions: a rotation of crops according to soil and climate; a principle of cultivation for wheat; a recognition of effective instruments to "correct the slovenly and unproductive practices too generally prevalent"; the utilization of "manures, plaster, green-dressings, fallows, and other means of

¹¹⁸ Charles de Secondat Montesquieu, *The Spirit of the Laws*, trans. Thomas Nugent (New York, Hafner Publishing Co., 1949). In particular, see Book XIV, "Of laws as relative to the nature of the climate," chapters I, II, XI, XIV, & XV.

¹¹⁹ Jefferson, *Notes on the State of Virginia*, 175.

ameliorating the soil"; and, the creation of a report outlining useful husbandry techniques and practices.¹²⁰ Understood in inter-reliant terms, Jefferson views the cultivation and flourishing of the earth as a reflection of the development and progression of mankind. By toiling the soil, Jefferson believes an individual becomes inoculated from the excessive realms of economic and political coercion, while at the same time, properly engaging and developing their intellectual, physical, and moral faculties. Jefferson, therefore, advocates for both the proper cultivation of the earth *and* society writ large.

Jefferson's ecological concerns also extend to the very type of *agricultural system* that is useful for development and sustainability. While Jefferson has frequently been cast as a steadfast advocate of agrarianism, a strict reading of this classification would vitally ignore both his fears of ecological ruin *and* his embrace of appropriate scientific and technological advances.¹²¹ Although highly political in orientation, Leo Marx views Jefferson's ecological position beyond the confines of agrarianism, picking up a *pastoral* vision promulgated in his writings. Marx contends, "To call Jefferson an agrarian is to imply that his argument rests, at bottom, upon a commitment to an agricultural

¹²⁰ Thomas Jefferson, "Scheme for a System of Agricultural Societies," March 1811, *The Complete Jefferson* (Freeport, NY: Books for Libraries Press, 1969), 353.

¹²¹ For readings of Jefferson and agrarianism, see A. Whitney Griswold, "The Agrarian Democracy of Thomas Jefferson," *American Political Science Review* 40, no. 4 (1946): 657-681; A.W. Foshee, "Jeffersonian Political Economy and the Classical Republican Tradition: Jefferson, Taylor, and the Agrarian Republic," *History of Political Economy* 17, no. 4 (1985): 523-550; Tarla Rai Peterson, "Jefferson's Yeoman Farmer as Frontier Hero a Self-defeating Mythic Structure," *Agriculture and Human Values* 7, no. 1 (1990): 9-19; Lisi Krall, "Thomas Jefferson's Agrarian Vision and the Changing Nature of Property," *Journal of Economic Issues* 36, no. 1 (2002): 131-150.

economy.”¹²² Marx continues, clarifying the central distinction, positing that “Although the true agrarians of his day, the physiocrats, had demonstrated the superior efficiency of large-scale agriculture, Jefferson continues to advocate the small, family-sized farm.”¹²³ Marx’s analysis strikes an important chord by carefully accentuating Jefferson’s rejection of using economic factors as the determining criterion for societal organization. In Query XIX of *Notes on the State of Virginia*, Jefferson argues against the recommendations of European economists for a full-scale transition from agriculture to manufacturing. Strongly dismissing the prospects of manufacturing and reasoning that it results in a high level of dependency, Jefferson maintains,

Manufacture must therefore be resorted to, of necessity, not of choice, to support the surplus of their people. But we have an immensity of land courting the industry of the husbandman. Is it best then that all our citizens should be employed in its improvement, or that one half should be called off from that to exercise manufactures and handicraft arts for the other? Those who labour in the earth are the chosen people of God, if ever he had a chosen people, whose breasts he has made his peculiar deposit for substantial and genuine virtue.¹²⁴

Rather than viewing Jefferson, then, as squarely an agrarian thinker, it is more fitting to consider him, as Richard K. Matthews contends in his work *The Radical Politics of Thomas Jefferson*, as a proponent of scientific farming. Arguing in line with Marx’s analysis, Matthews contends, “[...] Jefferson seeks a pastoral ideal, a form of scientific

¹²² Leo Marx, *The Machine in the Garden: Technology and the Pastoral Ideal in America* (New York: Oxford University Press, 1964), 125.

¹²³ Marx, *The Machine in the Garden*, 126.

¹²⁴ Jefferson, *Notes on the State of Virginia*, 172.

farming in which the farmer can take advantage of all the arts of agriculture [...].”¹²⁵ Matthews concludes, succinctly summarizing Jefferson’s thinking, “Quite simply, he wants all the benefits of science, technology, and agriculture without any of the costs of industrialization.”¹²⁶ Significantly, Matthews’ account stresses Jefferson’s promotion of an integration between science and pastoralism, an element that ties directly to his refutation of a society governed by an artificial aristocracy. In a letter to John Adams, on 28 October 1813, Jefferson fashions together his previous ideas on virtue via farming and the dissolution of artificial aristocracy in a discussion on the progression of science. He forecasts,

An insurrection has consequently begun, of science, talents, and courage against rank and birth, which have fallen into contempt. [...] Science is progressive, and talents and enterprise on the alert. Resort may be had to the people of the country, a more governable power from their principles and subordination; and rank, and birth, and tinsel-aristocracy will finally shrink into insignificance [...].¹²⁷

Therefore, Jefferson’s promotion of a pastoral society is not indicative of a *prior* socio-historical epoch, but a scientific advancement that acquires the benefits of agrarianism, while nullifying the brutalizing effects of modernization and industrialization. For Jefferson, then, pastoralism is not a reactionary process. Instead, it is a future oriented socio-economic structure that is sustained by the labors and ingenuity of the present

¹²⁵ Matthews, *The Radical Politics of Thomas Jefferson*, 47.

¹²⁶ *Ibid.*

¹²⁷ Thomas Jefferson to John Adams, 28 October 1813, *The Papers of Thomas Jefferson*, Retirement Series, vol. 6, 562-568.

generation in order to revolutionize modes of production, thus enabling individuals more time away from the labor process and greater availability for personal and political energies.¹²⁸

The centrality of property and pastoralism in Jeffersonian thought has far reaching implications for his understanding of politics. With his writings on property, ecological concerns, and pastoralism in place, it is appropriate to utilize this backdrop to examine *how* and *in what ways* his ward system fits into his democratic project. In a manner analogous to his vision of pastoralism, Jefferson's ward republics serve as the optimal scene for politics to play out in pursuit of freedom, progress, and happiness.

*Jefferson's Ward Republics:
A Space for a Politics of All*

*As Cato, then, concluded every speech with the words
'Carthago delenda est,'
so do I every opinion, with the injunction,
'divide the counties into wards.'*¹²⁹

¹²⁸ Jefferson's pastoralism would undergo modification following the War of 1812 when he embraces an incorporation of domestic manufacturing in the United States. However, Jefferson believed an intensification of a manufacturing sector would be non-exploitative since citizens could withdraw their labor and return to their lands. See Thomas Jefferson to François André Michaux, 14 December 1813, *The Papers of Thomas Jefferson*, Retirement Series, vol. 7, 52-53; Thomas Jefferson to William Short, 28 November 1814, *The Papers of Thomas Jefferson*, Retirement Series, vol. 8, 107-111. Also, see Joseph Dorfman, "The Economic Philosophy of Thomas Jefferson," *Political Science Quarterly* 55, no. 1 (1940): 98-121.

¹²⁹ Thomas Jefferson to Joseph C. Cabell, 2 February 1816, *Thomas Jefferson: Writings*, ed. Merrill D. Peterson (New York: Library of America, 1984), 1381.

The treatment of Jefferson's ward system has been puzzlingly either cursory or absent.¹³⁰ Strikingly, recent attempts to affirm Jefferson as an early American radical, such as Kevin R.C. Gutzman's *Thomas Jefferson – Revolutionary: A Radical's Struggle to Remake America*, only briefly even consider his ward system.¹³¹ Often dismissed and reduced to pure idealism that emerged in the later years of his life, the importance of direct political action by all members of the wards is, thus, woefully missing. However, to cast Jefferson's ward system off as a byproduct that manifested only at the end of his long political career is to dilute the germ of an idea that evolved throughout his thinking for over four decades. Jefferson's vision of a highly participatory political community did not suddenly percolate as a response to administrative and policy shortcomings during his presidency as Suzanne W. Morse suggests, but rather it first appeared in his writings before ascending to the presidency.¹³²

As Dumas Malone observes, Jefferson's 1776 constitutional draft for the Commonwealth of Virginia advocates for a transmission of knowledge through

¹³⁰ An example of this can be found in Adrian Kuzminski's work, *Fixing the System: A History of Populism, Ancient and Modern* (New York: Continuum, 2008). Kuzminski traces the political and historical development of populism to mean a "direct right to property is a necessary condition of genuine democracy" (3). Citing both European and American examples of political movements that would be representative of a populist appeal, the study provides an in-depth examination of localized politics. Importantly, Kuzminski does include analysis of Jefferson's ward system; however, this coverage does not appear until the appendix.

¹³¹ In only two places Gutzman mentions Jefferson's ward system. In both cases, the ward republics are portrayed as idealist endeavors tied only to hypothetical reforms to the Constitution of the Commonwealth of Virginia. Gutzman fails to accentuate the importance of the ward system to Jefferson's democratic project. See Kevin R.C. Gutzman, *Thomas Jefferson – Revolutionary: A Radical's Struggle to Remake America* (New York: St. Martin's Press, 2017), 11, 65.

¹³² Morse, "Ward Republics: The Wisest Invention for Self-Government," 265.

localized school districts. Further, Malone notes that Jefferson's horizontal scheme of education based at the community-level titled, "Bill for the More General Diffusion of Knowledge," was dismissed by the Assembly in 1776 and then again in 1779.¹³³ Malone is correct to emphasizing the destabilizing effect that such a policy platform would have enacted on the dominant social hierarchies of colonial Virginia, yet he fails to trace Jefferson's desire for a division of public space as a central method for organizing a political community. Jefferson indicates this earlier impulse in a letter to Joseph Priestly on 27 January 1800, a full year before entering the Executive Branch. He writes,

About 20. years ago I drew a bill for our legislature which proposed to lay off every county into hundreds or townships of 5 or 6. miles square, in the center of each of which was to be a free English school; the whole state was further laid off into 10. districts in each of which was to be a college for teaching the languages, geography, surveying and other useful things of that grade; and then a single University for the sciences.¹³⁴

While the letter certainly underscores an importance of education to Jefferson, it also reveals a reimagining of the boundaries of republics, both in substance and size. For Jefferson, the ward system enables an enlargement of the overall size of the American republic while at the same time ensuring that all citizens have both the time and space to engage in local politics. Jefferson's resolution of the deficiencies of republican

¹³³ Dumas Malone, *Jefferson and His Time: Jefferson the Virginian* (Boston: Little, Brown and Company, 1948), 283. It is important to note that primary schools were eventually created in Virginia. Passed in 1796, the construction and operational costs of these schools relied on local funding.

¹³⁴ Thomas Jefferson to Joseph Priestley, 27 January 1800, *The Papers of Thomas Jefferson*, vol. 31, 1 February 1799–31 May 1800, ed. Barbara B. Oberg (Princeton: Princeton University Press, 2004), 339-341.

politics, therefore, is a rejection of the Madison-Hamilton scheme through an extension of the republic coupled within an intensification of politics at the local level.

As discussed in Chapter 1, this emphasis on a resuscitation and rehabilitation of the political in Jefferson's theorization of ward republics was first noticed in Hannah Arendt's *On Revolution*. In *Nature's Man: Thomas Jefferson's Philosophical Anthropology*, Maurizio Valsania affirms Arendt's casting of Jefferson, suggesting that the concept of the wards are "downright Aristotelian" in orientation.¹³⁵ Although hesitant to stress a communitarian side of the wards, Valsania does, however, suggest that according to Jefferson, the state lacks a legitimate right to its territory. Moreover, Valsania argues that Jefferson's philosophy is centered on a dynamic vision of a democratic society that sees all members freed from the state's scope of authority, empowered instead to engage in the task of self-government in the present moment.¹³⁶ Further, Peter S. Onuf argues that Jefferson's theorization of localized democratic politics functions as a mechanism to dislodge a multitude of political societies from the very framework of the state.¹³⁷ The means to break the corrosive bond between local citizens and a centralized state, as Jefferson casts the sprawling federal government, runs directly to the explicit scene of politics found in the wards.¹³⁸

¹³⁵ Maurizio Valsania, *Nature's Man: Thomas Jefferson's Philosophical Anthropology* (Charlottesville: The University of Virginia Press, 2013), 48.

¹³⁶ Valsania, *Nature's Man*, 66.

¹³⁷ See Peter S. Onuf, *The Mind of Thomas Jefferson* (Charlottesville: The University of Virginia Press, 2007).

¹³⁸ Thomas Jefferson to Gideon Granger, 13 August 1800, *The Papers of Thomas Jefferson*, vol. 32, 1 June 1800–16 February 1801, ed. Barbara B. Oberg (Princeton: Princeton University Press, 2005), 95-97.

Crucially, Jefferson opposes a large, centralized government. For Jefferson, power isolated in codified departments far removed from the people exacerbates a likelihood of political coercion. Jefferson is curt in his assessment of the American government in his 6 September 1824 letter to William Ludlow, alleging, “we have more machinery of government than is necessary, too many parasites living on the labor of the industrious.”¹³⁹ Instead of a proliferation of vast governmental departments erected in state capitols and the federal District of Columbia, Jefferson envisions an inverted pyramidal scheme of government with power flowing from the bottom-up. For example, Jefferson contends that New England town hall meetings exhibit a certain type of momentum of action against the parameters of codified contours of institutionalized power.¹⁴⁰ By turning the source and flow of power on its head – thus returning political power back to local communities and citizens – Jefferson assuages the political capital of patrician politics by directly connecting active political participation to individual and societal progression.

At the base of Jefferson’s pyramidal structure of government is the main concentration of political power housed in the ward republics. Drawing from historical examples of local politics,¹⁴¹ Jefferson believes that by dividing counties into smaller

¹³⁹ Thomas Jefferson to William Ludlow, 6 September 1824, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 054, images 1-2.

¹⁴⁰ See Chapter 5 for my discussion on Jefferson’s appraisal of New England town hall meetings and how these types of spaces possess a potential to disrupt the flow and path of centralized governmental power.

¹⁴¹ This will be the primary focus of Part II. Specifically, I’ll discuss the importance of the township configuration of the Anglo-Saxons, the tribal council structure of indigenous communities, and the town

units, citizens will be able to “attend, when called on, and act in person”¹⁴² on matters concerning the immediate community. It is fitting, then, that the Jeffersonian farmer is afforded both *time* outside of an exploitive work scene to develop his faculties as well as the material opportunity to engage in politics. The significance of available political-time space cannot be understated. Jefferson sees society separated by a fundamental division between the “laboring and the learned.”¹⁴³ The ward system facilitates the transformation of the laborer into a learned political subject, by ensuring access to political time-space through a minimum level of property and an opening of accessible political space.

In a striking way, then, Jefferson’s citizen-farmer stands as a direct rejection of Aristotle’s understanding of rural democracy outlined in Book IV of the *Politics*. Under Aristotle’s classification of democracies, the best and oldest form is agrarian. In this form, citizen-farmers are kept busy in the fields while being less envious of the “possessions of others.”¹⁴⁴ Since most of their time is committed to work – an activity that provides them with much satisfaction – the active farmers will be less disposed and available to engage politically. Rather, the task of ruling will be relegated to those with a source of leisure time freed from the material necessities of life. Although Aristotle’s

hall meeting design found in New England and how these spaces helped to shape Jefferson’s political vision.

¹⁴² Thomas Jefferson to Samuel Kercheval, *The Papers of Thomas Jefferson*, Retirement Series, vol. 10, 222-228.

¹⁴³ Thomas Jefferson to Peter Carr, 7 September 1814, *Thomas Jefferson: Writings*, 1348.

¹⁴⁴ Aristotle, *Politics*, trans. T.A. Sinclair (London: Penguin Books, 1981), 368.

account of agrarian democracy provides the citizen-farmer with the ability, or the *exousia*, for political engagement, the feasibility of engaging in the task of “ruling and being ruled”¹⁴⁵ is relegated to those is possession of *ousia*: the complete satisfaction of material and time obligations that permit a direct entry into the realm of politics. Aristotle’s agrarian democracy is thereby constructed through an isolation of centrifugal political power safeguarded by an economic border that incubates the center of the *polis* from the contamination of citizen-farmers. For Aristotle, then, the best type of democracy is agrarian precisely because it is generated by exclusions – a depoliticization of rural life coupled with an amassment of political power codified and restricted in the center of the *polis* maintained by a permanent un-retractable exile of the citizen-farmer.

Jefferson’s ward system, therefore, represents an inversion of Aristotle’s assessment of an agrarian democratic configuration. For Jefferson, the center of the body politic – the site of the ultimate source of political power – is transported to *each* ward through an erasure of boundaries that dichotomizes citizenship and political rights. Rather, Jefferson’s ward system is defined not by an absence – a banishment of some in favor of a few – but rather by an active infusion of plurality and difference found across all members of a political community.

¹⁴⁵ Aristotle, *Politics*, 362.

Jefferson envisions these small ward republics “of five or six miles square,” as fully functional complete units.¹⁴⁶ The scope of each wards’ responsibilities are vast, including: the institution of public education; a commitment to tend to the poor of the ward; maintenance of public roads; creation of protection agencies via local police and militia; and, an operational court system.¹⁴⁷ In a letter to Major John Cartwright, shortly before his death, Jefferson provides his most detailed account of the structure of each ward. He writes,

Each ward would thus be a small republic within itself, and every man in the State would thus become an acting member of the common government, transacting in person a great portion of its rights and duties, subordinate indeed, yet important, and entirely within his competence. The wit of man cannot devise a more solid basis for free, durable and well-administered republic.¹⁴⁸

In a well-administered republic, Jefferson believes that an individual will be capable of developing their faculties through local education. The importance of localized, public, and *accessible* education can be traced back to his 13 August 1786 letter to George Wythe. In this letter, Jefferson lays the framework for the role that education will play in his later theorization of ward republics. Jefferson argues, “I think by far the most important bill in our whole code is that for the diffusion of knowledge among the people. No other sure foundation can be devised for the preservation of freedom, and

¹⁴⁶ Jefferson, *Notes on the State of Virginia*, 153.

¹⁴⁷ Thomas Jefferson to Major John Cartwright, 5 June 1824, *The Complete Jefferson*, 295.

¹⁴⁸ Thomas Jefferson to Major John Cartwright, 5 June 1824, 295.

happiness.”¹⁴⁹ Jefferson’s belief in public education maintains a direct impact on an individual’s achievement of happiness, both in private, but also vitally, in public form. Jefferson’s vision of a political society is thus inhabited by collaborators in a public happiness as he offers, “I am convinced our own happiness requires that we should continue to mix with the world.”¹⁵⁰

Crucial to Jefferson’s promotion of local education within the ward republics is the role that it can play in *destroying* prior economic, social, and political hierarchies. In a 28 October 1813 letter to John Adams, Jefferson once again briefly outlines his vision of ward republics and the necessity for a free school within each community. However, in this letter, Jefferson posits an alternative benefit to the advancement of public education, one beyond self-development and maturation, arguing, “Worth and genius would thus have been sought out from every condition of life, and completely prepared by education for *defeating* the competition of wealth and birth for public trusts.”¹⁵¹

With a general discussion of the overall scope of the wards in place, it is now necessary to turn to the primary objective of Jefferson’s political vision: the creation of a politics of all. For Jefferson, the ward system is not simply a method for ensuring continuity and rendering political decisions in a localized space. Rather, it is an explicit

¹⁴⁹ Thomas Jefferson to George Wythe, 13 August 1786, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 006, images 1-4.

¹⁵⁰ Thomas Jefferson to Mary Jefferson Eppes, 3 March 1802, *The Papers of Thomas Jefferson*, vol. 36, 1 December 1801–3 March 1802, ed. Barbara B. Oberg (Princeton: Princeton University Press, 2009), 676-677.

¹⁵¹ Thomas Jefferson to John Adams, 28 October 1813, *The Papers of Thomas Jefferson, Retirement Series*, vol. 6, 562-568. Emphasis added.

scene of questioning by citizens over the space between an immediate source of accessible power and distant consolidated forms. Jefferson asks, "What has destroyed liberty and the rights of man in every government which has ever existed under the sun?"¹⁵² His response is unequivocal and succinct: the amassment and concentration of all powers and cares into a singular body.¹⁵³

Significantly, Jefferson rejects the compression of all forms of power in the hands of the "one, the few, the well-born or the many."¹⁵⁴ Jefferson's dismissal of consolidated power is intensified in his fears of a growing federal government in early nineteenth century America.¹⁵⁵ It is from these fears that a political regime classification of a rule by the Many will not prevent civic energies from becoming permanently enclosed within a realm of constituted power, crucially extinguishing the spirit of 1776. Instead, Jefferson believes that citizens must act in concert on a daily basis – shaping and sustaining the wards – in direct opposition to external threats that attempt to usurp power from the people. In turn, the Many must be broken up to ensure that *all could* and *all would* be counted against forces antagonistic to political freedom.¹⁵⁶

For Jefferson, the active participator would rather have his heart torn from his body than power placed in the hands of a tyrannical state actor.¹⁵⁷ In a letter to John

¹⁵² Thomas Jefferson to Joseph C. Cabell, 2 February 1816, *Thomas Jefferson: Writings*, 1380.

¹⁵³ Thomas Jefferson to Joseph C. Cabell, 1380.

¹⁵⁴ *Ibid.*, 1381.

¹⁵⁵ *Ibid.*, 1380.

¹⁵⁶ Arendt, *On Revolution*, 254.

¹⁵⁷ Thomas Jefferson to Joseph C. Cabell, 1380.

Tyler on 26 May 1810, Jefferson's politics of all reaches its pinnacle articulation, as he writes, "Could I once see this I should consider it as the dawn of the republic, and say with old Simeon, 'nunc dimittes Domine.'"¹⁵⁸ The invocation of the nunc dimittes – commonly referred to as the *Canticle of Simeon* found in the Gospel of Luke (2:29), meaning "Lord, now lettest thou thy servant depart in peace, according to thy word" – was of the utmost importance to Jefferson. In a number of personal correspondences, Jefferson reminds his readers to the pleasure derived from reciting such a solemn hymn.¹⁵⁹ Writing to Andrew Jackson on 18 December 1823, Jefferson exalts the virtues of education, writing, "if I live to see this I shall sing with cheerfulness the song of old Simeon 'Nunc dimittes Domine.'"¹⁶⁰ Importantly, the *Canticle of Simeon* is a song of preparation and thankfulness for the coming messiah. Crucial to its message, is an appeal to a vision of the future filled with joy and peace for *all peoples* of the world. The words spoken by Simeon upon receiving the Christ-Child, later translated into the Latin Vulgate, accentuates the universality of the messianic promise in the words *omnium populorum*, meaning *all peoples*.

¹⁵⁸ Thomas Jefferson to John Tyler, 26 May 1810, *Thomas Jefferson: Writings*, 1227.

¹⁵⁹ See Thomas Jefferson to Lafayette, 17 May 1816, *The Papers of Thomas Jefferson*, Retirement Series, vol. 10, 62-64; Thomas Jefferson to Spencer Roane, 6 September 1819, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 051, images 1-4; Thomas Jefferson to Joseph C. Cabell, 31 January 1821, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 052, images 1-2; Thomas Jefferson to James Monroe, 14 June 1823, *Founders Online*, National Archives, <http://founders.archives.gov/documents/Jefferson/98-01-02-3571>.

¹⁶⁰ Thomas Jefferson to Andrew Jackson, 18 December 1823, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 054, images 1.

This runs directly to the heart of Jefferson's political vision. The salvation and promise of political power is to be endowed in the hands of all throughout the wards. For Jefferson, all governments, especially self-government, are an exercise in experimentation. An ongoing process in pursuit of the creation of a free and equal political society for the living, unencumbered by past generations, traditions, and institutions. Daniel J. Boorstin is skeptical of Jefferson's notion of perpetual renewal, claiming that taken to its logical conclusion all institutions would be in a constant state of flux. Boorstin believes that Jefferson assuages this outcome by simply wedding the present generation to a temporary permanency to its current institutions.¹⁶¹ But here lies the crucial point. Boorstin misreads Jefferson's capturing of the revolutionary spirit within the wards as a cyclical endeavor that can (and should) only commence roughly every nineteen years. To reduce Jefferson's ward system to an embryonic site for future challenges against forms of oppressive government (or traditional and societal hierarchies, for that matter) is to miss the intent of the wards to oppose structures of power that deny a politics of all. To cast the ward system off as a systematic producer of permanent flux is not a pejorative depiction; rather, it hones in on the ontological and sociological dimension of Jefferson's ward republics, procured through a primacy of politics *over* regime-form.

¹⁶¹ Boorstin, *The Lost World of Thomas Jefferson*, 212-213.

Jefferson's theorization of ward republics, therefore, represents a discontinuity in centralized, distant strains of power, shaking the very foundations of governmental rule with a potential to "overrule the Union."¹⁶² The transformative powers of the ward republics bring with it an emancipatory dimension that permits a reversal from minority status to political subjectivization and citizenship upon an accessible common stage for all. The work of the wards opens up a common space for the announcement of the rights of all through a rejection of heteronomy, in favor for a way of life that permits effective participation in all forms of explicit power for public endeavors.¹⁶³ In this manner, Jefferson's ward system exists as a solution to the fundamental problems plaguing a republican body politic. By expanding the overall size of the republic – an ideal brought to fruition by Jefferson's authorization of the Louisiana Purchase – in order to provide all with economic security in the form of property ownership, coupled with a localization of political space for direct participation, the two tensions become resolved. As a result, the activities of citizens within the wards strive to subvert a patrician order predicated along lines of exclusion and miscounting, by dragging division into the light of public-inquiry, ensuring that all are heard, all are counted. Jefferson's ward republics are, therefore, a scene of intimate politics; a place that opens up new spaces for the daily participation of citizens to learn, deliberate, and act.

¹⁶² Thomas Jefferson to Joseph C. Cabell, 2 February 1816, 1381.

¹⁶³ See Cornelius Castoriadis, "Power, Politics, Autonomy," in *Philosophy, Politics, Autonomy: Essays in Political Philosophy*, ed. David Ames Curtis (New York: Oxford University Press, 1991), 173.

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In the previous chapter, I located Arendt's crucial observation concerning Jefferson's desire to obliterate the traditional regime model by thinking beyond the static categories of One/Few/Many. Instead, Arendt suggested that Jefferson's wards were devised to break up the Many, enlarging a political community to ensure that all were counted. In this chapter, I followed Arendt's important path by focusing on the sources and features that helped to generate Jefferson's ward system and the *politics omnium populorum principle*. These two chapters – functioning in conjunction – have offered the primary objective of Jefferson's political vision, namely a political order that eschews a patrician logic through a radical democratization of who *can* and *should* engage in public affairs.

Much like the Scottish philosopher David Hume, my evaluation of the wards helped to reveal Jefferson's belief that all power is inherent in the people, not in governmental form.¹⁶⁴ Direct training and action of citizens thus illustrates Jefferson's understanding of democracy, which was for him the only pure form of republicanism.¹⁶⁵ In this light, political freedom indicates the entry of an individual amongst other citizens, always in public view. Political freedom, then, must be understood to be contingent upon the other, not merely in a physical and temporal sense, but as it is only possible through the freedom of another in a coterminous relationship between *libertas*

¹⁶⁴ Thomas Jefferson to Major John Cartwright, 5 June 1824, 295.

¹⁶⁵ Thomas Jefferson to Isaac H. Tiffany, 26 August 1816, 349.

and *civitas*.¹⁶⁶ On the other hand, political equality for Jefferson is intrinsically wedded to political freedom. As I have suggested, Jefferson's ward system acquires an important economic dimension, functioning as a means to escape an exploitative economic system, in order to ensure self-sufficiency and, conclusively, happiness. Akin to classical republican theory, Jefferson believes that only when an individual is freed from the brutality of exploitive labor can political freedom be realized. It should not be surprising then that his vision calls for an extension and guarantee of property to ensure time and space for political engagement as well as the appropriate landscape for the development of an individual's capabilities. For Jefferson, a system of little republics most properly provides for both of these obligatory elements, providing citizens "direct and *constant* control" of decision-making instruments.¹⁶⁷

In the next chapter, I initiate Part II of this study in order to more closely observe the physical and political setting of Jefferson's vision of politics. While I offered the ancient Greek *polis* as a source of inspiration in this chapter, I argue that three key spaces of radical politics (the Hundreds of the Anglo-Saxons, the tribal councils of indigenous peoples in North America, and New England town hall meetings) were instrumental in his theorization of his ward system and, consequently, help to shape the radical contours of his political philosophy.

¹⁶⁶ See Chaïm Wirszubski, *Libertas as a Political Idea at Rome* (Oxford: Oxford University Press, 1968).

¹⁶⁷ Thomas Jefferson to John Taylor, 28 May 1816, *The Papers of Thomas Jefferson*, Retirement Series, vol. 10, 86-90.

PART II

Spaces of Radical Politics

CHAPTER 3

Interrupted Freedom:

The Anglo-Saxon Tradition in Jefferson's Thought

Political liberty is full only at the moment when the power of the representer is suspended and given back to the represented.¹

– *Jacques Derrida*

Our laws, language, religion, politics, & manners are so deeply laid in English foundations, that we shall never cease to consider their history as a part of ours, and to study ours in that as it's origin.²

– *Thomas Jefferson*

In the previous chapter, I discussed Jefferson's ward system, revealing the conceptual parameters of its theorization. The intent of such an examination was twofold: firstly, the chapter demonstrated that the wards were envisioned as an alternate locale for citizens to engage in the task of sharing political power in opposition to a patrician order of the Madison-Hamilton paradigm; secondly, following Arendt's path, I teased out the primary objective of Jefferson's political vision as a politics of all. The full impact of these two premises function as a rejection of the conventional political classification of rule by One, Few, and Many as well as a destabilization of prominent sociological categories that strive to isolate particular agents of change extracted from civil society *in*

¹ Jacques Derrida, *Of Grammatology*, trans. Gayatri Chakravorty Spivak (Baltimore: The Johns Hopkins University Press, 1997), 296-297.

² Thomas Jefferson to William Duane, 12 August 1810, *The Papers of Thomas Jefferson*, Retirement Series, vol. 3, *12 August 1810 to 17 June 1811*, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2006), 4-7.

toto. The political effects of such a position are devastatingly far-reaching. Political liberation in the face of tyranny and domination, then, for Jefferson cannot commence along the contours of the categories of the *demos* or Multitude or proletariat.

Unsatisfied with these vehicles of change, Jefferson arranges his entire scheme of the ward system on the promise of a politics procured by all. The erection of such a monolithic political agent is not produced through the recreation of a prior historical moment defined by the active engagement of all against the totality of external seats of power. Rather, Jefferson's categorization of the *all* is reconstructed through a piecemeal approach of three prior historical spaces of localized politics.

This chapter begins Part II of the study, offering a constellation alignment of these crucial spaces of politics, first by locating the historical inspiration for Jefferson's generational thinking found in the Anglo-Saxons. In the next two chapters, I turn to Jefferson's writings on the tribal council system of indigenous peoples in North America and New England town hall meetings to further demonstrate that his ideal configuration of politics takes place locally. Importantly, Part II strives to expose a historical depth of Jefferson's thought as well as isolate particular characteristics of the *physical* and *political* setting compatible for an establishment of a politics of all. In each of these three spaces, then, I detail the essential building blocks that help to shape Jefferson's political vision, particularly concerning law creation, non-hierarchical forms of power, and contestatory challenges against non-communal expressions of authority.

Jefferson maintained a strong dislike for perpetuity. For Jefferson, institutions, laws, and even debts that span across generations constrain a present generation's natural right to create, experiment, and succeed or fail, on its terms. "No society can make a perpetual constitution, or even a perpetual law," Jefferson offered in a letter to James Madison in 1789, affirming, "the earth belongs always to the living generation."³ While there is a radical element to Jefferson's generational claim *sans* an infusion of prior institutions, there is also, importantly, a dimension of his thought that showcases an embrace of historical precedent. This chapter aims to explore this side of Jefferson's political philosophy.

In this chapter, I argue that the renewal-creation track of Jefferson's generational claim is greatly influenced by his historical appraisal of the Anglo-Saxons. Importantly, I posit similar to Merrill Peterson's claim in *Thomas Jefferson and the New Nation* that "the shadow of the English heritage hovered over Jefferson's mind."⁴ While much has been written on the effect that Jefferson's Whig interpretation of the Saxons has played on his thought, especially concerning common law, constitutional engineering, and orthography,⁵ there persists a failure to align it in relation to his more radical leanings.

³ Thomas Jefferson to James Madison, 6 September 1789, *The Papers of Thomas Jefferson*, vol. 15, 27 March 1789–30 November 1789, ed. Julian P. Boyd (Princeton: Princeton University Press, 1958), 392-398.

⁴ Merrill D. Peterson, *Thomas Jefferson & the New Nation: A Biography* (London: Oxford University Press, 1970), 57.

⁵ In particular, see the following studies: Barbara J. Shapiro, "Beyond Reasonable Doubt" and "Probable Cause": *Historical Perspectives on the Anglo-American Law of Evidence* (Berkeley: University of California Press, 1993); Shannon C. Stimson, *The American Revolution in the Law: Anglo-American Jurisprudence Before John Marshall* (Princeton: Princeton University Press, 1990); David N. Mayer, *The Constitutional Thought of*

Specifically, an impulse remains by way of a strictly liberal or republican account, which morphs Jefferson's reading of the Saxons *always in relation to the past*, as a quasi-artifact of historical interpretation, or even, as Joseph J. Ellis has argued, as a complete fabrication.⁶ Centrally, a more robust inquiry is needed that identifies the shift within Jefferson's thought that moves from history to political theory by means of action at the hands of politico-historical actors.

Centrally, I suggest that Jefferson's assessment of the Anglo-Saxons helps to stress his preference for small, localized spaces of politics populated by active, duty-bound citizens.⁷ To unpack his reading Anglo-Saxon history, it is necessary to explore four central positions that inform his political vision: i) an unencumbered mobility for the establishment of self-government; ii) a future-oriented theory of freedom; iii) an allodial claim to property *contra* feudal titles; and, finally iv) a reliance on custom and revision over fixed conventions. To showcase how these four themes operate within Jefferson's thought, and in turn, help to underscore the terrain, or staging *for* politics, I'll

Thomas Jefferson (Charlottesville: The University Press of Virginia, 1995); Stanley R. Hauer, "Thomas Jefferson and the Anglo-Saxon Language," *PMLA* 98, no. 5 (1983): 879-898; Peter Thompson, "'Judicious Neology': The Imperative of Paternalism in Thomas Jefferson's Linguistic Studies," *Early American Studies* 1 (2003): 187-224; Malcolm Heartwell Arnold, "Thomas Jefferson: American Pioneer in the Study of Old English," doctoral dissertation (Charlottesville: The University of Virginia, 1915); Edward A. Allen, "Thomas Jefferson and the Study of English," *Journal of Secondary Education* 4, no. 1 (1889); Raymond George Lacina, "Thomas Jefferson's 'Essay on the Anglo-Saxon Language' in Context: A Study of Jefferson's Analytical Method," doctoral dissertation (Toronto: University of Toronto, 2001).

⁶ Joseph J. Ellis, *American Sphinx: The Character of Thomas Jefferson* (New York: Alfred A. Knopf, 1997), 34.

⁷ See Thomas Jefferson to Miles King, 26 September 1814, *The Papers of Thomas Jefferson*, Retirement Series, vol. 7, 28 November 1813 to 30 September 1814, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2010), 704-706. Also, see Thomas Jefferson to John Adams, 14 October 1816, *The Papers of Thomas Jefferson*, Retirement Series, vol. 10, May 1816 to 18 January 1817, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2013), 458-461.

turn to four primary zones of textual support: Jefferson's Legal Commonplace Books (1762-1767), "A Summary View of the Rights of British America" (1774), "The Declaration of the Causes and Necessity of Taking Up Arms" (1775), co-written by John Dickinson, and an assortment of personal letters penned later in his life after leaving political office.

By taking up these central themes (mobility, freedom, property, and law), the breath of which spans over six decades, I argue *contra* Garrett Ward Sheldon's assertion that the "Ancient Constitution" of the Saxons served merely as a "theoretical justification for American independence,"⁸ but rather exists as a key piece in Jefferson's radical politics. I begin by turning to Jefferson's first major public proclamation of an ancestral claim derived from the Saxons, found in the immediate years leading up to the War of Independence in his hugely influential tract, "A Summary View of the Rights of British America."

***The Natural Right of Expatriation:
Movement, Space, & Societal Creation***

A central feature of the history of the Anglo-Saxons for Jefferson centered on the occurrence of mobility. Key was the movement of the Saxon tribes from the Germanic forests across Western Europe to the island of Britain in the fifth century. The migration

⁸ Garrett Ward Sheldon, *The Political Philosophy of Thomas Jefferson* (Baltimore: The Johns Hopkins University Press, 1991), 25.

and ultimate settlement by the Saxons symbolized to Jefferson an experiment in self-government, not dissimilar to the American case. What Jefferson identified in the history of the Anglo-Saxons was *proof* of an experiment in pursuit of freedom, founded upon natural right, rather than tradition.

The legacy of the history of the Anglo-Saxons, often described as the “Saxon myth” by historians, particularly of the legal orientation, has imported a full slate of civil liberties and protections.⁹ A portrayal of this “primitive democracy” found as early as Tacitus’ *Germania* presented the crowning achievements of the Saxon heritage in the areas of the formation of common law, the institution of an elective monarchy, a tribal assembly, and the legal protection of trial by jury, to name just a few.¹⁰ Jon Meacham details the impact of Tacitus’ account on Jefferson writing, “He read Tacitus’s *Germania* and became an adherent of the theory that England was initially populated by freedom-loving Saxons who were subjugated by the monarchical and feudal forces of William the Conqueror.”¹¹ An interruption of these democratic ideals and practices came about

⁹ For a thorough discussion on the role that the Saxon myth played in the American Revolution and early founding, see H. Trevor Colbourn, *The Lamp of Experience: Whig History and the Intellectual Origins of the American Revolution* (Chapel Hill: University of North Carolina, 1965); Reginald Horsman, *Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism* (Cambridge: Harvard University Press, 1981).

¹⁰ On countless occasions, Jefferson recommends Tacitus’ *Germania* as an essential historical text when developing reading lists for his friends and colleagues. See Thomas Jefferson, Course of Reading for William G. Munford, 5 December 1798, *The Papers of Thomas Jefferson*, vol. 30, 1 January 1798–31 January 1799, ed. Barbara B. Oberg (Princeton: Princeton University Press, 2003), 594-597; A Course of Reading for Joseph C. Cabell, September 1800, *The Papers of Thomas Jefferson*, vol. 32, 1 June 1800–16 February 1801, ed. Barbara B. Oberg (Princeton: Princeton University Press, 2005), 176-181; Thomas Jefferson to Mathew Carey, 12 January 1801, *The Papers of Thomas Jefferson*, vol. 32, 447.

¹¹ Jon Meacham, *Thomas Jefferson: The Art of Power* (New York: Random House, 2012), 29.

with the Norman Conquest in the eleventh century of England and the subsequent imposition of a feudal social structure. The Saxon myth suggests that the corruption of these rights lasted until *the people* were able to thwart “usurpations of the crown on the people,”¹² through a direct challenge of the supremacy of Norman tyranny, reflected in the drafting of the Magna Carta of 1215 (“the Great Charter of the Liberties”) and, ultimately, in the Glorious Revolution of 1688.¹³ A restoration of these rights denoted, somewhat anachronistically, a quixotic return to the principles of the Anglo-Saxons prior to the Norman Conquest as well as displayed a defining feature of English history in a recurring struggle against centralized political power.¹⁴

Jefferson encountered this portrait of the golden era of English liberty – embedded within the Saxon myth – during his formal education and training as a lawyer. Primarily, an idyllic vision of the Saxons was presented to Jefferson, one that described a pre-feudal polity inhabited by “simple independent farmers free of rents,

¹² Thomas Jefferson to George W. Lewis, 25 October 1825, Photostatic copy examined at the Albert and Shirley Small Special Collections Library, University of Virginia, Charlottesville, VA.

¹³ These two events mark significant moments in the history of political freedom. To see how they shaped the idea of freedom morally, legally, and politically, both on the continent and in America, see the following studies: A.J. Beitzinger, *A History of American Political Thought* (Eugene, OR: Resource Publications, 1972), Parts I, II, & III; J.G.A. Pocock, *The Ancient Constitution and the Feudal Law: A Study of English Historical Thought in the Seventeenth Century* (London: Cambridge University Press, 1987), Part II, Ch. III; Peter Linebaugh, *The Magna Carta Manifesto: Liberties and Commons for All* (Berkeley: University of California Press, 2008), Ch. VIII; Benjamin Fletcher Wright, *American Interpretations of Natural Law: A Study in the History of Political Thought* (London: Routledge, 2017), Chs. II & III; Max Radin, “The Myth of Magna Carta,” *Harvard Law Review* 60, no. 7 (1947): 1060-1091; J.C. Holt, *Magna Carta* (Cambridge: Cambridge University Press, 2015), Chs. I, VIII, IX, & XI.

¹⁴ Norman K. Risjord, *Thomas Jefferson* (Lanham, MD: Rowman & Littlefield Publishers, 1994), 7-8.

entails, and other burdens.”¹⁵ Such a picture was drawn by historians, political philosophers, and legal commentators, the likes of which Jefferson scrupulously read, including: Lord Kames’ *Historical Law Tracts*, John Dalrymple’s *Feudal Property*, John Trenchard and Thomas Gordon’s *Cato Letters*,¹⁶ and Algernon Sidney’s *Discourses on Government*.¹⁷ While these writings helped to shape Jefferson’s perspective on the Saxons, in addition to its development in eighteenth century Whig historical interpretations,¹⁸ he broke with the more formal Whig apologists by suggesting that corrosive elements introduced by the Conquest were *still present* within the English regime. In line with other radical thinkers, such as Trenchard and Gordon, James Burgh, and Obadiah Hulme, Jefferson maintained that an infectious substance blighted the English body politic and that purification was necessary to purge the malignant ailments.¹⁹ The history of the Anglo-Saxons is key in this regard, not as a model for

¹⁵ Peterson, *Thomas Jefferson & the New Nation*, 57.

¹⁶ In Chapter 6, I discuss how Trenchard and Gordon’s framing of freedom, and crucially their discussion on the conditions of slavery, plays a pivotal role in the colonists’ call for independence.

¹⁷ For the influence that the Saxon myth played on Jefferson and which texts helped to shape this image, see Peterson, *Thomas Jefferson & the New Nation*, 57- 61. Also, see Dumas Malone, *Jefferson and His Time: The Sage of Monticello*, Vol. VI (Boston: Little, Brown and Company, 1981), 202.

¹⁸ For studies on the presence of a Whig interpretation of history in early American thought, see Gordon S. Wood, *The Creation of the American Republic, 1776-1787* (Chapel Hill: University of North Carolina Press, 1998), Part I, Ch. I; Bernard Bailyn, *The Ideological Origins of the American Revolution* (Cambridge: Belknap Press of Harvard University Press, 1992), Ch. II; Robert E. Shalhope, “Republicanism and Early American Historiography,” *The William and Mary Quarterly* 39, no. 2 (1982): 334-356; Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain, 1765-1776* (New York: W.W. Norton & Co., 1972); Alan Rogers, *Empire and Liberty: American Resistance to British Authority, 1755-1763* (Berkeley: University of California Press, 1974).

¹⁹ This idea that an infectious matter can linger within a body politic will resurface during the Constitutional Convention of 1787. In his June 18th speech on the plan of government, James Madison will go as far as to liken the events surrounding Shays’ Rebellion to a permanently noxious substance. See

confirmation of the present regime, but as a reflection of the possibility of a freer, less defective system of government in the present and future.

Central to the narrative of the Saxon myth, and quintessential for Jefferson's understanding and, in turn, his counterbalancing angle of comparison to the plight of the Americans was the idea of movement. As the Anglo-Saxons left their native lands embarking upon a journey to erect a new society, Jefferson saw parallels between their continental trek and the transatlantic voyage of the colonists as important moments in the progression of mankind. An endeavor to leave behind a former way of life defined by the past in order to create a new community in the present, while remaining open to processes of revision for future generations. Andrew Burstein and Nancy Isenberg stress this point, writing,

For Jefferson, the legal philosopher, British Americans had created for themselves a parallel country to their distant motherland. England's offspring were, in effect, a new race of people – a new lineage, a new bloodline – possessing a real but somewhat thinned blood connection to their transatlantic kinsmen. In reasoning thus, Jefferson transformed the entire continent into a frontier nation formed by a righteous, independent, conquering people [...].²⁰

Founding movements, in this light, thereby commence, not at points of institutional-design and implementation, nor through a public visibility of governing laws by sanction or force, but rather via an exerted physical departure away from the

Chapter 7 for a fuller discussion of the major reactions to the agrarian resistance, including Jefferson's commentary.

²⁰ Andrew Burstein and Nancy Isenberg, *Madison and Jefferson* (New York: Random House, 2010), 30-31.

territoriality of the past, marking a decisive break with a conservative ordering and enclosure of political time-space.

Jefferson brings the role of mobility to the forefront of his argument in “A Summary View of the Rights of British America,” written in 1774 and heavily debated during the First Continental Congress. In this rousing and widely read address, Jefferson appeals to King George III to support the rights of the colonists inhabiting British America. Objecting to the pattern of abuses that have fallen upon the colonists, Jefferson held the belief that Parliament possessed an illegitimate arrogation of power over the colonies.²¹ According to Jefferson, all power is directly derived from the people, rather than Parliament made visible in a fractious relationship between the colonists and Westminster. As a precursor to a clearer articulation that will come two years later in the *Declaration*, Jefferson stresses the point that rights are derived from nature. In this tract, he carefully presents only two examples found in the category of natural rights, both of which directly relate to the necessity of mobility: the right of expatriation and free trade.

To establish the natural right of expatriation, Jefferson turns to historical precedent, specifically the migration of the Saxons. Describing the movement of the Saxons from the “native wilds and woods in the north of Europe” to the island of

²¹ See Stephen Howard Browne, “Jefferson’s First Declaration of Independence: A Summary View of the Rights of British America Revisited,” *Quarterly Journal of Speech* 89, no. 3 (2003): 235-252.

Britain, Jefferson highlights the action as an enactment of “universal law.”²² Crucially, he points out that the migration, which resulted in the establishment of a new society and an enduring “system of laws,” mirrors the formation of settlements in America “at the expence of individuals, and not of the British public.”²³ Jefferson follows, suggesting that “blood was split” and “fortunes expended” by the true founders of America in their efforts to create a new society.²⁴ The outcome of this profoundly monumental act has, according to Jefferson, resulted in a conquering of America, and consequently, an absolute right on the part of those that have made the “settlement effectual” to retain such desserts.²⁵

The actions undertaken by both the Saxons and the American colonists pertaining to the erection of a new society – impressed as visual invocations of democratic self-evidence – functioned as two notable instances of the natural right of expatriation at-play.²⁶ By leaving England, Jefferson believes that the colonists exercised natural right to determine their own configuration of society as well as all

²² Thomas Jefferson, “A Summary View of the Rights of British America: Set Forth in Some Resolutions Intended for the Inspection of the Present Delegates of the People of Virginia, Now In Convention,” American Imprint Collection, Thomas Jefferson Library Collection, Library of Congress, Washington, D.C. (Williamsburg, VA: Printed by Clementina Rind, 1774), 6.

²³ Jefferson, “Summary View,” 6.

²⁴ *Ibid.*, 6.

²⁵ *Ibid.*, 6.

²⁶ For the aesthetic dimension of Jefferson’s argument, see Jay Fliegelman, *Declaring Independence: Jefferson, Natural Language & the Culture of Performance* (Stanford: Stanford University Press, 1993), 52.

accompanying aspects pertaining to the newly established association.²⁷ Clarifying the full scope of this natural right, Jefferson stakes his claims of expatriation on the concerted movement away from a land *not of one's choosing* in order to engage in an expedition of freedom defined by an expenditure of sacrifice, energy, and risk. Referring to the rights of British subjects *before* their migration to America, he takes up the depth of this right, writing, they “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, and of there establishing new societies, under such laws and regulations as to them shall seem most likely to promote public happiness.”²⁸ The departure from Britain, and the subsequent cultivation and conquering of America, therefore, confer upon the colonists a decisive key holding – both in natural and legal terms – over the authorship of law and land, precisely because it is an exercise of natural right.²⁹ From this position, Jefferson is clear: neither King George III nor Westminster Parliament retains sovereign power in this regard and any interference – as he draws careful attention to – is a direct violation of natural right.

The importance of mobility features significantly in Jefferson's discussion of trade as well. Affirming that free trade is a natural right, Jefferson claims that the right

²⁷ Scott Douglas Gerber, *To Secure These Rights: The Declaration of Independence and Constitutional Interpretation* (New York: New York University Press, 1995), 49-50.

²⁸ Jefferson, “Summary View,” 6.

²⁹ Allen Jayne, *Jefferson's Declaration of Independence: Origins, Philosophy, and Theology* (Lexington: The University Press of Kentucky, 1998), 53-55.

of the colonists to engage in unfettered commerce fell “victim to arbitrary power.”³⁰ Restrictions imposed as early as the Navigation Act of 1651 under King Charles I, and as recent as the passage of the Hat Act in 1732 and the Iron Act in 1750 by Parliament under King George II’s reign, severely limited economic opportunities for the colonists.³¹ These acts strongly drew the ire of Jefferson, as he vehemently denounced the Hat Act, suggesting that its effects marks “an instance of despotism to which no parallel can be produced in the most arbitrary ages of British history.”³² While the main objective of these acts, along with the broader platform of the Navigation Acts, was to limit trade routes enabling an exclusive exchange between the colonies and mainland England, it was precisely this inability of the colonists to freely engage in economic enterprise that so greatly troubled Jefferson. As an advocate for free trade, Jefferson, here, reveals his more classical liberal leanings, holding a resolute belief that it will stimulate the prosperity of mankind, yet its justification is firmly based on natural right.³³ For Jefferson, the right to free trade requires a removal of impediments, thereby permitting free movement for individuals and, of course, material goods. Highlighting Jefferson’s frustrations, Alf J. Mapp writes, “He detailed the deleterious effects of

³⁰ Jefferson, “Summary View,” 9.

³¹ See Oliver Morton Dickerson, *The Navigation Acts and the American Revolution* (New York: A.S. Barnes, 1963).

³² Jefferson, “Summary View,” 10.

³³ For insights into Jefferson’s unwavering commitment to free trade, see Stanley N. Katz, “Thomas Jefferson and the Right to Property in Revolutionary America,” *The Journal of Law & Economics* 19, no. 3 (1976): 467-488; Robert W. Tucker & David C. Hendrickson, *Empire of Liberty: The Statecraft of Thomas Jefferson* (Oxford: Oxford University Press, 1990), 17-30, 212; Merrill D. Peterson, “Jefferson and Commercial Policy, 1783-1793,” *The William and Mary Quarterly* 22, no. 4 (1965): 584-610.

Parliament's restrictions on American trade and manufactures and pointed out that London's legislators could subject Americans to many hardships not imposed on the people of Great Britain."³⁴

Jefferson's assessment of mobility and its corresponding relationship to the natural rights of expatriation and free trade presented in his "Summary View" relies heavily on the history of the Saxons. Making his case in a methodical fashion, one that is reminiscent of a legal brief, Jefferson utilizes the migration of the Saxons as historical precedent to challenge encroachments by Parliament and the Crown upon the colonists. The physical pilgrimage of the Saxons maintains a valuable place in Jefferson's exploratory historical search for moments of political freedom by signifying a collective relocation to new domains. An exodus, that aims directly at the negation of tyranny and an experience of freedom.

The Political Struggle to Reopen Freedom

A year after his "Summary View," Jefferson would again turn to the history of the Anglo-Saxons to help make a case for American independence. Adopted by Congress on 6 July 1775, "The Declaration of the Causes and Necessity for Taking Up Arms" represents a synthesis of Jefferson's radicalism and John Dickinson's conservatism. As a

³⁴ Alf J. Mapp, Jr., *Thomas Jefferson: America's Paradoxical Patriot* (Lanham, MD: Rowman & Littlefield Publishers, 1987), 82.

co-written piece, one that labored through a number of drafts, evident in Jefferson's "Composition Draft" and "Fair Copy for the Committee,"³⁵ the final outcome would present a justification for separation in a more serious and pressing manner than his earlier "Summary View." Dickinson's apparent willingness to remain open to reconciliation with Great Britain was greatly overmatched by a more determined and revolutionary-focused Jefferson.³⁶ At times, Dickinson's convoluted and excessively-wordy stylistic approach detracted from Jefferson's concise legalistic writing, nonetheless, the development of the document, and importantly, its dissemination played a key role in building a valid case on the world's stage for the rights of the American colonists.

Not surprisingly, the style and substance of the document was a source of contestation between authors. Most notably, evaluations of the drafting process indicates numerous revisions on the part of Dickinson, both rejecting as well as altering the phraseology employed by Jefferson. While Jefferson's influence is apparent throughout the text, it is generally accepted by historians that key passages of the document are overwhelmingly, if not verbatim, the words of Jefferson.³⁷ However

³⁵ See Jefferson's earlier drafts, "Composition Draft," 26 June–6 July 1775, *The Papers of Thomas Jefferson*, vol. 1, 1760–1776, ed. Julian P. Boyd (Princeton: Princeton University Press, 1950), 193-199; "Fair Copy for the Committee," 26 June–6 July 1775, *The Papers of Thomas Jefferson*, vol. 1, 199-204.

³⁶ See Natalie S. Bober, *Thomas Jefferson: Draftsman of a Nation* (Charlottesville: The University of Virginia Press, 2007), 89.

³⁷ For an excellent account on the mystery surrounding the authorship of the text, see "Editorial Note: Declaration of the Causes and Necessity for Taking Up Arms," *The Papers of Thomas Jefferson*, vol. 1, 187-192. A definitive answer is clouded by Jefferson's claim in his *Autobiography* of 1821 that he was the

persnickety Dickinson's objections may have been to modify Jefferson's earlier drafts, what is clear is that the overall structure and outline of Jefferson's drafts was followed. John P. Kaminski details the influence of Jefferson's pen on the document, suggesting, "Unable to improve upon Jefferson's closing four paragraphs, Dickinson incorporated them into his draft, which Congress accepted. The rhetoric of these paragraphs was characteristically Jefferson's – powerful, eloquent, stirring. It surely angered the king and probably made reconciliation impossible."³⁸ The form of the document, not unlike Jefferson's "Summary View," a technical device that he would return to his 1776 drafting of the *Declaration of Independence*, contains familiar themes: an origin story of the formation of the colonies; an exposition of grievances typified in a pattern of abuses; a challenge to the King and Parliament to prove their legitimacy; a direct appeal to reason as the viable path to mediation; and, a necessary shift from reason to direct violent action, a taking up of arms as the final option in combating tyranny.

For both Jefferson and Dickinson, the question of freedom is a central thread that connects each of the primary textual themes and claims. Dickinson opens the text in a

original author. This stood in opposition to Dickinson's 1801 assertion of authorship. Before Boyd's editorial note, it was commonly accepted amongst historians that Jefferson was primarily responsible for the final four and a half paragraphs of the text. However, an analysis of Jefferson's two earlier drafts as well as Dickinson's "Composition Draft" of late June and early July 1775, suggests that direct language and phrases written by Jefferson were interspersed throughout the document, not simply in its final passages. For Jefferson's claim, see Thomas Jefferson, *The Writings of Thomas Jefferson*, vol. 1: 1760-1775, ed. Paul Leicester Ford (New York: G.P. Putnam's Sons, 1892), 463. For the 1801 assertion that the document has "always been ascribed to the pen of Mr. Dickinson," see *The Political Writings of John Dickinson, Esquire, Late President of the State of Delaware, and of the Commonwealth of Pennsylvania*, vol. 2, Archives & Special Collections, Dickinson College, Carlisle, PA (Wilmington, DE: Bonsal and Niles, 1801), 2.

³⁸ John P. Kaminski, *Thomas Jefferson: Philosopher and Politician* (Madison: Parallel Press, 2005), 19.

tone perfectly illustrative of the scientific methods of the Enlightenment through a direct challenge to Parliament to prove their legitimate powers over the colonies. Since Parliament has consistently failed on this front, Dickinson, lifting direct text from Jefferson's two drafts, describes the situation of the colonists as dire, one that has commenced a change to a crucial plateau. "Enslaving these Colonies by Violence," Dickinson claims on the current condition of the colonists, legitimizes a particular type of action that, here, copying Jefferson's words again, renders it "necessary for us to close with their last Appeal from Reason to Arms."³⁹ The effects of this enslavement by violence helps to shape Dickinson's understanding of freedom, a perspective that is proposed in classical republican terms. Since Parliament has shown an "intemperate rage for unlimited Domination,"⁴⁰ Dickinson is fearful that British America will persist as a colony defined by quasi-slavery indefinitely, manifest in their paternalistic approach. Dickinson cites a key mandate of the Declaratory Act, which provided

³⁹ "The Declaration as Adopted by Congress," 6 July 1775, *The Papers of Thomas Jefferson*, vol. 1, 213-219. In his "Composition Draft," Jefferson writes, "The large strides of late taken by the legislature of Great Britain towards establishing over the colonies their absolute rule, and the hardiness of their present attempt to effect by force of arms what by law or right they could never effect render it necessary for us also to change the ground of opposition and to close with their last appeal from reason to arms" ("Composition Draft," 26 June-6 July 1775, 193). Again, in his "Fair Copy for the Committee," he stresses the need to take up arms, writing that the current conditions "render it necessary for us also to change the ground of opposition, and to close with their last appeal from reason to arms" ("Fair Copy for the Committee," 26 June-6 July 1775, 199-200).

⁴⁰ "The Declaration," 213-219.

Parliament with a right to “make Laws to bind us in all Cases whatsoever,” as evidence of their ostensible desire to enslave the colonists.⁴¹

The depiction of this lack of freedom provided by Dickinson in the earlier passages finds further articulation in the closing sections by Jefferson. The continuing pattern of tyrannical behavior on the part of Parliament and King George III had presented the colonists with a clear option. Both Jefferson and Dickinson indicate only two paths forward to remedy the plight of the colonists, namely a “conditional submission” to tyranny as a further continuation of the status quo, or, alternatively, a “*resistance by force*” in order to gain political freedom.⁴² Such a dilemma, positioned the colonists between the poles of tyranny and freedom. Although the conceptual framing of freedom by Jefferson and Dickinson, amongst other leading voices of dissent in the revolutionary period, conceived of an interplay between freedom and reason, a presentation that reveals more than it conceals an influence of liberal thought, there contains a recognition of the difficult struggle for freedom. A struggle of great importance that is strikingly devoid of a promise of attainment as the battle for the winning of political freedom is always indeterminate, only narrowly left open on the horizons of history by perpetual contestation to resist its permanent enclosure. Importantly, Jefferson stakes the attainment of freedom for the colonists as a matter of life or death. “Servitude or death,” remains the fate for the colonists, inciting a

⁴¹ Ibid., 213-219.

⁴² Ibid., 213-219. Emphasis added.

necessary call to arms, a course of action that *may* or *may not* result in a reclaiming of freedom. A perseverance of this magnitude on the part of the colonists was certainly powerful and, according to Jefferson and Dickinson, it meant that there was a resolute acceptance to “Die freeman rather than to live slaves” in the struggle for independence.⁴³

Central to the exposition of freedom by Jefferson is the place of history, specifically the heritage of the Anglo-Saxons. For Jefferson, the struggle for freedom serves as a defense; an attempt to reclaim what had been endowed upon them as a birthright from their ancestors.⁴⁴ Opposing the “voluntary Slavery” that awaits a continued relationship with Great Britain enlists a tribute to the “gallant Ancestors” of the colonists from whom and where they had received freedom.⁴⁵ In turn, a call to take-up arms proceeds as a necessary route to avoid a surrendering of freedom, an ancestral blessing that was already fought and gained for by the Saxons.

Jefferson’s hereditary claim of independence, first suggested in his assertion of continental acquisition via blood-split in his “Summary View,” and then again in “Declaration on Taking Up Arms” as a transmissible birthright, stirred objections by British loyalists and even the King himself. In the October 1775 convening of Parliament, King George III dismissed the colonists’ claim of independence based on

⁴³ Ibid., 213-219.

⁴⁴ Christopher Hitchens, *Thomas Jefferson* (New York: HarperCollins, 2005), 23.

⁴⁵ “The Declaration,” 213-219.

the rights and efforts of prior settlers. "The object is too important, the spirit of the British nation too high, the resources with which God hath blessed too numerous," he announced, pointing to the legitimacy of British rule, "to give up so many colonies which she has planted with great industry, nursed with great tenderness, encouraged with many commercial advantages, and protected and defended at much expence and treasure."⁴⁶ Just a few months following King George III's speech concerning British legitimacy, Jefferson would pen a response in January 1776, titled "A Refutation of the Argument that the Colonies Were Established at the Expense of the British Nation." In this text, Jefferson dismantles and attacks a prominent figure in the history of British colonization in North America by suggesting that Sir Walter Raleigh had received "no assistance from the crown."⁴⁷ Instead, drawing heavily from Hakluty's *Voyages*, Jefferson provides a chronological telling of colonial development largely absent of British influence and support. Since Raleigh's corporation was crucially separate and independent from the Crown, King George III's October 1775 speech that emphasized that the American colonies owed Great Britain both a "natural or legal debt of

⁴⁶ King George III's speech – delivered on 26 October 1775 – opened the second session of the 14th Parliament of Great Britain. In it, he focused exclusively on the "present situation of America" referring to the colonists' as an "unhappy and deluded multitude," offering "tenderness and mercy" in return to them, once they become aware of their errors. See "The King's Speech on Opening the Session," in *The Parliamentary History of England: From the Earliest Period to the Year 1803*, vol. XVIII, eds. William Cobbett and Thomas Cursor Hansard (London: Printed by T.C. Hansard, 1813), 695-698. Jefferson most likely did not become aware of this speech until January 1776 when it was reported in the January 19th edition of the *Virginia Gazette*, No. 51.

⁴⁷ Thomas Jefferson, "Refutation of the Argument that the Colonies were Established at the Expense of the British Nation, after 19 January 1776," *The Papers of Thomas Jefferson*, vol. 1, 1760–1776, 277-285.

gratitude” was untenable.⁴⁸ The actions by Raleigh and his companions were committed by free agents helping to erect a new society founded in a state of freedom through the enactment of a natural right of expatriation, yet consistent with a Whig perspective, as demonstrated in the mobility of the Saxons.⁴⁹

Jefferson, would, once again, return to the idea of ancestral freedom to help make the case for American independence in his drafting of the *Declaration of Independence*. In his “Original Rough Draught,” written between 11 June–4 July 1776, Jefferson makes direct reference to his recurring refutation of British entitlement over the colonies. “We have reminded them of the circumstances of our emigration & settlement here,” Jefferson writes in the penultimate paragraph, “no one of which could warrant so strange a pretension: that these were effected at the expence of our own blood & treasure, unassisted by the wealth or the strength of Great Britain.”⁵⁰

While Jefferson’s claim of colonial freedom *qua* ancestral birthright in “Summary View” and “Declaration on Taking Up Arms” contains a certain dimensionality of conservative thinking, it escapes a static and fixed nodal point of thought by pointing to

⁴⁸ Jay Fliegelman, *Declaring Independence: Jefferson, Natural Language, & the Culture of Performance* (Stanford, CA: Stanford University Press, 1993), 145. Also, see Christopher Michael Curtis, *Jefferson’s Freeholders and the Politics of Ownership in the Old Dominion* (Cambridge: Cambridge University Press, 2012), 49; Brian Steele, *Thomas Jefferson and American Nationhood* (Cambridge: Cambridge University Press, 2012), 32.

⁴⁹ Hans L. Eicholz, *Harmonizing Sentiments: The Declaration of Independence and the Jeffersonian Idea of Self-Government* (New York: Peter Lang Publishing, 2001), 80.

⁵⁰ Jefferson’s “original Rough draught” of the Declaration of Independence, 11 June–4 July 1776,” *The Papers of Thomas Jefferson*, vol. 1, 423-428.

the possibility of an open future.⁵¹ Central to Jefferson's promotion for colonial separation is the impact that continued domination would have on future generations. In order to free "succeeding Generations" from the "wretchedness which inevitably awaits them" by the continuation of British tyranny, action by the colonists aims to destroy not only present-day oppression, but importantly, obliterate the yoke of "hereditary Bondage."⁵² This is key to understanding Jefferson's political vision for it reveals, much like his ecological claim of usufruct, that the people possess constituent power *always in the present*, rather than the structural apparatuses of a *people-less* government. What Jefferson's future-oriented claim here further suggests is that the past and present can jointly enslave future generations in both explicit and covert ways. It is not surprising, then, that Jefferson would maintain a devout ecological concern for land as well as a resolute insistence on the abolishment of laws, debts, and even constitutions every eighteen years and eight months, in order to trigger a renewal and regeneration of political time-space.⁵³ Moreover, Jefferson's writing on this point

⁵¹ Jefferson makes clear that the American republic must not look back to their ancestors for emulation, but rather forward into an open history. Directly separating the American experiment from the Anglo-Saxons and a conservative ordering, he contends, "it suffices for a man to be a philosopher, and to believe that human affairs are susceptible of improvement, & to look forward, rather than back to the Gothic ages." See Thomas Jefferson to Thomas Mann Randolph, 3 May 1798, *The Papers of Thomas Jefferson*, vol. 30, 1 January 1798–31 January 1799, 325-327. Also, see Thomas Jefferson to Joseph Priestley, 27 January 1800, *The Papers of Thomas Jefferson*, vol. 31, 1 February 1799–31 May 1800, ed. Barbara B. Oberg (Princeton: Princeton University Press, 2004), 339-341.

⁵² "The Declaration," 213-219.

⁵³ Jefferson arrived at this figure based on mortality calculations. In two letters, he mentions this timeframe as the proper length for an expiry of social conventions, writing, "Such a society will consist constantly of 617,703 persons of all ages. Of those living at any one instant of time, one half will be dead in 24 years 8 months. In such a society, 18,675 will arrive every year at the age of 21. years complete. It

exposes the interconnection between freedom and civic action. Since the colonists are the constitutive force of an erected society within British America, rather than the parliamentary organs of the archaic monarch, the autonomy of the colonies is derived intra-society. The primacy of constituent political power thus rests in the hands of the colonists, while institutional barriers, such as the vice admiralty courts, quartered troops, and appointed-magistrates, had been improperly imposed upon the colonies. In this way, the powers of the Monarch and Parliament are necessarily secondary to the sovereign primacy of the colonists. Jefferson's steadfast call for separation as a path to independence illuminates a political relation between *the people* (the colonists, in this case) and *the government* (represented here in King George III and Westminster Parliament). Challenges against this secondary-tier of the political-power relation serves as a physical, often violent, reminder that society is derived and sustained by the people, not the culminating force of government. To resist governmental power, then, especially when it has erred in a continuingly destructive manner, is to reassert the primacy of the people in order to reclaim freedom. For Jefferson, this is the vital task of the colonists. A battle waged in opposition to an illegitimate sovereign force that has

will constantly have 348,417 persons of all ages above 21 years and the half of those of 21. years and upwards living at any one instant of time will be dead in 18 years 8. months, or say 19. years. Then the contracts, constitutions, and laws of every such society become void in 19. years from their date." See Thomas Jefferson to James Madison, 6 September 1789, *The Papers of Thomas Jefferson*, vol. 15, 392-398; Thomas Jefferson to Richard Gem, 9 September 1789, *The Papers of Thomas Jefferson*, vol. 15, 398-399.

violently infringed upon the autonomy of a new society, in order to reacquire a prior inheritance of freedom disrupted from a history of tyranny, and reopens a possibility of freedom for all.

The concern for future-held-freedom expressed by Jefferson in “Declaration on Taking Up Arms” acquires a greater appreciation when situated alongside his understanding of property-relations in the development of British America. For Jefferson, property was a necessary requisite for freedom. Access to property existed as a safeguard against a forced entry into wage-slavery by providing citizens with an ability to provide for their own subsistence. It also, importantly, meant the absence of obedience to a force beyond one’s own authorship and control. In a profound way it ensured freedom *from* tyranny. Jefferson’s understanding of property, and its corresponding connection to economic equality, is intimately tied to political freedom as a deficiency in one realm directly detracts from the other. To Jefferson, politics and economics are inseparable, symbiotically related to the holistic development of an individual. A discussion is warranted to present from where Jefferson’s perspective on property originated from and how it impacted his political worldview. Specifically, Jefferson rejected feudal holdings of property in favor of allodial possessions of land, a position that he located in the practices of the eighth century Anglo-Saxons.

*Rethinking Property-Relations:
Allodial Holdings in Colonial America,
50 Acres for All, & a Return to the Hundreds*

In Chapter 2, I offered Jefferson's understanding of property. Primarily, I aligned his belief of property as a political construct *contra* natural right in relation to his ward system. This was essential in teasing out how the wards function as a bulwark against tyranny manifest in a form of economic inequality and exploitation as well as a mitigation of a public spiritedness *qua* a retraction of political time-space. While these considerations were important, what is apropos here is to show from where – historically and conceptually – Jefferson's formulation of property as positive law emerges.

The substantial thrust of his property worldview is sketched out in his "Summary View." Jefferson appeals to Anglo-Saxons practices of allodial property to show how it has been severely misunderstood in the American colonies, turning to the historical treatises of John Dalrymple, Henry Spelman, and William Somner, as he carefully notes in his *Commonplace Books*.⁵⁴ Rejecting the claim that property-holdings in the colonies were instituted by the legitimacy of the Monarch's transfer, Jefferson traces the introduction of feudal property-relations in Anglo-Saxon England. "Our Saxon ancestors held their lands, as they did their personal property, in absolute domination" Jefferson attests, "disencumbered with any superior, answering nearly to

⁵⁴ Curtis, *Jefferson's Freeholders*, 23.

the nature of those possessions which the feudalists term allodial.”⁵⁵ While the Saxons were free from any superior force over their land, Jefferson suggests that this practice was halted by William’s conquest following the Battle of Hastings. From this crucial moment, Jefferson notes that freedom experienced anterior to the fateful Norman invasion became *interrupted* – including property holdings – by monarchical-feudal laws of possession. However, Jefferson contends that the Norman Conquest, and the subsequent insurrections that procured an enlargement of the kingdom, failed to bring about a total consolidation of property-relations for *all members* of Saxon Britain.

Specifically, the scope of feudal conditions was counteracted by the Saxons refusal to engage in a non-consensual transfer of allodial-holdings to the crown. Pressure by royal officials, in the practice of “persuasions or threats,”⁵⁶ sought to force surrender from a withholding enclave of non-conformists. But, according to Jefferson’s understanding of history as a “weapon in a perpetual struggle between liberty and tyranny,”⁵⁷ his reading of the Saxons offered strong challenges against the crown, refusing to capitulate and relinquish their property to a superior entity, even in the face of legal punishments inflicted by “Norman lawyers” to break their spirit.⁵⁸ The lands held by the Saxons, specifically those who refused to swear feudal fiat to the crown, had

⁵⁵ Jefferson, “Summary View,” 20.

⁵⁶ *Ibid.*, 20.

⁵⁷ Francis D. Cogliano, *Thomas Jefferson: Reputation and Legacy* (Charlottesville: The University of Virginia Press, 2006), 23.

⁵⁸ Jefferson, “Summary View,” 20.

crucially, therefore, “not been surrendered to the king,” and, consequently were not beholden to him.⁵⁹ In this way, an understanding of a hierarchical feudal system in England was a misnomer to Jefferson; instead, “Feudal holdings were therefore but exceptions out of the Saxon laws of possessions,” rather than the rule.⁶⁰

In Jefferson’s view, the struggle of the colonists was similar, yet ripe with a possibility to transcend the imperfections of the Anglo-Saxons. Accordingly, the Saxon’s reliance on allodial holdings, and importantly, a challenge against an entry of a superior power over one’s property, continued to form the basis of common law *even* in the colonies.⁶¹ Land grants bequeathed by the crown in British America, often at the expense of small fees and rents, perpetuated a myth in the eyes of the colonists that all lands settled and vacant were held under the jurisdictional realm of a sovereign monarchical authority *in perpetuity*. As a result, deception took root in the colonies as the first settlers were convinced that newly discovered lands were under a command of a distant, transatlantic power upheld by feudal encumbrances.⁶² For Jefferson, the crown – operating behind a veil of duplicity – had violated not only the historical lineage of allodial property, but also a fundamental right of a new society to establish

⁵⁹ Ibid.

⁶⁰ Ibid.

⁶¹ Harold Hellenbrand, *The Unfinished Revolution: Education and Politics in the Thought of Thomas Jefferson* (Newark: University of Delaware Press, 1990), 99.

⁶² James R. Stoner, “Jefferson and the Common Law Tradition,” in *Reason and Republicanism: Thomas Jefferson’s Legacy of Liberty*, eds. Gary L. McDowell and Sharon L. Noble (Lanham, MD: Rowman & Littlefield Publishers, 1997), 108.

civil laws concerning property-relations on their own terms.⁶³ In Jefferson's view, this right – vitally denied to the colonists – forms the basis and entire purpose of civil institutions within a specific society. A right that importantly showcases Jefferson's democratic leanings through his belief that a legislature or even an entire society assembled collectively can determine the governing principles of property.⁶⁴

The fraudulent nature of the crown's claim of title over British America signifies a grave transgression committed against the colonists, severely destroying the underlying foundational "art of government" predicated upon a necessary reciprocal exchange of honesty between the sovereign and the people.⁶⁵ For Jefferson, the crown was guilty of severing such a vital bond between these two distinct bodies. The colonists must contest persuasion by word and force committed by the Crown in an attempt to regain their right of absolute possession in British America.

The actions of the Anglo-Saxons towards the encroaching and pervasive usurpations at the hands of the Normans serves as historical proof of the validity of the

⁶³ See Karl Lehmann, *Thomas Jefferson, American Humanist* (Charlottesville: The University Press of Virginia, 1985), 95-96.

⁶⁴ Jefferson, "Summary View," 21. After advancing this position, Jefferson makes clear that if a delegated sovereign authority does not determine property-relations, then an individual may appropriate only vacant land, conferring title through occupancy. Importantly, the individual remains a member of society and is thus not transplanted or inserted into a state of nature devoid of governing customs or habits.

⁶⁵ Significantly, Jefferson's claim here emerges at the sweeping conclusion of his "Summary View." The line of text preceding his contention that government impinges upon honesty is further revealing to his inclusive moral philosophy, a point that further separates him from other thinkers of his time, particularly John Adams and James Madison. Jefferson writes, "The great principles of right and wrong are legible to every reader; to pursue them requires not the aid of many counsellors." Demonstrating a touch of Scottish thought rather than strict English liberalism, Jefferson's position here highlights an innate moral code in individuals and their capacity to read, think, scrutinize, and engage in democratic politics. See Jefferson, "Summary View," 22-23.

American colonists' right to allodial property holding as well as justification for challenges – diplomatically and violently, if necessary – against the crown. Again, Jefferson turns to the history of the Anglo-Saxons prior to the Norman Conquest to make his case. “America was not conquered by William the Norman,” Jefferson holds, “nor its lands surrendered to him, or any of his successors.” He continues, bringing history into the present moment, into a pulsating need for action by the colonists, “Possessions there are undoubtedly of the allodial nature. Our ancestors, however, who migrated hither, were laborers, not lawyers.”⁶⁶ Jefferson’s claim that the ancestors of America were not trained-lawyers, but rather laborers of the earth is crucial. It is important to recall that Jefferson views “Norman lawyers” at-fault for their shrewd and scheming conduct that led to allodial land-holdings to be given up to the victorious, conquering Normans. In this light, lawyers were responsible for ending the lineage of rightful ownership of property in England and helping to institute a feudal system that left the people at the mercy of a superior power. To Jefferson, these power-hungry minions of the crown were not the true founders of the new American society. America, according to Jefferson, was discovered and cultivated by those committed to toiling the

⁶⁶ Jefferson, “Summary View,” 20. In his initial draft, Jefferson wrote “farmers” rather than “laborers.” However, Jefferson amended the phrase, first superimposing “laborers,” then, yet again in another round of revisions, deleting “farmers” before handing it over to the Virginian delegates headed to the Continental Congress. See “Draft of Instructions to the Virginia Delegates in the Continental Congress (MS Text of *A Summary View*, &c.), July 1774,” *The Papers of Thomas Jefferson*, vol. 1, 121-137.

soil and establishing a system of self-government reminiscent to basic principles of the Anglo-Saxon tradition.

While Jefferson only tentatively alludes to a symbiotic relationship between property and politics in his "Summary View," just a year later, it would play a prominent role in his thought. In June 1776, Jefferson took up the task of drafting a new constitution for his home state, hopeful for its adoption at the Fifth Virginia Convention. Written during the same summer months, Jefferson's constitution drafts lack the sweeping grandiose language expressed in the *Declaration of Independence*, yet its originality and radical vision is no less apparent and real.

In his view of Virginia's new proposed government scheme, Jefferson would utilize institutional mechanisms to marry together idealistic promises of economic/political freedom and equality. Specifically, Jefferson sought to extend the vote to all free, male inhabitants of the commonwealth as a means to preserve individual liberty, promote civic virtue, and obliterate patrician politics ordered by artificial titles of wealth and status. The economic dimension of Jefferson's position here is amplified when one situates his enlargement of the idea of the political, a shift from a politics of the few to the many to all, to his instrumentalist view of property that sees its real value as a means to protect individual freedom against a growing exploitive

economic system in America.⁶⁷ In a letter addressed to Edmund Pendleton, written one month after his constitutional proposals were defeated in convention, Jefferson reveals the primary objective of his efforts.⁶⁸ He offers,

I was for extending the right of suffrage (or in other words the rights of a citizen) to all who had a permanent intention of living in the country. Take what circumstances you please as evidence of this, either the having resided a certain time, or having a family, or having property, any or all of them. Whoever intends to live in a country must wish that country well, and has a natural right of assisting in the preservation of it. I think you cannot distinguish between such a person residing in the country and having no fixed property, and one residing in a township whom you say you would admit to a vote.⁶⁹

While Jefferson was keenly aware that his idealistic proposal of a dynamic extension of suffrage would agitate his fellow Virginians, he opted, instead, to placate the sharp criticisms by implementing a property requirement for the vote. However, Jefferson's efforts of appeasement were underscored by pragmatics and a sleight-of-hand mastery

⁶⁷ Jefferson's view of property as a social/political construct and the importance of it as a means to prevent excessive levels of poverty as well as its corresponding impact on political freedom is not a far step away from Jean-Jacques Rousseau's republican considerations. Although Rousseau refers to property as a "sacred right" in "Discourse on Political Economy," (128) he, much like Jefferson, denies that it is a *natural right*. For Rousseau, legislation is warranted to prevent the ill effects of unequal property and wealth inequality as proposed in *On The Social Contract* (BK II, Ch. XI; 170-172). However, Rousseau's theory is aimed at a specific type of topography, one decisively landlocked compared to Jefferson's open terrain of the North American continent. See Jean-Jacques Rousseau, *The Basic Political Writings*, trans. Donald A. Cress (Indianapolis: Hackett Publishing Company, 1987).

⁶⁸ Jefferson was highly disenchanted by the ratification of the Virginia Constitution of 1776, referring to it in his *Notes on the State of Virginia* as responsible for producing an "elective despotism." Primarily, Jefferson was frustrated with the passage of a unicameral House of Assembly and the disproportionate level of legislative representation for the populace. According to Jefferson, the drafting of the Constitution ultimately failed because it was constructed by those "new and unexperienced [sic] in the science of government." Jefferson does admit that, he too, was not immune from this problem. See Thomas Jefferson, *Notes on the State of Virginia* (Boston: Lilly & Wait, 1832), 121-123.

⁶⁹ Thomas Jefferson to Edmund Pendleton, 26 August 1776, *The Papers of Thomas Jefferson*, vol. 1, 503-506.

of logic to produce his intended conclusions. Establishing a property requirement for suffrage, Jefferson fixes the threshold at either one-fourth of an acre within boundaries of a town or possession of at least 25 acres in the country. Importantly, this requisite merges together property ownership with an individual's right to vote; however, in the final section of the draft, titled "Rights Private and Public," Jefferson effectively invalidates the condition. He writes, "Every person of full age neither owning nor having owned 50 acres of land, shall be entitled to an appropriation of 50 acres or to so much as shall make up what he owns or has owned 50 acres in full and absolute dominion."⁷⁰ From these premises, Jefferson, at once, implements a property requirement by barring those with less than 25 acres from voting, only to quickly reverse the claim by guaranteeing 50 acres to all those without the stated plot of acreage. The result is a syllogism *par excellence* effectively permitting all free men to vote precisely because of an assured holding in property. It is crucial to note that Jefferson's efforts here to extend the vote did not include women or racialized Americans. According to Jefferson, the disenfranchisement of women was necessary to keep them at-bay from the messiness that defined public affairs.⁷¹ The prospect of a universal extension of suffrage therefore never truly took root in Jefferson's thought, as the

⁷⁰ Third Draft by Jefferson, before June 1776, *The Papers of Thomas Jefferson*, vol. 1, 356-365.

⁷¹ On two occasions, Jefferson expressed belief that a denial of women's suffrage was needed to "prevent deprivation of morals." See Thomas Jefferson to Samuel Kercheval, 5 September 1816, *The Papers of Thomas Jefferson*, Retirement Series, vol. 10, 367-369; Thomas Jefferson to John Hambden Pleasants, 19 April 1824, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 054, images 1-3.

possibility of granting political rights, including those for racialized Americans, never seemed to have crossed his mind. Crucially, this exposes a central limitation in Jefferson's politics of all, hindered by his inability to conceive of citizenship beyond a particular image of sex and race. While Jefferson's politics would be relegated to all white males in America, he granted that those denied political rights, especially enslaved blacks, did possess the potential and right to engage in their own process of self-government. For Jefferson, however, this meant the creation of a new political community outside the boundaries of the American republic enacted through expatriation and colonization.

Nevertheless, Jefferson neatly concludes his egalitarian property plea in direct homage to the allodial nature of the Anglo-Saxons. He urges, "Lands heretofore holden of the crown in fee simple, and those hereafter to be appropriated shall be holden in full and absolute dominion, of *no superior whatever*."⁷² What Jefferson is advocating for here is a return to a type of society that is not necessarily absent of divisions, but is defined by the continuous action of citizens against an entry of a superior power over the people. Jefferson's advocacy for land equality directly transforms into political equality enabling individuals to experience freedom on their own terms, rather than at the mercy of hierarchical, and often arbitrary, forms of governmental power. His identification of the Anglo-Saxon commitment to allodial property-holdings *contra*

⁷² Third Draft by Jefferson, 356-365. Emphasis added.

feudal conditions thereby permeates his constitutional modeling. The Anglo-Saxons of the pre-Norman invasion configuration thus became superimposed upon his bucolic, pastoral vision of the Virginian countryside as the optimal setting for the enactment of a politics of all.

Jefferson's understanding of how property functioned as a positive right for the Anglo-Saxons certainly helped to shape his condemnation of feudal as well as colonial *qua* monarchical-authority holdings of property in the American colonies. But Jefferson's scorn for hierarchical, inequitable divisions of property remained constant throughout his life-long writings, forming the nucleus for a permeating critique of liberal justifications of property outlined in Chapter V of John Locke's *Second Treatise of Government*.

Almost a decade after his attempt to grant 50 acres of land to all white males in Virginia, Jefferson expressed severe hesitation and concern over property inequality. Shortly after arriving in France to begin his duties as Minister Plenipotentiary, he pens an illuminating letter to Reverend James Madison on 28 October 1785. In the letter, Jefferson recounts an encounter with a "poor woman" 40 miles outside of Paris in Fontainebleau. Eager to acquire insights into the conditions of the "labouring poor," Jefferson converses with her at-length. He chronicles her daily struggles,

She told me she was a day labourer, at 8. sous or 4 d. sterling the day; that she had two children to maintain, and to pay a rent of 30 livres for her house (which would consume the hire of 75 days), that often she could get no employment, and of course was without bread. As we had walked

together near a mile and she had so far served me as a guide, I gave her, on parting 24 sous. She burst into tears of a gratitude which I could perceive was unfeigned, because she was unable to utter a word. She had probably never before received so great an aid. This little attendrissement, with the solitude of my walk led me into a train of reflections on that unequal division of property which occasions the numberless instances of wretchedness which I had observed in this country and is to be observed all over Europe. The property of this country is absolutely concentrated in a very few hands, having revenues of from half a million of guineas a year downwards.⁷³

Pondering the plight of the grateful Frenchwoman and the laboring class *writ large*, Jefferson asks a probing, potentially threatening question, "I asked myself what could be the reason that so many should be permitted to beg who are willing to work, in a country where there is a very considerable proportion of uncultivated lands?"⁷⁴ Echoing his proposed solution found in the 1776 Virginia Constitution draft, he admits that the "consequences of this enormous inequality" has resulted in tremendous "misery to the bulk of mankind" necessitating a much-needed political remedy.⁷⁵ "Legislators cannot invent too many devices," he proclaims, "for subdividing property" in an attempt to alleviate an "inequality of property."⁷⁶

Jefferson continues his remarks on property inequality by summoning a Lockean position, albeit cautiously. In a line of text that would fit seamlessly in the *Second Treatise*, Jefferson writes, "The earth is given as a common stock for man to labour and

⁷³ Thomas Jefferson to James Madison, 28 October 1785, *The Papers of Thomas Jefferson*, vol. 8, 25 February–31 October 1785, ed. Julian P. Boyd (Princeton: Princeton University Press, 1953), 681–683.

⁷⁴ *Ibid.*

⁷⁵ *Ibid.*

⁷⁶ *Ibid.*

live on.”⁷⁷ Jefferson’s Lockean sensibilities of linking property with labor are certainly at-play here; however, his argument carefully departs at this point, ultimately terminating a probable Lockean conclusion.⁷⁸ While Locke’s proviso of “enough, and as good left”⁷⁹ would eventually reach its limits on the European continent, prompting a logical invitation to seek out new uncultivated lands in America, Jefferson foresaw the dynamics of a commercial-society defined by individualistic liberal subjectivity as problematic for the new republic. Clearly testing the limits of Locke’s theory of property, Jefferson turns to a natural rights position to advance his argument. Unlike Locke though, Jefferson’s natural rights language deployed in the letter is not directly linked to a fundamental right of property, but rather to his pantheon of natural rights: life, liberty, and the pursuit of happiness.⁸⁰ Jefferson makes the point, writing, “Whenever there is in any country, uncultivated lands and unemployed poor, it is clear

⁷⁷ Ibid.

⁷⁸ Richard K. Matthews and Elric M. Kline argue convincingly that Jefferson’s 28 October 1785 letter should be read as an “implicit transcendence of Locke’s theory of property,” highlighting the intertwined nature of “property, equality, and economic freedom” to Jefferson’s political philosophy. See Richard K. Matthews and Elric M. Kline, “Jefferson Un-Locked: The Rousseauian Moment in American Political Thought,” in *History, On Proper Principles: Essays in Honor of Forrest McDonald*, eds. Lenore T. Early and Stephen M. Klugewicz (Wilmington, DE: ISI Books, 2010), 133-166.

⁷⁹ John Locke, *Second Treatise of Government*, ed. C.B. Macpherson (Indianapolis: Hackett Publishing, Company, 1980), Ch. V, §33, 21.

⁸⁰ While these three rights are famously attached to the legacy of Jefferson, he, crucially, links these rights with the natural right of expatriation, which was explicitly influenced by his historical reading of the Anglo-Saxons. The connection between the tripartite classification of first order natural rights and the right of free mobility can be located in Jefferson’s efforts to amend the Virginia Constitution and then again, later, in epistolary form. See “A Bill Declaring Who Shall Be Deemed Citizens of This Commonwealth, 18 June 1779,” *The Papers of Thomas Jefferson*, vol. 2, 1777–18 June 1779, ed. Julian P. Boyd (Princeton University Press, 1950), 476-479; Thomas Jefferson to John Manners, 12 June 1817, *The Papers of Thomas Jefferson*, Retirement Series, vol. 11, 19 January to 31 August 1817, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2014), 432-434.

that the laws of property have been so far extended as to violate natural right.”⁸¹ While Jefferson’s claim that the unemployed poor could reasonably take-up and appropriate open plots of land actually conforms to a Lockean impulse for further exploration of uncultivated vistas, Jefferson dramatically contests such a landing point. Instead, he concludes, *contra* Locke and, crucially, a corresponding acceleration towards Hamiltonian economics, by stressing that “it is not too soon to provide by every possible means” that all should possess, at the very minimum, “a little portion of land.”⁸²

Jefferson’s insistence for a far-reaching redistribution of property, first detailed in his Virginia constitution drafting, and then again, in the more polemical and biting presentation of his October 1785 letter to Madison, is thus central for unpacking his views on property. On both occasions, a fear of an external, supreme power over the people helps to shape the contours of his urgings and recommendations. What Jefferson is advocating for is the proper implementation of political devices *qua* politics to assuage the dehumanizing effects of property inequality. While his prescriptions to ameliorate the unequal effects of highly concentrated property-holdings may be rendered palliative, the real thrust of his property worldview matures within the conceptual bounds of his ward system.

⁸¹ Thomas Jefferson to James Madison, 28 October 1785, 681-683.

⁸² *Ibid.*, 681-683.

In my more comprehensive discussion of his ward system, I paid careful attention to a June 1824 letter addressed to Major John Cartwright. In that letter, Jefferson sketched out the parameters of the wards, both in terms of territory and logistical operations, to showcase the far-reaching scope of his ideal configuration of a network of self-governments. What was missing from my exposition of the Cartwright letter then is now crucial to my present point, namely an elucidation of *from where* Jefferson acquires his vision of an extensive division of space into the form of the wards. Jefferson opens the lengthy letter with an affirming tone, quickly situating the Anglo-Saxons as the rightful authors of the English Constitution. He continues, offering a historical telling, similar in substance to his January 1776 statement of refutation albeit in abbreviated form, of the violations committed against the Anglo-Saxons by the Normans. Taking direct aim at Tory interpretations of history, found archetypically in the thought of the “great Apostle of toryism,”⁸³ David Hume, Jefferson rejects a commonly held Tory position that saw the people as aggressors against the authority of the sovereign. Particularly, Jefferson condemned Hume’s *History of England* accusing the Scottish thinker of historical misinterpretation, one that endangered America by its veneration of centralized forms of governmental power.⁸⁴ Deeply concerned over the engaging style of Hume’s writings, such that it could potentially conceal inaccuracies to

⁸³ Thomas Jefferson to John Cartwright, 5 June 1824, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 054, image 2.

⁸⁴ See Douglas L. Wilson, “Jefferson vs. Hume,” *The William and Mary Quarterly* 46, no. 1 (1989): 49-70.

an inattentive reader, Jefferson was also alarmed by the content of his reading of history, explaining,

He gave his history the aspect of an apology, or rather a justification of his countrymen the Stuarts. Their good deeds were displayed their bad ones disguised or explained away, or altogether suppressed where they admitted no palliation, and a constant vein of fine ridicule was employed to disparage the patriots who opposed their usurpations, and vindicated the freedom and rights of the of their country. The success of this work induced him to go back to the history of the Tudors, and having now taken his side as the apologist of arbitrary power in England, the new work was to be made a support for the old. [...] *the powers of the monarch were everything, and the rights of the people nothing.*⁸⁵

Continuing, Jefferson expresses the dangers of Hume's thought on the American mind,⁸⁶ describing the detrimental effects, "he will become also the tory of our constitution, disposed to monarchise the government, by strengthening the Executive, and weakening the popular branch, and by drawing the municipal administration of the states into the vortex of the general authority."⁸⁷ Rather, Jefferson makes clear – in a point of great commonality with radical Whig thought – that "all power is inherent in the people,"⁸⁸ and can rightfully challenge encroachments advanced upon them. In this way, Jefferson's scorn of Hume's Tory reading mutes the efficacy of Douglass Adair's

⁸⁵ Thomas Jefferson to Matthew Carey, 22 November 1818, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 051, images 1-4. Emphasis added.

⁸⁶ Jefferson went as far as to suggest that a corrected version of Hume's *History of England* be released in America. In the later years of his life, Jefferson unsuccessfully lobbied to have John Baxter's *A New Impartial History of England* published to replace Hume's text. See Thomas Jefferson to William Duane, 12 August 1810, *The Papers of Thomas Jefferson*, Retirement Series, vol. 3, 4-7; Thomas Jefferson to George Washington Lewis, 25 October 1825, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 055, images 1-4.

⁸⁷ Thomas Jefferson to Matthew Carey, 22 November 1818, images 1-4.

⁸⁸ Thomas Jefferson to John Cartwright, 5 June 1824, image 2.

analysis that relies on a strong compatibility and influence of Humean thought in the American revolutionary period.⁸⁹ Rather, Jefferson's tentative Whiggish historical rendition is situated alongside the events that precipitated the American Revolution; effectively further linking the plight of the colonists with the battle to reclaim the sense of freedom that defined the Anglo-Saxons anterior to the Norman invasion.

As Jefferson further expounds on the Anglo-Saxons/American colonists' ancestral exchange, he abruptly, yet skillfully, takes up the issue of renewal and revision in the realm of public affairs. Citing his efforts to modify the constitution of Virginia, he hones in on a key "improvement" that he is optimistic for adoption. "I hope they will adopt the subdivision of our counties into wards," he stresses, directly shifting the focus of the letter towards the idea of the ward system.⁹⁰ He continues, first pointing to the physical specifications of each ward, and then, importantly, to its historic equivalent, writing, "the former may be estimated at an average of 24. miles square; the latter should be about 6. miles each; and would answer to the *Hundreds of your Saxon Alfred.*"⁹¹ This passage helps to pivot the realm of politics away from a macroscopic plane to an intimate, fraternal localized setting. What is most interesting in the Cartwright letter, consequently, is that Jefferson's coherent and detailed account of the

⁸⁹ See Douglass Adair, *The Intellectual Origins of Jeffersonian Democracy: Republicanism, the Class Struggle, and the Virtuous Farmer*, ed. Mark E. Yellin (New York: Lexington Books, 2000), Chs. 6 & 7. Particularly, Adair shows the influence of Hume's thought on James Madison and Alexander Hamilton, especially in their conception of man and governmental design. Also, see Douglass Adair, *Fame and the Founding Fathers: Essays of Douglass Adair*, ed. H. Trevor Colburn (Indianapolis: Liberty Fund, 1998), 132-175.

⁹⁰ Thomas Jefferson to John Cartwright, 5 June 1824, image 3.

⁹¹ *Ibid.* Emphasis added.

operational capacities of the wards is placed in a historical dialogue with the Hundreds of the Anglo-Saxons.⁹² The idea of dividing political space in line with the design of the Hundreds can also be found in David Hume's essay, "Idea of a Perfect Commonwealth." Turning "small-territory republic theory"⁹³ on its head, Hume contends, "Let Great Britain and Ireland, or any territory of equal extend, be divided into one hundred counties, and each county into one hundred parishes, making it all ten thousand."⁹⁴ However, Hume's call for division is offered as a plan to erect an extended body politic *contra* Montesquieu's small-republic theory as a means to provide more *space* for the personal interests of citizens. The effects, according to Hume, will lead to a stable, well balanced, large republic shielded from the direct sway and influence of the people. Summarizing a distancing between the people and higher seats of government, which "direct all the movements," Hume writes, "the parts are so distant and remote that it is very difficult, either by intrigue, prejudice, or passion, to hurry them into any measures against the public interest."⁹⁵ While Hume's use of division is striking – instrumental in shaping Madison's remedy for factions – the intent and implication of his vision and that of Jefferson terminate in opposite directions. As I emphasized in Chapter 2, Jefferson uses division as a means to intensify political

⁹² See Eric P. Kaufman, *The Rise and Fall of Anglo-America* (Cambridge: Harvard University Press, 2004), 21.

⁹³ Adair, *The Intellectual Origins of Jeffersonian Democracy*, 132.

⁹⁴ David Hume, *Hume's Moral and Political Philosophy*, ed. Henry D. Aiken (New York: Hafner Publishing Company, 1948), 375.

⁹⁵ Hume, *Hume's Moral and Political Philosophy*, 385.

engagement within his ward system. Of course, Jefferson's impulse to position his wards within the same lineage of the Anglo-Saxons is not arbitrary, but rather, it once again circles back upon his reading of history, one that elevates the chronicles of a free people prior to an entry of domination.⁹⁶ Here, Jefferson's reference to Alfred the Great carefully exposes the ruptural break in the Anglo-Saxons' experience of freedom, a move that, on the one hand, merges together equality and freedom as an inseparable condition accessible only in a certain type of political community and, on the other hand, a necessary call for vigilance – and action – against an arrival of an external, superior force that relocates political authorship and control away from the people.

The political and economic autonomy of the Anglo-Saxons, carefully arranged in a township configuration that permitted the viable time and space for a life of independent subsistence, yet strikingly rooted through communal bonds, is key to surveying Jefferson's perspective on the interplay between freedom/equality and property. What the Anglo-Saxons demonstrated, according to Jefferson, before the conquest of the Normans, and then exemplified under an era of Alfred's kingship, was a challenge against external forms of power. Primarily, this emerged in a persistent

⁹⁶ The idea of replicating land in accordance with the geometric and population patterns of the Hundreds seems to have haunted Jefferson's thought for over four decades. Strikingly, his writings concerning the Hundreds were presented as a panacea: a feasible way to construct a more equitable and accessible educational system at the local level. See "A Bill for the More General Diffusion of Knowledge," 18 June 1779, *The Papers of Thomas Jefferson*, vol. 2, 526-535; Thomas Jefferson to Peter Carr, 7 September 1814, *The Papers of Thomas Jefferson*, Retirement Series, vol. 7, 636-642; Thomas Jefferson, "July 27, 1821, Autobiography Draft Fragment, January 6 through July 27," *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 052, image 25.

opposition to a *giving-away* of one's right to life, liberty, and the pursuit of happiness through the utilization of property as a mechanism to safeguard against excessive exploitation. It is necessary, now, to explore from Jefferson's perspective, the *method of political action* exercised by the Anglo-Saxons. Jefferson extrapolates from the history of the Anglo-Saxons an understanding of law-creation *by the people* and the subsequent institutionalization of laws through governmental bodies as necessary sites for revision. A discussion is thus needed to evaluate Jefferson's understanding of the political challenges by the Anglo-Saxons towards ossified, settled laws and its corresponding impact on the possibility of political freedom and equality.

***The Unwritten Natural Law:
Challenging Settled Forms***

During his formal legal training at the College of William & Mary, Jefferson invested great effort in examining the origins of English law. Citing Dalrymple's *An Essay Towards a General History of Feudal Property in Great Britain* and Francis Stoughton Sullivan's *An Historical Treatise of the Feudal Laws and the Constitution of the Laws of England* in his Legal Commonplace Books, Jefferson carefully studied the roots of entails as well as primogeniture.⁹⁷ Crucially, he concluded that neither was present in the township configuration of the Anglo-Saxons prior to the Norman Conquest and "were

⁹⁷ See Thomas Jefferson, Legal Commonplace Book, *The Thomas Jefferson Papers* at the Library of Congress, Series 5: Commonplace Books, 1758-1772, microfilm reel: 059.

incompatible with liberty."⁹⁸ As a result, he saw the origins of these generational and hierarchical institutions as incompatible with nature and in violation of law, produced and, ultimately, maintained through the use of force and deception.

Jefferson's concerns with the origins of entails and primogeniture – two crucial social institutions prevent the full realization of political freedom and equality – and its connection with common law were significant. In both his lengthy dissertation on English common law and indicated by copious notes in his Legal Commonplace Books, Jefferson engages in a constitutional historical account through the lens of a legal sociology to illustrate how a simple, natural system of laws defined the way of life for the Anglo-Saxons. Citing the prevalence of customs as a checking and ordering mechanism as well as a *commitment to unwritten laws*,⁹⁹ Jefferson strongly frames the arrival of the Normans as a key turning point in legal history. As L.K. Caldwell carefully observes, Jefferson saw the perversion of the Saxons' "simple code of law" as responsible for the institutionalization of a legal system that was strikingly a "complex

⁹⁸ Herbert E. Sloan, *Principle and Interest: Thomas Jefferson and the Problem of Debt* (Charlottesville: The University of Virginia Press, 1995), 70.

⁹⁹ It is important to note that Jefferson's fascination with the Anglo-Saxons centered primarily on their written language. Jefferson was so enamored by the Saxons' development of an alphabet, orthography, linguistic pronunciations, and grammatical structure, that he composed a lengthy, detailed account of its influence on the English language. Written a year before his death, Jefferson strongly advocated for his essay on language to be taught at the University of Virginia. See Thomas Jefferson, "An Essay Towards Facilitating Instruction in the Anglo-Saxon and Modern Dialects of the English Language for the Use of the University of Virginia," (New York: J.F. Trow, Printer, 1851). This pamphlet was printed and disseminated under order of the Board of Trustees at the University of Virginia.

and tortured system of judicial metaphysics.”¹⁰⁰ In a 10 February 1814 letter to Thomas Cooper, Jefferson casts blame on Norman lawyers – as previously asserted in his “Summary View” – but also, in a biting tone, on the “pious disposition of the English judges to connive at the frauds of the clergy.”¹⁰¹

Jefferson’s understanding of natural law in a simplistic coding and its subsequent corruption is featured prominently in his pre-revolution writings. As we have seen, Jefferson went to great lengths to argue against the Crown’s violation of natural law procured through heavy-handed taxation,¹⁰² the suppression and suspension of the colonial legislative powers, and a subverting of allodial land-holdings in favor of land tenure. Moreover, Jefferson’s inquires into the origins of entails and primogeniture became a central feature of his efforts to help erect a more equitable and free Virginia, a commonwealth that would be more properly aligned as a political community of free-men. Specifically, the natural law structure of his legal philosophy helped to influence his energies to abolish entails and primogeniture. Discussing his proposed 1776 bill to abolish primogeniture and entail, Jefferson summarizes its intent

¹⁰⁰ L. K. Caldwell, “The Jurisprudence of Thomas Jefferson,” *Indiana Law Journal* 18, issue 3, article 2 (1943): 195.

¹⁰¹ Thomas Jefferson to Thomas Cooper, 10 February 1814, *The Papers of Thomas Jefferson*, Retirement Series, vol. 7, 190-191.

¹⁰² Here, Jefferson drew from Paul de Rapin-Thoyras’ *History of England*, helping to shape his critique of excessive taxation, particularly when levied by the will of the Crown against the people. See Kevin J. Hayes, *The Road to Monticello: The Life and Mind of Thomas Jefferson* (Oxford: Oxford University Press, 2008), 26-27. Also, see H. Trevor Colburn, “Thomas Jefferson’s Use of the Past,” *The William and Mary Quarterly* 15, no. 3 (1958): 60.

and the effect of societal leveling.¹⁰³ I quote at length to showcase his perspective. He

avows,

The transmission of this property from generation to generation in the same name raised up a distinct set of families who, being privileged by law in the perpetuation of their wealth were thus formed into a Patrician order, distinguished by the splendor and luxury of their establishments. from this order too the king habitually selected his Counsellors of State, the hope of which distinction devoted the whole corps to the interests & will of the crown. to annul this privilege, and instead of an Aristocracy of wealth, of more harm and danger, than benefit, to society, to make an opening for the aristocracy of virtue and talent, which nature has wisely provided for the direction of the interests of society, & scattered with equal hand thro' all it's conditions, was deemed essential to a well ordered republic.¹⁰⁴

Continuing, he links up the necessity for abolishment as a means to erase concentrations of wealth and status conferred across generations, cutting directly to his dislike of perpetuity. He writes,

I considered 4. of these bills, past or reported, as forming a system by which every fibre would be eradicated of antient or future aristocracy; and a foundation laid for a government truly republican. the repeal of the laws of entail would prevent the accumulation and perpetuation of wealth in select families, and preserve the soil of the country from being daily more & more absorbed in Mortmain. the abolition of primogeniture, and equal partition of inheritances removed the *feudal* and *unnatural distinctions* which made one member of every family rich and all the rest poor, substituting equal partition, the best of all Agrarian laws.¹⁰⁵

¹⁰³ See "Bill to Enable Tenants in Fee Tail to Convey Their Lands in Fee Simple," 14 October 1776, *The Papers of Thomas Jefferson*, vol. 1, 560-562.

¹⁰⁴ Thomas Jefferson: "6 January 1821, Autobiography Draft Fragment," *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 052, image 13.

¹⁰⁵ *Ibid.*, image 26. Emphasis added.

In this light, Jefferson sees the ending of primogeniture and entails in a purifying fashion, absolving future generations of the stain of feudal and unnatural hierarchies initiated by the Norman Conquest. Herbert E. Sloan captures the importance of abolishing primogeniture and entails to Jefferson, relating directly to his understanding of an artificial aristocracy explored in our discussion on the wards, suggesting,

Entail and primogeniture, Jefferson believed, were Norman introductions, props for the 'aristocracy' that stood between the people and the full enjoyment of their rights. He was convinced at the time – and later – that abolition of these pernicious practices would have only the most salutary results. Destroying primogeniture and entail, recognizing the allodial character of landholding – these were essential parts of the program Jefferson worked to secure in the first flush of the Revolution, and both were intended to restore the invaluable 'practice of our wise British ancestors.'¹⁰⁶

The repercussion of an eradication of social barriers of rank thereby cuts two-ways in Jefferson's analysis. Primarily, it demonstrates an impulse in Jefferson's thought for a re-vindication of Anglo-Saxon principles, which imbues the very possibility that a community could be erected upon an ethos that strives in constant pursuit for a particular space in which all inhabitants are considered active participants. Beyond the strong ancestral implication of Jefferson's efforts, there is also a decisively Americana strain of thought operating here. Namely, the 1776 bill aims at the obliteration of artificial distinctions in order to reopen a new plane of history for the progression of the rights of man. The purging of archaic titles temporarily suspends, and then, at once, yet

¹⁰⁶ Sloan, *Principle and Interest*, 70-71.

repeatedly through collective action, moves beyond an axis of domination through the creation of a new kind of society, one that announces its discontinuity with a conservative ordering of time, history, and politics.

While Jefferson's understanding of English law and its treatment of the Anglo-Saxons was not wholly original – a track of thinking that was actually quite consistent with English jurists of his time – there was, however, an important distinction. Breaking with the narrative arc of the “Saxon myth” and English thinkers, Jefferson offered a uniquely fresh assessment on the key to the Saxons' creation and maintenance of a free society. For Jefferson, the Anglo-Saxons were able to properly develop intellectually and physically as well as experience happiness, precisely because they lived under customs, properly devising a legal system that was generated in accordance with nature. Central to this application of legality, Jefferson noted that it was the Saxons impulse to resist the codification of law into written form. Instead, the Saxons were governed by controls of innate morality and societal mores that constantly prevented the settling of law, opting rather for an openness of law-creation. In this manner, revision, scrutiny, and change became guiding principles of the legal system, devoid of permanently settled form. Gilbert Chinard hones in on this distinct strain of Jefferson's socio-legal thought, carefully tracing the placement of unwritten law in the history of the Anglo-Saxons and its subsequent deterioration. Chinard posits,

In the course of time, these free institutions deteriorated through the nefarious influences of several agencies. Unwritten law became written law and jurists succeeded in concealing under their sophistry and verbiage the primitive intent of natural legislation. Priests, striving to extend their domination over a realm which primitively was foreign to them, introduced religious prescriptions into civil laws and thus diminished the rights of the individual. Conquerors and a long lineage of hereditary kings further modified primitive institutions in order to provide an apparently legal foundation for their usurpations, until the people, no longer able to withstand patiently the evils of tyranny, arose and recovered at least some of their rights.¹⁰⁷

Chinard's assessment of the people rising up against tyranny is on-point, confirming both a Whig historical interpretation of political challenges and Sir William Blackstone's progressive telling of legal development found in the concluding chapter of his *Commentaries on the Laws of England*.¹⁰⁸ But for Jefferson, neither a Whig historiography nor a strictly socio-legal account suffices to capture the conceptual depth of his writings. While Jefferson relies heavily on both these registers of thought, his vision of the Anglo-Saxons moves beyond the struggles of a conceptual image of the people – in a purely English setting – as well as a static reading of legal history by elevating the very idea of political action towards settled law and the exclusive authorship of law-creation outside of the hands of the people in relation to the scene of the political.

¹⁰⁷ Gilbert Chinard, *Thomas Jefferson: The Apostle of Americanism* (Ann Arbor: The University of Michigan Press, 1957), 31.

¹⁰⁸ Affirming the role of ancestors in the development of English law, Blackstone writes, "The protection of THE LIBERTY OF BRITAIN is a duty which they owe to themselves, who enjoy it; to their ancestors, who transmitted it down; and to their posterity, who will claim at their hands this, the best birthright, and noblest inheritance of mankind." See William Blackstone, *Commentaries on the Laws of England* (Buffalo: William S. Hein & Co., 1992), 436. This argument is greatly discussed in BK IV, Ch. XXXIII, "Of the rise, progress and gradual improvements of the laws of England."

Law, post-Norman invasion, as understood by Jefferson, thereby contains an element of intractable permanency that expresses myriad forms of oppressive power that is always in opposition to the people. The convoluted, metaphysical structure of law exhibited by the nefarious behaviors of jurists, judges, and clergy stood not only as a rejection of natural law, but more importantly, as an institutionalized mechanism devised to separate the people from the very source of law-creation, commanding obedience to a symbolic image government amassed with a total concentration of moral, political, and economic powers. To Jefferson, then, the transferal of law from an unwritten approach to codified form emerged as a weapon of discipline and conformity used by concentrated seats of authority, specifically the monarch and church.

To salve the tyrannical elements of law found within the current English system and injected into the colonies, Jefferson sees the idea of revision and custom as demonstrated by the Saxons as a method for emulation in British America. Elevated to the level of politico-historical importance, the plight of the American colonists emerges from a lineage of an interrupted experience of political freedom and equality. But, for Jefferson, the American struggle is entirely new, endowed with a promissory offering to subvert the pitfalls of political time-space and institute a politics of all. The political activities of the Americans, therefore, proceeds along the plane of the Anglo-Saxons in an effort to reclaim the sole authorship of law-creation in order to obliterate settled forms of power and erect a society defined by self-government. However, the

challenges enacted by the colonists signify not simply a continuation of a suspended lineage, but instead, a mutation from an ancient body politic that reaffirms its power against the decaying properties of time by opening new horizons for future generations to become the authors of their own fate.

* * *

In this chapter, I explored the various points of Jefferson's thought that help shape his political vision concerning the subjects of mobility, freedom, property, and law. By drawing outwards from his historical reading of the Anglo-Saxons, I was able to show the parameters of his politico-historical philosophy. What is significant to my analysis, here, and is crucially missing in the Jeffersonian scholarship, is a systematic mapping of how Jefferson seeks to resuscitate as well as reimagine central principles of the Anglo-Saxon mythology, one instrumental to the colonists' belief in their "own special role in history."¹⁰⁹ Notably, by taking Jefferson's understanding of ancestral right of movement, a resolute commitment to eradicate hierarchies of status for an opening of freedom for future generations, and a rejection of a legal system (which actively manages property relations) that is decisively *anti-people*, and aligning them in relation to the very idea of the political, a crucial dimension of his political worldview has been delineated.

¹⁰⁹ Bailyn, *The Ideological Origins of the American Revolution*, 80-81.

In the next two chapters, I will direct my interrogation to a new locale, namely to the setting of America. While the Saxon Hundreds represent the exogenous side of Jefferson's thinking, an entry into his writings on indigenous tribal councils in North America and the New England town hall meeting will import a decisively *American* framing. Taking up these two spaces of politics within the American terrain (physically and conceptually) will help to reveal Jefferson's vision of America and his belief in the immanent potential that awaits future generations for self-government and an enactment of politics.

CHAPTER 4
Politics Without Government:
Political Power and Happiness in Indigenous and Communal Societies

The extraordinary diversity of types of social organization, the profusion, in time and space, of dissimilar societies, do not, however, prevent the possibility of discovering an order within the discontinuous, the possibility of a reduction of that infinite multiplicity of differences.¹

– *Pierre Clastres*

I will never believe that man is incapable of self-government.²

– *Thomas Jefferson*

In January 1787, Jefferson pens two letters that underscore his political vision. These letters – addressed to Edward Carrington and James Madison – importantly point to his understanding of societal organization and political regimes. In them, he briefly sketches out a political typology, one that places societies *without* government as the optimal configuration of society. According to Jefferson, these types of societies – ones notably absent of a coercive governmental apparatus and positive law – are best represented by the indigenous societies of North America. Jefferson’s regime classification briefly considered in these letters – and then again in a letter to William Short in 1816 – serve as empirical *proof* of the sociability of man, situated in a naturalized setting, carefully devoid of tyrannical or corruptive forms of governmental power. In this way, our examination now turns to the ontological source of Jefferson’s vision of political power: its radical communal orientation. Politics, in turn, comes to

¹ Pierre Clastres, *Society Against the State: Essays in Political Anthropology*, trans. Robert Hurley (New York: Zone Books, 1989), 199-200.

² Thomas Jefferson to Everard Meade, 8 April 1800, *The Papers of Thomas Jefferson*, vol. 31, 1 February 1799–31 May 1800, ed. Barbara B. Oberg (Princeton: Princeton University Press, 2004), 488.

embody the interplay between individuals as a decision-making process generated through opinion, discussion, and sharing that makes “everything else possible,”³ revealing a defining feature of Jefferson’s political vision: *less government, more politics*.

In this chapter, I continue my examination of specific spaces of radical politics within Jefferson’s thought, this time turning attention to his view of the moral nature and communal ethos of indigenous societies in North America as well as alternative arrangements of communal societies devoid of private property. In so doing, I engage in a reading that is both conceptual and historical to draw out his thinking on political power, happiness, and societal forms. As a result, I argue that such a reading elicits two essential features of his view on politics. Firstly, Jefferson’s depiction of indigenous societies – a setting that is unique to the physical, geographical elements of the continent – renders the individualistic, atomistic reading of man, which defines liberal thought, as untenable, by offering an alternative vision of man that is decisively moral and social *prior* to entry and maturation within society or the state. Secondly, Jefferson’s understanding of how power is arranged and utilized within indigenous and communal societies calls into question not only the structure, but also the very *necessity* of centralized forms of governmental power.

To demonstrate this side of Jefferson’s thought, I turn to two primary deposits of thought. Firstly, I utilize two central sections, Query VI, “Productions, mineral,

³ Jon Meacham, *Thomas Jefferson: The Art of Power* (New York: Random House, 2012), xxiii.

vegetable, and animal,” and Query XI, “Aborigines” from his *Notes on the State of Virginia*, first completed in 1781, and later revised in the winter of 1782. In this text, Jefferson carefully explores the linguistic, cultural, and environmental conditions of the North American continent, offering a strong condemnation of the French naturalist, Comte de Buffon’s claim of the inferiority of the New World compared to European society. Secondly, I draw upon a careful assortment of letters ranging from 1787 to 1824 to both supplement and enhance the limited analysis from Jefferson on indigenous societies provided in *Notes on Virginia* in direct relation to developing communal experiments in the 1820s. While these letters are brief and fail to construct a systematic theory of political significance on their own, I suggest that they further point to an unexplored plane of Jefferson’s thought, one that locates, and further envisions, communities without centralized government, yet remarkably peaceful, participatory, and harmonious.

To engage in an act of textual reconstruction is undoubtedly an act of theorizing, for it is to interrogate the particularities of a text in order to provide a coherent mapping of the topography of the text itself. As such, my presentation of this particular reading of Jefferson, and consequently his appraisal of indigenous societies, should therefore be seen as an exercise in political theorizing. However, to ignore Jefferson’s quest for an

“empire of liberty,”⁴ seen in his writings on western development and more concretely discernable in his acquisition of Louisiana is to exonerate America’s impulse for expansion and its subsequent erasure of entire populations.⁵ Therefore, a critical viewpoint of Jefferson is certainly warranted and more scholarship is needed on how America’s founding is predicated upon an incompatibility with a non-white, non-propertied identity.⁶ Even Jefferson’s quasi-scientific, anthropological interpretations found in his *Notes on Virginia* is a source of trepidation, producing, perhaps, nothing more than as Robert A. Williams, Jr. suggests, an attempt to integrate “Indians into the social evolutionary theories mapped out by the then-fashionable eighteenth-century Scottish school on human civilization’s progress.”⁷ The effect of such a commitment was

⁴ By this claim, I am directly referencing the expansionist tone of Jefferson’s writings on two occasions in letters written to George Rogers Clark (1780) and Benjamin Chambers (1805). A third letter written to James Madison in 1809 also imports a similar theme, albeit shifts the phrase to an empire *for* liberty. See the following letters: Thomas Jefferson to George Rogers Clark, 25 December 1780, *The Papers of Thomas Jefferson*, vol. 4, 1 October 1780–24 February 1781, ed. Julian P. Boyd (Princeton: Princeton University Press, 1951), 233-238; Thomas Jefferson to Benjamin Chambers, 28 December 1805, *Founders Online*, National Archives, <http://founders.archives.gov/documents/Jefferson/99-01-02-2910>; Thomas Jefferson to James Madison, 27 April 1809, *The Papers of Thomas Jefferson*, Retirement Series, vol. 1, 4 March 1809 to 15 November 1809, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2004), 168-170.

⁵ See Robert J. Miller, *Native America, Discovered and Conquered: Thomas Jefferson, Lewis & Clark, and Manifest Destiny* (Westport, CT: Praeger Publishers, 2006), 94-98.

⁶ For an excellent example of this important work, see Jennifer Pitts, “Political Theory of Empire and Imperialism,” *Annual Review of Political Science* 13 (2010): 211-235. Also, see Singh Mehta, *Liberalism and Empire: A Study in Nineteenth-Century British Liberal Thought* (Chicago: The University of Chicago Press, 1999).

⁷ Robert A. Williams, Jr., “Thomas Jefferson: Indigenous American Storyteller,” in *Thomas Jefferson and the Changing West: From Conquest to Conservation*, ed. James P. Ronda (Albuquerque: University of New Mexico Press, 1997), 45.

supported by an agenda that sought to establish that the societal organization of Native Americans “had nothing to do with America’s potentiality for surpassing Europe.”⁸

My point here is neither to ignore the acts of genocide that were central to Indian policy of the early republic nor the settler colonial impulse to conquer the space and idea of the West. Rather, this chapter rests on a lacuna – mindful and vigilant of historical processes of violence, on the one hand, and cautious, yet open to a revisionist perspective, on the other – that presents Jefferson in a fashion that challenges and expands the norms of his own thought.

American Degeneration and An Invitation

In late 1780, Jefferson received a correspondence containing twenty-two questions pertaining to the historical, geographical, and political development of Virginia. Marquis François de Barbé-Marbois, secretary to the French Minister, La Luzerne, sent the query, Jefferson recalls in his *Autobiography*, as he was “instructed by his government to obtain such statistical accounts of the different states of our Union, as might be useful for their information.”⁹ Marbois’ enquiries were certainly exhaustive and far-reaching, ranging from the “particular Customs and manners that may happen

⁸ Williams, Jr., “Thomas Jefferson: Indigenous American Storyteller,” 45.

⁹ Thomas Jefferson, *The Writings of Thomas Jefferson*, vol. 1: 1760-1775, ed. Paul Leicester Ford (New York: G.P. Putnam’s Sons, 1892), 85.

to be received in that State,” to “A description of the Indians established in the State before the European Settlements and of those who are still remaining.”¹⁰

The questions by Marbois challenged Jefferson spurring him to set out on a detailed, scientific, and historical reply to the probing inquiry. The result would be enormous – a landmark work of eighteenth century thought – producing Jefferson’s most popular completed manuscript:¹¹ *Notes on the State of Virginia*. “I had always made it a practice whenever an opportunity occurred of obtaining any information of our country,” Jefferson commented on his desire to entertain the litany of questions from the French delegate, “which might be of use to me in any station public or private, to commit it to writing.”¹² Written over two years (1781-1782), Jefferson arrived in Paris in 1785 with a loosely formed manuscript in hand. After rounds of revision, both correcting and enlarging the text, Jefferson had 200 copies printed, gifting them to friends in Europe and back home in America.¹³

While Marbois’ invitation offered Jefferson a much needed return to philosophical and scientific investigations, an avenue of activity that had been sparse in the years preceding his *Notes on Virginia* due to duties as Governor of Virginia, there

¹⁰ “Marbois’ Queries Concerning Virginia, before 30 November 1780,” *The Papers of Thomas Jefferson*, vol. 4, 166-167.

¹¹ To approach Jefferson’s thought, an entry into his epistolary canon is necessary to draw out the central tenets of his writings. Surprisingly, Jefferson published very little by way of completed manuscripts. In addition to his *Notes on Virginia*, his only other “major” publication was in 1801, when he took up the task of writing a handbook on senatorial behavior and practices. See Thomas Jefferson, *A Manual of Parliamentary Practice* (Philadelphia: Parrish, Dunning & Mears, 1853).

¹² Jefferson, *The Writings of Thomas Jefferson*, vol. 1, 85.

¹³ *Ibid.*, 86.

remained a primary incentive to deliver a thorough analysis. Specifically, Jefferson saw the opportunity as ripe to refute the work of French naturalist, Comte de Buffon and his critical opinions of the New World. According to Jefferson, Buffon was the greatest of all naturalists, particularly in the science of animal history. In *Histoire Naturelle: Générale et Particulière*, a comprehensive thirty-six volume study, Buffon provided his theory of the superiority of the Old World compared to the degenerative nature of the New World couched within “a massive review of the entire history of life.”¹⁴ The main substantive claims concerning American degeneracy appear in Volumes IX and XIV as Buffon carefully laid out his condemnation of the continent’s limited nature.¹⁵ Jefferson was fully aware of Buffon’s flimsy assertion on the nature of America, quoting a central line of text in his *Notes on Virginia*: “*La nature vivante est beaucoup moins agissante, beaucoup moins forte*’; that nature is less active, less energetic on one side of the globe than she is on the other.”¹⁶

Across these two volumes, Buffon accentuates his thesis of degeneration in four key treatises, “Dissertation on Animals Peculiar to the Old World,” “Dissertation on Animals Peculiar to the New World,” “Dissertation on Animals Common to Both Continents,” and, finally, “Treatise of Degeneration of Animals.” According to Buffon,

¹⁴ Lee Alan Dugatkin, *Mr. Jefferson and the Giant Moose: Natural History in Early America* (Chicago: The University of Chicago Press, 2009), 22.

¹⁵ Buffon writes, “In America, Nature...[has] adopted upon a smaller scale.” Georges Louis Marie Leclerc Buffon, *Histoire Naturelle, Générale et Particulière*, vol. IX (Paris: Imprimerie Royale, Plassan, 1749-1804), 72. Also, see J.S. Barr, *Barr’s Buffon*, vol. VII (London: J.S. Barr, 1792), 15.

¹⁶ Thomas Jefferson, *Notes on the State of Virginia* (Boston: Lilly & Wait, 1832), 44. Emphasis added.

the absence of certain animals in the New World is especially telling. Buffon stresses that the important deficiency of magnificent creatures in the New World, such as the elephant, lion, and tiger, suggests that a limited and stunted nature is at-play on the continent.¹⁷ Consequently, since these animals could not be found in America, *something* had to be problematic within its confines. While Buffon's illustration of a defective sense of nature in the New World provided a contextual background to his analysis, its effect was stirring, grounded on four central claims. Jefferson summarizes these assertions in his *Notes on Virginia* in list-form: "1. That the animals common both to the old and new world, are smaller in the latter. 2. That those peculiar to the new are on a smaller scale. 3. That those which have been domesticated in both, have degenerated in America: and 4. That on the whole it exhibits fewer species."¹⁸ The reason behind a degenerative condition of nature in America was clear to Buffon: the New World was colder and contained more humidity due to moisture.¹⁹ A colder climate inhibited the propagation of certain creatures that require a warmer setting, and for this reason, large and stunning animals could only be found in the hot environment of the Old World.

Buffon's climate claim was also more thoroughly connected to his mapping of geographic migration. In Buffon's view, the North American continent was once linked to Eurasia via a land bridge enabling migration into the New World. Due to the poor

¹⁷ Dugatkin, *Mr. Jefferson and the Giant Moose*, 22.

¹⁸ Jefferson, *Notes on Virginia*, 45.

¹⁹ Buffon's claim was not necessarily new to either eighteenth century French thought or Western political thought. The idea of a colder climate impacting development can be found in BK VII of Aristotle's *Politics*.

climate of the continent, in large part because of its infant period of development that had “not had time to heat up or dry out,”²⁰ Buffon claimed that the inhabitants of the New World were biologically inferior. Key to Buffon’s theory of degeneration is his problematic view of indigenous peoples. In Volume IX, he provides a pejorative analysis on the biological, psychological, and cultural deficiencies of the “American savage.” He writes,

A kind of weak automaton, incapable of improving or seconding her [Nature’s] intentions. She treated them rather like a stepmother than a parent, by refusing them the invigorating sentiment of love, and the strong desire of multiplying their species. For, though the American savage be nearly of the same stature with men in polished societies; yet this is not a sufficient exception to the general contraction of animated Nature throughout the whole Continent. In the savage, the organs of generation are small and feeble. He has no hair, no beard, no ardour for the female... He has no vivacity, no activity of mind... He remains in stupid repose, on his limbs or couch, for whole days... They have been refused the most precious spark of Nature’s fire: They have no ardour for women, and, of course, no love to mankind... Their love to parents and children is extremely weak. The bonds of the most intimate of all societies, that of the same family, are feeble; and one family has no attachment to another... Their heart is frozen, their society cold, and their empire cruel. They regard their females as servants destined to labour, or as beasts of burden, whom they load unmercifully with the produce of their hunting, and oblige, without pity or gratitude, to perform labours which often exceed their strength. They have few children, and pay little attention to them. They are indifferent, because they are weak.²¹

Buffon certainly doesn’t mince his words when providing his opinions on indigenous peoples. While his views are quite damning, there also contains a claim of responsibility

²⁰ Dugatkin, *Mr. Jefferson and the Giant Moose*, 23.

²¹ Buffon, *Histoire Naturelle*, vol. IX, 104.

for the degeneration of the New World, one that holds indigenous peoples at fault for the deplorable conditions of the physical terrain and wildlife. In Buffon's assessment, the animals of the continent were not culpable for its underdevelopment; however, indigenous peoples failed to *master* nature. By draining the swamps and engaging in a transfer of stagnant bodies of water, Buffon believes that such endeavors would produce an influx in humidity levels, ultimately increasing continental temperature levels, and, in turn, mitigating a degree of degeneration. Speaking of the dissociation of indigenous peoples from an attempt to control nature, Buffon writes, "In these melancholy regions, Nature remains concealed under old garments, and never exhibits herself in fresh attire."²² Continuing in a highly bombastic and metaphoric tone, one that renders a corporeal quality to Nature, he claims, "Being neither cherished nor cultivated by man, she never opens her fruitful and beneficent womb."²³ Buffon's American degenerative thesis is thus tightly fashioned around an inferiority of both animals and indigenous peoples, with the continent's only shred of hope resting in a rapid process of development and cultivation undertaken by Europeans. In a rousing line, one that nearly forecasts the impending acceleration of territorial conquest and the annihilation of indigenous populations, Buffon conjectures, "In several centuries, when the earth has been tilled, the forests cut down, the rivers controlled, and the waters

²² Ibid., 110.

²³ Ibid., 110.

contained, this same land will become the most fruitful, healthy, and rich of all, as it is seen to be already in the parts that man has cultivated."²⁴

*Jefferson's Reply: Notes on the State of Virginia,
Queries VI & XI*

In Query VI of *Notes on the State of Virginia*, Jefferson provides his most detailed and calculated refutation of Buffon's American degeneracy hypothesis. In this chapter, "Productions, mineral, vegetable, and animal" – the longest section of the work – Jefferson enlists table after table to challenge Buffon. While Jefferson does accept that climate may, indeed, affect the development of animals, he makes clear that there is no evidence to support the tentative claim.²⁵ Instead, Jefferson sets out to debunk the theory of New World degeneracy by providing an exhaustive litany of statistical data pertaining to the population growth of specific animals in America compared to Europe. William Howard Adams points to Jefferson's efforts to affirm the natural features of America in order to assimilate nature into the political. Adams writes, "Jefferson had long recognized that the organization of the limitless countryside in his

²⁴ Buffon, *Histoire Naturelle*, Vol. XV, 455.

²⁵ Jefferson, *Notes on Virginia*, 47. Also, see Lee Alan Dugatkin, "Thomas Jefferson Versus Count Buffon: The Theory of New World Degeneracy," *The Chautauqua Journal* 1, article 17 (2016): 11.

ideal American republic would have to accommodate both primitive nature and human intervention."²⁶

The scene of Jefferson's analysis in Query VI is decisively Virginian. The depth of the land's natural resources is breathtaking as he provides a meticulous enumeration: copper, coal, lead, marble, limestone, medicinal springs, and even, "a single instance of gold."²⁷ Moreover, Jefferson details the high-volume, natural scope of the vegetative growth found in the trees, plants, and fruits of the state. Across numerous pages, Jefferson catalogues native plants, indexing them based on categories of utility, concerning: medicinal, esculent, ornamental, and fabrication.²⁸ Jefferson also marks a distinction between those species of plant-life naturally found in the region and those cultivated by the productive forces of agriculture. In the latter, Jefferson showcases how farms, gardens, and orchards in Virginia produce in plenty, capable of harvesting a diverse cornucopia of pleasures, the likes of which include, figs, apples, pumpkins, and pomegranates.²⁹ With a sweeping brush, Jefferson, then, paints the fertile Virginian landscape as an archetype of the New World, a quasi-Eden abundant in resources and riches.³⁰ While Jefferson casts Virginia in the mold of a paradise-like setting, it also

²⁶ William Howard Adams, *The Paris Years of Thomas Jefferson* (New Haven: Yale University Press, 1997), 121.

²⁷ Jefferson, *Notes on Virginia*, 23-34.

²⁸ *Ibid.*, 35-39.

²⁹ *Ibid.*, 39.

³⁰ Here, I draw upon, but also mark a distinction, with Robert Dawidoff's characterization of Virginia in Jefferson's account. While Dawidoff frames the setting as a "kind of *el dorado* and a kind of hell," a duality that I affirm, I suggest that there is an immanent dialectical quality at-play in Jefferson's account. An

contains a dialectical dressing: freedom *and* slavery, growth *and* degeneration, fertility *and* desolation.

The manner in which Jefferson confronts this negative, or dark side, of the state – meaning those elements both naturally occurring as well as those as a result of human activities³¹ – proceeds along two distinct, yet entwined paths: a zoological track and a cultural track. On both these fronts, Jefferson’s analysis stands *contra* Buffon to reject his thesis of American degeneracy.³² Instead Jefferson argues that there exists an autochthonous dimension to the continent, both in a particular type of animal and in the societies of indigenous peoples – one that is importantly not inferior to the Old World.³³ Jacques Roger summarizes Jefferson’s perspective, writing, “Jefferson made himself the strong advocate not only of the colonists settled in the New World but especially of the Indians of North America; he lauded their courage, moral and family virtues, loyalty in friendship, intelligence, and even eloquence [...]. The differences that

inherent *potentiality* to transcend the hellish state-of-affairs brought about through the institution of slavery, the corruptive nature of centralized governmental power, and corrosive effects of *particular* forms of industrialization. See Robert Dawidoff, “Rhetoric of Democracy,” in *Thomas Jefferson and the Politics of Nature*, ed. Thomas S. Engeman (Notre Dame, IN: University of Notre Dame Press, 2000), 108.

³¹ In particular, there is a fundamental contradiction between slavery and freedom premised along lines of race found in Jefferson’s depiction of the inferiority of blacks presented in his *Notes on Virginia*. Here, Jefferson integrates both, in his view, a naturalistic reading of the mind and body of blacks into the proper institutional design to promote political freedom. See Caroline Levander, *Cradle of Liberty: Race, The Child, and National Belonging From Thomas Jefferson to W.E.B. Du Bois* (Durham, NC: Duke University Press, 2006), 38.

³² Richard B. Bernstein, *Thomas Jefferson: The Revolution of Ideas* (Oxford: Oxford University Press, 2004), 79.

³³ Charles A. Miller argues that Jefferson’s blend of environmentalism and human nature sought to place America on the same level against claims of inferiority to the Old World. According to Miller, Jefferson does not simply reverse the thesis of New World degeneracy by elevating America above the Old World, but rather, attempts to fix a status of “equality” amongst the two hemispheres. See Charles A. Miller, *Jefferson and Nature: An Interpretation* (Baltimore: The Johns Hopkins University Press, 1988), 61-62.

could be noticed between them and *Homo sapiens Europaeus* came from those of life style but did not imply innate inferiority.”³⁴

The first hint of Jefferson’s zoological argument unfolds in Query VI. Here, Jefferson initiates an exploratory search for an evasive large, “mammoth”-like animal known and described by the natives of the continent.³⁵ His hope was to show that an enormous creature – one that was strikingly larger than the elephant or hippopotamus of the Old World – still exists, albeit only on the North American continent.³⁶ Central to Jefferson’s natural philosophy was the idea that all creatures were links in a chain, from the smallest molecular level to a developed, enlightened human being to the mammoth of North America. By locating this near-mythological type figure, Jefferson stood to gain a successful refutation of Buffon’s claim of smaller, inferior animals endemic to the New World. Key to the discovery of the mammoth was Jefferson’s belief in non-extinction, suggesting that only particular specimens, but not entire species could

³⁴ Jacques Roger, *Buffon: A Life in Natural History*, ed. L. Pearce Williams, trans. Sarah Lucille Bonnefoi (Ithaca, NY: Cornell University Press, 1997), 420.

³⁵ Jefferson, *Notes on Virginia*, 39-41, 52.

³⁶ *Ibid.*, 41.

become extinct.³⁷ “It is certain such a one has existed in America,” Jefferson comments on this grand *Americana* animal, “it has been the largest of all terrestrial beings.”³⁸

The haunting figure of Query VI only finds supplementary support for the larger size of other animals on the continent. Specifically, Jefferson presents numbers that affirm a heavier size of the black bear, otter, and flying squirrel in contradiction to Buffon’s tabulation.³⁹ The zoological track of his analysis would not come full circle until nearly five years after his initial claims in *Notes on Virginia*. Upon arriving in Paris in 1785, Jefferson sent Buffon a copy of the text as a first-step in discrediting and disproving his degeneracy theory. But Jefferson knew that it would take more than a thorough documentation of size comparison charts to persuade the prolific naturalist. What was needed was actual proof, a physical specimen that would change the Count’s thinking on his views of the New World.⁴⁰ Jefferson’s plan was complicated, but the idea, simple: an American moose must be sent to Paris.⁴¹ After a difficult set of arrangements to secure the transfer of the remains of a seven-foot-tall moose between

³⁷ For an important discussion on the presence of the Great Chain of Being in Jefferson’s *Notes on Virginia*, see Donald Jackson, *Thomas Jefferson & the Stony Mountains: Exploring the West from Monticello* (Norman: University of Oklahoma Press, 1993), 29-30. For Jefferson’s belief in non-extinction, see Robert L. Kelly and Mary M. Prasciuas, “Did the Ancestors of Native Americans Cause Animal Extinctions in Late-Pleistocene North America?” in *Native Americans and the Environment: Perspectives on the Ecological Indian*, eds. Michael Eugene Harkin and David Rich Lewis (Lincoln: University of Nebraska Press, 2007), 95-97.

³⁸ *Ibid.*, 44.

³⁹ See Keith Thomson, *A Passion for Nature: Thomas Jefferson and Natural History*, Monticello Monograph Series (Chapel Hill: The University of North Carolina Press, 2008), 65-66.

⁴⁰ See Gaye Wilson, “Jefferson, Buffon, and the Mighty American Moose,” *Monticello Newsletter* 13, no. 1 (Spring 2002).

⁴¹ David G. Post, *In Search of Jefferson’s Moose: Notes on the State of Cyberspace* (Oxford: Oxford University Press, 2009), 66.

Jefferson and General John Sullivan, the moose finally arrived, to Jefferson's jubilant reception, in late September 1787.⁴² Almost immediately, Jefferson wrote to Buffon concerning his newly acquired treasure:

I had the honour of informing you some time ago that I had written to some of my friends in America, desiring they would send me such of the spoils of the Moose, Caribou, Elk and deer as might throw light on that class of animals; but more particularly to send me the complete skeleton, skin, and horns of the Moose, in such condition as that the skin might be sowed up and stuffed on it's arrival here. I am happy to be able to present to you at this moment the bones and skin of a Moose, the horns of [another] individual of the same species, the horns of the Caribou, the el[k,] the deer, the spiked horned buck, and the Roebuck of America. They all come from New Hampshire and Massachusets. [...] This is the animal which we call elk in the Southern parts of America, and of which I have given some description in the *Notes on Virginia*, of which I had the honour of presenting you a copy. [...] I really suspect you will find that the Moose, the Round horned elk, and the American deer are species not existing in Europe. The Moose is perhaps of a new class.⁴³

Jefferson's enthusiasm was short-lived, however. Conflicting reports describe the events that followed the arrival of the moose to Paris. While the specimen box did arrive to Buffon's estate, the Count was away and the contents of the shipment were "entrusted to his associate, L.J.M. d'Aubenton."⁴⁴ Jefferson attests to this delivery in a letter to Sullivan:

They were all in good enough condition except that a good deal of the hair of the Moose had fallen off. However there remained still enough to give a good idea of the animal, and I am in hopes Monsieur de Buffon will be

⁴² See Dugatkin, *Mr. Jefferson and the Giant Moose*, 81-100.

⁴³ Thomas Jefferson to Buffon, 1 October 1787, *The Papers of Thomas Jefferson*, vol. 12, 7 August 1787–31 March 1788, ed. Julian P. Boyd (Princeton: Princeton University Press, 1955), 194-195.

⁴⁴ Thomson, *A Passion for Nature*, 70.

able to have him stuffed and placed on his legs in the king's cabinet. He was in the country when I sent the box to the Cabinet, so that I have as yet no answer from him. I am persuaded he will find the Moose to be a different animal from any he had described in his work.⁴⁵

In a conversation with Daniel Webster at Monticello in 1824, Jefferson reveals the ending of the story, the denouement of his quest to elevate the natural wonders of America in the eyes of the Old World. "After many difficulties, [Sullivan] caught my Moose, boiled his bones in the desert, stuffed his skin, & remitted him to me," Jefferson tells, continuing, "This accounted for my debt, & convinced M. Buffon. He promised in his next volume, to set these things right."⁴⁶ There was, of course, no subsequent volume of *Histoire Naturelle*, no denouncement of the theory of American degeneracy, and no celebratory praise for Jefferson's judicious investigations. For only six months after receiving the moose, the world-renowned French naturalist, Comte de Buffon, was dead. Jefferson's endeavor to promote the terrain of the New World – including all peoples, animals, and physical elements linked together as a complete *natural* unit⁴⁷ – thus fell short.

While Jefferson's zoological track unfolded on two levels, primarily, through the display of statistical data in *Notes on Virginia* and secondarily, with a theatrical, corporeal display of the moose, it sought to level the playing field between the

⁴⁵ Thomas Jefferson to John Sullivan, 5 October 1787, *The Papers of Thomas Jefferson*, vol. 12, 208-209.

⁴⁶ Daniel Webster, "Notes on Mr. Jefferson's Conversation 1824 at Monticello, 1825," *The Papers of Daniel Webster, Correspondence*, volume 1, 1798-1824, eds. Charles M. Wiltse and Harold D. Moser (Hanover, NH: Dartmouth College/University Press of New England, 1974), 377.

⁴⁷ See Jackson, *Thomas Jefferson & the Stony Mountains*, 29-30. Also, see Roderick Frazier Nash, *The Rights of Nature: A History of Environmental Ethics* (Madison: The University of Wisconsin Press, 1989), 113.

potentiality of nature within the Old and New Worlds, his cultural thesis of indigenous peoples “illustrated the excellence of nature on the American continent.”⁴⁸ While Query VI was comprised primarily of Jefferson’s natural history *contra* Buffon it also importantly contained his analysis of indigenous societies.⁴⁹ By embedding a classification of Native Americans in a framework of nature, a shift occurs from a plane of natural history *to* natural philosophy.⁵⁰ This transition enables the categories of morality and societal arrangement to be transposed upon a tableau of an American setting in order to demonstrate a social, moral reading of man, one capable of prevailing “over the dictates of power.”⁵¹ Much like Jefferson challenged Buffon’s claims of a deficient nature of the New World, Query VI in conjunction with Query XI, “Aborigines,” functions as a refutation of an apolitical, pre-social, telling of the indigenous peoples of the continent. Although these two claims – an inferior continental nature and a “backward,” archaic interpretation of indigenous peoples – appear as distinct modes of inquiry, they function in concert as two sides of the same coin for

⁴⁸ Miller, *Jefferson and Nature*, 65.

⁴⁹ See E. C. Spary, *Utopia’s Garden: French Natural History from Old Regime to Revolution* (Chicago: The University of Chicago Press, 2000), 19.

⁵⁰ Frederick Doveton Nichols and Ralph E. Griswold, *Thomas Jefferson: Landscape Architect* (Charlottesville: The University of Virginia Press, 1978), 126.

⁵¹ Robert W. Tucker and David C. Hendrickson, *Empire of Liberty: The Statecraft of Thomas Jefferson* (Oxford: Oxford University Press, 1990), 50.

Jefferson as a further instantiation of the potentiality for self-government within America precisely because of its natural and moral capacities.⁵²

The first substantial claim that Jefferson accentuates about indigenous peoples, a point that is integral to the very possibility of an American democratic-republic, is their innate moral sense. Here, Jefferson stresses that this claim of their moral code and their societies *writ large* are discernable due to the proximity of their associations to not only Jefferson, but to those he intimately trusts.⁵³ In this manner, Jefferson is staking his assertions on observable facts and interactions with indigenous societies. “I have seen of man, white, red and black,”⁵⁴ Jefferson alleges. Of indigenous peoples in North America, “I can speak of him somewhat from my own knowledge, but more from the information of others better acquainted with him, and on whose truth and judgment I can rely.”⁵⁵ A speculative account will not suffice; rather, Jefferson, the scientist, needs verifiable data.

Jefferson begins by quickly disputing the mantle of the European narrative towards indigenous peoples. “I am able to say, in contradiction to this representation,” Jefferson declares, “that he is neither more defective in ardour, nor more impotent with

⁵² Maurizio Valsania nods to this important point in Jefferson’s naturalistic philosophy grounded in materiality. He writes, “Far from being weak, [...] such a native product of the American land was a perfect model for American citizens to follow.” See Maurizio Valsania, *Jefferson’s Body: A Corporeal Biography* (Charlottesville: The University of Virginia Press, 2017), 78.

⁵³ Jefferson, *Notes on Virginia*, 61.

⁵⁴ *Ibid.*

⁵⁵ *Ibid.*

his female, than the white reduced to the same diet and exercise.”⁵⁶ Rather, Jefferson provides a litany of behaviors, emotions, and expressions displayed by indigenous peoples that complicate the prominent “barbaric” and “savage” framing of them. Instead, Jefferson insists that they exhibit a great display of bravery, a devoted, committed sense of friendship, and affection to their children.⁵⁷

Sketching out the code of a warrior ethic, Jefferson identifies specific characteristics that are salient in regards to actions of force and conflict. Mainly, an ethos of bravery blankets society as a source of honor, duty, and sacrifice. Undeterred by intense challenges, Jefferson claims that tribal warriors will confront countless enemies, often accepting a fate of death rather than a submission to surrender. When capture is unavoidable, the experience of torture takes on a near-metaphysical encounter, nearly equated, but almost strikingly unknown to “religious enthusiasm with us.”⁵⁸ The method of action is unique as well through an elevation of stratagem over force with an eye towards the prevention of personal injury. Jefferson asserts that action *qua* planning – a fundamental emblem of honor within tribal nations – stands in clear opposition to “civilized” society that teaches force *over* finesse. Accordingly,

⁵⁶ Ibid.

⁵⁷ Ibid., 61-62.

⁵⁸ Ibid., 62.

education is responsible for teaching a mandate of force, a point in which Jefferson carefully challenges, asserting that the technique of the natives may, in fact, be natural.⁵⁹

As bravery is framed as a mainstay of indigenous societies, Jefferson stresses that friendship, too, is indispensable. The strong sense of friendship is key to Jefferson as he enlists a story of Colonel Byrd and his near-death experience with the Cherokee Nation. Sent to conduct business with the nation, Jefferson recalls how a number of the “disorderly” members of the delegation killed “one or two of that nation.”⁶⁰ In response, the tribal council decided that Col. Byrd would be put to death. Each night, as the fateful event drew near, the tribal chief, Shilòuee, would visit Byrd, conversing with him and allaying his fears of death. On the night of the intended execution, those members of the nation charged with the task, entered the tent to seize Byrd. Before he could be wisped away, Shilòuee threw his body between the men, and declared, “This man is my friend: before you get at him, you must kill me.”⁶¹ The passion and intense scene of friendship shown by the chief moved the men and they returned to the council to procure a decision. Friendship prevailed as the council capitulated and reversed the penalty of death initially levied upon Byrd.

⁵⁹ Ibid., 61. Jefferson seemingly states in a perplexed fashion, “or perhaps this *is* nature.” Emphasis added. Amos Stoddard, who in 1805, travelled with a delegation of indigenous peoples to Washington, substantiated this point. Stoddard claims, “They speak from nature, and not from education.” Cited in Bernard W. Sheehan, *Seeds of Extinction: Jeffersonian Philanthropy and the American Indian* (Chapel Hill: The University of North Carolina Press, 1972), 108.

⁶⁰ Ibid., 62. It is important to note that the story of Shilòuee and Byrd appears in a rather lengthy footnote by Jefferson. Although not centrally located within the text, my claims here suggest that it is highly important to Jefferson’s understanding of an innate moral sense within indigenous peoples.

⁶¹ Ibid., 63.

As Shilòuee revealed a moral, compassionate side of indigenous peoples, invoking a delicate touch of sensibility, Jefferson extends this sign of friendship into the very depth of their emotional reservoir. Dispelling a vision of cold, warrior-like brutes, Jefferson speaks to an emotive, rather than strictly analytic or irrational, side of tribal warriors. For an occurrence of tragedy within the nation, particularly the death of children incites a “weeping” by the warriors.⁶² This expressive quality of the warriors is not a sign of cognitive underdevelopment, but a reflection of a harmony between body and mind. Indigenous peoples in North America are, according to Jefferson, therefore formed in the same mold as “*Homo sapiens Europaeus*.”⁶³

From these positions, Jefferson suggests that the presence of bravery, friendship, and affection are demonstrative of a natural morality. He advances this point in Query XI, a section dedicated solely to the linguistic, geographic, and population patterns of indigenous tribes found in Virginia. “Their only controls are their manners,” Jefferson praises, “and that moral sense of right and wrong, which, like the sense of tasting and feeling, in every man makes a part of his nature.”⁶⁴ The claim concerning Jefferson’s disdain for a promotion of force brought forth through education thus comes full circle. It is neither an attainment of education nor the utilization of an “artificial reason,” as

⁶² Ibid., 63.

⁶³ Ibid., 65. Jefferson’s uses a Linnaean term pertaining to the classification of *Homo sapiens* and the corresponding subspecies.

⁶⁴ Ibid., 96-97.

Charles A. Miller avows,⁶⁵ that is responsible for an ethical code of responsibility. Rather, as indigenous peoples prove, morality is innate, *contra* moral justifications grounded in claims of self-love, reason, or even utility.⁶⁶

It is important to note exactly where Jefferson's claim of this innate moral sense appears in his *Notes on Virginia*. In Query VI, Jefferson provides his interpretation of natural history in an attempt to elevate the physical capacities of America. Integral to those claims was the entry of a discussion on indigenous peoples, specifically their testimonies of the monolithic mammoth of the New World, as well as important societal elements. A conceptual bridging is thus employed in Query VI into Query XI where his central thesis concerning morality is found. The interplay between the physical terrain of the continent and an innate moral code of indigenous peoples is not coincidental. Rather, these two categories are consubstantial, helping to reveal his thinking on the interplay between space and politics. It is both the fertile vastness of land coupled with an ethic of responsibility for others found in indigenous tribes that renders America as a suitable model for the development and maturation of a system of self-government.

To this point, I have examined Jefferson's belief in an innate moral rendering of members of communal societies, it is now necessary to unpack how power maneuvers within indigenous societies, particularly in the role of the figurehead.

⁶⁵ Miller, *Jefferson and Nature*, 96.

⁶⁶ See Thomas Jefferson to John Manners, 12 June 1817, *The Papers of Thomas Jefferson*, Retirement Series, vol. 11, 19 January to 31 August 1817, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2014), 432-434.

The first major claim that is necessary to illuminate is Jefferson's descriptive account of the oratory skills of tribal chiefs. Here, Jefferson's presentation of the oratory capabilities of leaders is bold, importantly functioning as "the culmination of his description of Indians as objects of natural historical interest."⁶⁷ Moreover, it offers a perspective that elevates the intellectual talents of indigenous societies above those grand orators of antiquity. "I may challenge," Jefferson asserts, "the whole orations of Demosthenes and Cicero, and of any more eminent orator, if Europe has furnished any more eminent, to produce a single passage, superior to the speech of Logan, a Mingo chief, to Lord Dunmore [...]."⁶⁸ Jefferson proceeds to tell the story of Logan and the actions that inspired such an impressive show of oration after members of his family were murdered by settlers under the command of Captain Michael Cresap, near the Ohio River. To retaliate, three tribes joined together (Shawanese, Mingoes, and Delawares) to combat a band of Virginian militia fighters. In battle, the indigenous tribes were defeated, "sued for peace," and forced into accepting the terms of a treaty.⁶⁹ Logan abstained from attending the proceedings of the treaty, rather dispatching a message to Lord Dunmore, the Governor of Virginia. The distinguished chief proclaimed,

⁶⁷ Steven Conn, *History's Shadow: Native Americans and Historical Consciousness in the Nineteenth Century* (Chicago: The University of Chicago Press, 2004), 84.

⁶⁸ Jefferson, *Notes on Virginia*, 65.

⁶⁹ *Ibid.*, 66.

I appeal to any say, white man to if ever he entered Logan's cabin hungry, and he gave him not meat: if ever he came cold and naked, and he clothed him not. During the course of the last long and bloody war, Logan remained idle in his cabin, an advocate for peace. Such was my love for the whites, that my countrymen pointed as they passed, and said, "Logan is the friend of white men." I had even thought to have lived with you, but for the injuries of one man. Colonel Cresap, the last spring, in cold blood, and unprovoked, murdered all the relations of Logan, not even sparing my women and children. There runs not a drop of my blood in the veins of any living creature. This called on me for revenge. I have sought it: have killed many: I have fully glutted my vengeance: for my country I rejoice at the beams of peace. But do not harbour a thought that mine is the joy of fear. Logan never felt fear. He will not turn on his heel to save his life. Who is there to mourn for Logan – Not one.⁷⁰

The requiem that Logan bestows is certainly sobering. For Jefferson, it showcases – not just in actions, but also in words – a strong sense of bravery within tribal councils. But, more importantly, Logan's solemn and grief-stricken words point to an innate moral sense of indigenous peoples, bringing to life an account of loss, pain, and remembrance. Its ending, too, is haunting, if not flat-out prophetic, of a certain sagacity of mourning, rhetorically asking, not only who, if any, will provide a lamentation for Logan, but who will grieve the loss of a family, of an entire people eradicated in the name of progress?

While Jefferson's first claim of oratory excellence demonstrates an intimate connection between the leader and the ethos of the society, the second premise rests along the leader's mediation skills. Support for this claim is found in the *Appendix* of Jefferson's *Notes on Virginia*. While much of Jefferson's analysis of indigenous societies was generated from his own observations and interactions, he also incorporates the

⁷⁰ Ibid., 66.

opinions of valued colleagues. Printed in the *Appendix* are the observations of Charles Thomson, perennial secretary of the Continental Congress, and his engagements with numerous indigenous tribes and nations throughout the continent.⁷¹ According to Jefferson, these encounters warranted “too much merit not to be communicated.”⁷²

In Thomson’s view, the chiefs of indigenous societies can typically be generalized as elderly men who have demonstrated significant prudence and skill in councils.⁷³ However, Thomson states that leadership does not rest along hereditary lines as “strangers” have been selected to leadership positions based on their fortitude and aptitude.⁷⁴ Once selected – often procured by either election or rotation – the chiefs play a vital role in society, engaging with various perspectives and gathering insights on pressing concerns. Present within the community is a council house, where communal leaders and wise elders assemble to discuss important matters. This is a separate setting from the central, council meeting locale of the tribe, which retains a symbolic value through its representation of a non-binding site of expertise, devoid of authoritative command. Crucially, chiefs lack executive, or even prerogative powers within the community. Instead, the chief serves as a physical and spiritual vessel to channel the opinions of the members into a collective voice. “Their government [sic] seems to rest

⁷¹ Jefferson also contacted George Rogers Clark, who provided information on the Cresap affair, as well as Thomas Hutchins for estimates of tribal populations. Furthermore, Jefferson reached out to Thomas Walker for consultation, but to no avail. See Anthony F.C. Wallace, *Jefferson and the Indians: The Tragic Fate of the First Americans* (Cambridge: The Belknap Press of Harvard University Press, 1999), 93-94.

⁷² Jefferson, *Notes on Virginia (Appendix)*, 208.

⁷³ *Ibid.*, 214.

⁷⁴ *Ibid.*, 215.

wholly on persuasion," Thomson thinks, adding, "they endeavour, by mutual concessions, to obtain unanimity."⁷⁵ Deliberation, thereby, occurs between warrior-representatives and tribal counselors within a council setting through a type of power that is crucially non-physical, yet underscored by a strong influence of generational tradition and respect. Here, dialogue between various actors is central with the chief retaining only an advisory and mediatory function.

Bernard W. Sheehan confirms this point in his work, *Seeds of Extinction*, citing the Moravian missionary John Heckewelder,⁷⁶ "no magistrates, but advisors, to whom the people, nevertheless, pay a willing and implicit obedience, in which age confers rank, wisdom gives power, and moral goodness secures a title to universal respect."⁷⁷ So, what is to be made of Thomson, and to a lesser degree, Heckewelder's views, in light of Jefferson's assertions in Queries VI & XI? Centrally, Jefferson speaks to an innate capacity for self-governance directly tied to a moral sense, that on the one hand sees humans as active and social, and on the other hand, as guided by an ethic of responsibility for others. A social aspect, namely this commitment for self-government,

⁷⁵ Ibid.

⁷⁶ Jefferson also personally consulted within Heckewelder concerning the events of the Cresap affair and included his insights in the *Appendix* (No. III) of *Notes on Virginia*. For Heckewelder's discussion, see Jefferson, *Notes on Virginia*, 262-267. For a study that showcases how Moravian missionaries, including Heckewelder, saw indigenous languages as highly sophisticated and rich in design, see Sean P. Harvey, *Native Tongues: Colonialism and Race from Encounter to the Reservation* (Cambridge: Harvard University Press, 2015), 82; Gordon M. Sayre, *Les Sauvages Américains: Representations of Native Americans in French and English Colonial Literature* (Chapel Hill: The University of North Carolina Press, 1997), 202-203. For Jefferson's interest in languages, see Thomas F. Gossett, *Race: The History of an Idea in America* (Oxford: Oxford University Press, 1997), 126.

⁷⁷ See Sheehan, *Seeds of Extinction*, 110-111.

is central to Jefferson's political philosophy, and as Helen Ingram and Mary Wallace have argued, it is concomitant to a power to "define and reshape society."⁷⁸ The transformative capacity of a society, therefore, exposes the special placement that the tribal chief plays in Jefferson's account. While the source of power – legitimate in form – rests in a communal orientation, its direction requires a particular level of expertise to help refine their commands. Functionally, this stands apart from Rousseau's Legislator, by ushering in a leadership-figure that only offers, but does not institute collective decisions. For the tribal chief holds a symbolic value: a figure that serves as a conciliator to ensure internal peace and harmony in a dialogical fashion, rather than an antagonistic or paternal relationship.

The restrained executive authority of the chief is revealing in exactly how power is possessed and controlled within indigenous societies. It is suggestive of a reliance on public opinion to internally govern a community that, in turn, shapes behaviors and customs while maintaining social exclusion and banishment as forms of punishment. A limited scope of influence by the chiefs coupled with a horizontal axis of communal power and the efficacy of moral public opinion, rather than a top-down flow of authority, thus functions as a checking-mechanism within the societies.

In Query VI, Jefferson suggests that a central principle of indigenous societies centers on a prohibition of compulsion. While there is an unfettered, expansive sense of

⁷⁸ Helen M. Ingram and Mary G. Wallace, "An 'Empire of Liberty': Thomas Jefferson and Governing Natural Resources in the West," in *Thomas Jefferson and the Changing West*, 94.

freedom within the members of the societies, Jefferson makes the point that there is a careful checking-mechanism, one that influences, rather than commands action.⁷⁹ Acting out of duty, Jefferson believes that persuasion, manners, and customs operate as a means to limit both encroachments on freedom and radical individualism.⁸⁰ This point is key to prevent a reduction of Jefferson's thought to the logical conclusion of excessive individualism found in early nineteenth century anarchist thought, particularly in the work of Proudhon, as well as the atomistic, individual reading of society that underscores liberal thought. Instead, Jefferson sees indigenous societies as a type of society that renders positive law superfluous by an innate moral and social sense that confers a natural duty upon all members of the community, as they possess "no natural right in opposition to [...] social duties"⁸¹ since "man was destined for society."⁸² Jefferson makes this point clear in a letter to Francis W. Gilmer on 7 June 1816. Critiquing Hobbes' claim that justice comes about from convention, Jefferson writes, "Man was created for social intercourse [...] then man must have been created with a sense of justice." In order to refute Hobbes, Jefferson turns to indigenous societies as an example to demonstrate that they have "not yet submitted to the authority of positive laws, or of any acknowledged [sic] magistrate." As a result, indigenous peoples experience

⁷⁹ Jefferson, *Notes on Virginia*, 65.

⁸⁰ See Daniel L. Dreisbach, *Thomas Jefferson and the Wall of Separation Between Church and State* (New York: New York University Press, 2002), 53.

⁸¹ Thomas Jefferson to the Danbury Baptist Association, 1 January 1802, *The Papers of Thomas Jefferson*, vol. 36, 1 December 1801–3 March 1802, ed. Barbara B. Oberg (Princeton: Princeton University Press, 2009), 258.

⁸² From Thomas Jefferson to Peter Carr, with Enclosure, 10 August 1787, *The Papers of Thomas Jefferson*, vol. 12, 14-19.

a sense of freedom, where one is “perfectly free to follow his own inclinations,” but refrains from violating the rights of other, in order to avoid the “disesteem of his society, or, as we say, by public opinion.”⁸³

This exclusion of forms of excessive compulsion is reaffirmed in Query XI. “Having never submitted themselves to any laws,” Jefferson attests, their societies are demarcated by a refusal of “any coercive power.”⁸⁴ Again, Jefferson hammers the point that manners, not law, govern indigenous societies in a harmonious and tranquil fashion, evident in the rarity of crimes and culture of dialogue, rather than vitriolic contestation.⁸⁵ The absence of positive law within indigenous societies throws into question the very necessity of government for Jefferson. In a probing passage, one that signals a tepid hesitation towards governmental power and will resurface in a letter to Madison in 1787, Jefferson ponders the proper extent of laws for a society. Jefferson is caught at an impasse between the striking absence and rejection of law seen in indigenous societies and the excessive application of law found in the “civilized Europeans.” Jefferson’s inquiry is haunting, potentially heretical to the entire system of Enlightenment political thinking, when he asks, which society “submits man to the greatest evil”?⁸⁶ His reply is ripe with metaphoric imaginary in a move that reintegrates

⁸³ See Thomas Jefferson to Francis W. Gilmer, 7 June 1816, *The Papers of Thomas Jefferson*, Retirement Series, vol. 10, *May 1816 to 18 January 1817*, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2013), 154-156.

⁸⁴ Jefferson, *Notes on Virginia*, 96.

⁸⁵ *Ibid.*, 97.

⁸⁶ *Ibid.*

his philosophical claims onto his naturalistic, biological articulations of Query VI. Considerations of societal arrangement, thereby, incite a return to the scene of the physical terrain of America. He writes, “the sheep are happier of themselves, than under the care of the wolves.”⁸⁷ In a sweeping, devastating line of text, Jefferson obliterates the civilized-barbarian binary, casting doubt on the necessity of government *qua* positive law.

It is easy to cast Jefferson’s telling of indigenous societies in an anarchist light. But his depiction of these societies is not compatible with such a position. Rather, Jefferson is clear that there is a level of regulation, a built-in mechanism of control that over time becomes naturalized. The lack of compulsion, and importantly for our sake, the refusal to incorporate seats of authority that wield authoritative decrees, function nearly instinctually as a harmonious social system sustained precisely because of the moral obligations of the community and the inherent sway of public opinion.⁸⁸ For these reasons, Jefferson saw the customs and behaviors of indigenous societies controlled by a less-coercive form of power – opinion over positive law – as more in accord with the innate rights that are “impressed on the sense of every man.”⁸⁹ The absence of artificial class distinctions, such as possessions or entitlements, was rendered obsolete, enabling

⁸⁷ Ibid.

⁸⁸ For Jefferson’s understanding of coercive power within specialized seats of authority, particularly found in the Executive Branch, see Jeremy D. Bailey, *Thomas Jefferson and Executive Power* (Cambridge: Cambridge University Press, 2009), 111.

⁸⁹ See Thomas Jefferson to John Manners, 12 June 1817, *The Papers of Thomas Jefferson*, Retirement Series, vol. 11, 432-434.

a type of a freedom intrinsically bound to a moral plane. The result was, to Jefferson, a balancing of freedom and obligation; a fraternal interplay that relied on the forceful sway of public opinion in order for the people to be the genuine source of power. Challenging the idea that “great societies” cannot exist without governments, Jefferson stakes his claim that the indigenous populations of North America retain the fundamental principle that a *division* is necessary. He claims, commenting on how they maintain their harmonious condition, “The savages therefore break them into small ones.”⁹⁰ Not only must titular positions of authority and expertise be recallable, while possessing a symbolic value, but also the very root of power must be accessible by all members. Division, in this sense, then takes on a sociological aspect, forming social units that always situate power on an identifiable, accessible axis. To transfer the authorship of collective decisions away from such a point is to violate the creative and communal orientation of power.

My survey of Jefferson’s evaluation of indigenous societies has offered an alternate setting for political power as well as localized decision-making mechanisms – beyond governmental form – to take root. It has, importantly, produced a new way of thinking about power, primarily, it points to how power can be collective, not by looking *backwards* in a non-progressive lineation, but *behind* the monolithic model of the market man. Now, it is necessary to discuss how this conception of power functions in

⁹⁰ Jefferson, *Notes on Virginia*, 97.

relation to particular forms of societal arrangement. To do so, I must now leave behind the groundwork delineated in his *Notes on Virginia*, and turn to a careful assortment of personal letters.

An Epistolary Turn: Societal Form, Happiness, & Property

In this section, I take up Jefferson's perspectives on indigenous societies, as described in personal letters written over three decades. First, I'll pay special attention to three primary letters composed between 1787 and 1816 directed to Edward Carrington, James Madison, and William Short, to formulate and clarify Jefferson's views on societal forms. Second, I'll supplement this interpretation with a series of letters written *to* and *by* Jefferson from 1816 to 1824 in order to showcase an unexplored side of his thought, one that is more receptive to communitarian, non-governmental societal experiments. To begin, I turn to two letters written by Jefferson in January 1787 while living in Paris as the Minister Plenipotentiary to France.

A Primary Route: Jefferson's Political Typology

Jefferson opens his 16 January letter to Virginia statesman, Edward Carrington, locating himself in a tumultuous France. With the bankrupt French government facing a mounting crisis, King Louis XVI convened a special gathering of prominent French nobility. This meeting, the Assembly of Notables, marks an important note in Jefferson's

letter as he mentions his good friend, Marquis de Lafayette's, inclusion for the gathering. While France was dealing with its own predicament, Jefferson makes reference to the growing unrest in Massachusetts, commonly referred to as Shays' Rebellion.⁹¹ As these two nations confront internal dissension and division, Jefferson reaffirms that the people are the ultimate arbitrators on checking governmental power, retaining that primary function, even in error.

To ensure that the people remain properly informed and, in turn, well-trained to prevent excessive encroachments on power at the hands of the government, Jefferson makes note that public opinion is the basis of government, advising for its constant maturation. Affirming his preference for societies influenced by opinion over positive law as well as the possibility of societies without government, he avows,

I am convinced that those societies (as the Indians) which live without government enjoy in their general mass an infinitely greater degree of happiness than those who live under European governments. Among the former, public opinion is in the place of law, and restrains morals as powerfully as laws ever did any where. Among the latter, under pretence of governing they have divided their nations into two classes, wolves and sheep. I do not exaggerate. This is a true picture of Europe.⁹²

Again, the passage restates now familiar themes to Jefferson's thought (opinion *over* law, custom *over* coercion, harmony *over* artificial division) as discussed in his *Notes on Virginia*. What is significant here is how a society lacking in government-form can still

⁹¹ In Chapter 7, I deal exclusively with Jefferson's reception of Shays' Rebellion and the important role it plays in his understanding of politics.

⁹² Thomas Jefferson to Edward Carrington, 16 January 1787, *The Papers of Thomas Jefferson*, vol. 11, 1 January–6 August 1787, ed. Julian P. Boyd (Princeton: Princeton University Press, 1955), 49.

produce happiness for its members.⁹³ This claim cannot be understated, particularly in consideration of the placement of it in relation to the larger corpus of the letter. After discussing the internal turmoil of two “Enlightened” nations, in the form of the early American republic and the French regime, Jefferson offers a flat-out radical alternative configuration of society: a replication of the small, communal societies of the indigenous peoples in the New World.

The passage also marks a return of the use of vivid, animalistic imagery also found in Query XI of his *Notes on Virginia*. Turning the Indian-as-beastlike⁹⁴ rhetoric on its head, Jefferson, again, casts agents of excessive governmental power as wolves. Unlike his earlier claim, Jefferson here clarifies *who* exactly are these menacing wolves. In a horrifying image, he claims that the wolves are, in fact, the rich. Unlike any other

⁹³ This claim becomes all the more powerful when situated in relation to George Mason’s “Virginia Declaration of Rights” (1776). Often cited as a key text that influenced Jefferson’s *Declaration*, Mason opened the document with familiar claims of equality amongst all men and the possession of natural rights. However, Mason’s grandiose language of equality brought about intense debates from his fellow statesmen in late May 1776. Concerned that such language would run counter to a continuation of slavery, and, in return, make the institution itself illegitimate, an important line of text was added, essentially negating the possibility of freedom for slaves and indigenous populations. The phrase, “when they enter into a state of society,” crafted by Edmund Pendleton was incorporated into the ratified declaration during the Fifth Virginia Convention in June. Importantly, it presented the ideals of freedom and equality as a two-tier process commencing first through the departure from a state of nature into society, and, then, a consensual agreement to form a commonwealth. The effects of such an important shift are enormous, marking society as a bridge into a political community, then, and only then, capable of producing happiness and fulfilling the ideals of a democratic polity. Jefferson’s claims here, then, run counter to such a position; rejecting not only a double-stage transition into a political community, but problematizing the very notion that natural rights, equality, and, importantly, happiness are unique to settled forms of government. For the revision process surrounding Mason’s “Declaration,” see Jeff Broadwater, *George Mason: Forgotten Founder* (Chapel Hill: The University of North Carolina Press, 2006), 84-85.

⁹⁴ As Valsania points out, Jefferson’s view on indigenous peoples was unable to entirely escape this image. For Jefferson, according to Valsania, “American Indians were essentially childlike, primitive, bestial, naive,” and, crucially, dangerous and violent. See Valsania, *Jefferson’s Body*, 140.

animal in nature, Jefferson suggests, that the rich don't simply prey upon, but actually *devour* the poor. He concludes in a somber fashion, cautioning Carrington to the very real possibility that "you and I, and Congress, and Assemblies, judges and governors shall *all become wolves*,"⁹⁵ if they become too distant and unresponsive to the desires of the people.

What the letter to Carrington signals is a refinement of Jefferson's perspective on indigenous societies found in his *Notes on Virginia*. While his earlier writing suggests an important level of domestic tranquility amongst the indigenous population, his January 1787 letter to Carrington far exceeds that claim by presenting societies without government as a vehicle to public happiness and morality.⁹⁶ Its polar opposite, in this case, is a society defined by a cannibalistic-mentality, a fractured association that situates the rich and poor in antagonistic terms.

Nearly two weeks after his letter to Carrington, Jefferson expands the twofold societal classification in a letter to James Madison. His 30 January letter opens in a cautionary fashion, hopeful that the "late troubles in the Eastern states" will not result in a firm belief that a government by force is the only viable path for its establishment.⁹⁷ Jefferson, of course, similar to the Carrington letter, is making direct reference to the events surrounding Shays' Rebellion. However, in this letter Jefferson details, in a

⁹⁵ Thomas Jefferson to Edward Carrington, 16 January 1787, 49. Emphasis added.

⁹⁶ See Isaac Briggs, "A Cordial Reunion in 1820," in *Visitors to Monticello*, ed. Merrill D. Peterson (Charlottesville: The University of Virginia Press, 1989), 91.

⁹⁷ Thomas Jefferson to James Madison, 30 January 1787, *The Papers of Thomas Jefferson*, vol. 11, 92.

number of stirring passages, his general perspective on rebellions and how such actions render a regenerative quality to a body politic. While I take up those central claims in Chapter 7, what concerns us here is precisely what is anterior to his pedantic views on rebellion. Specifically, Jefferson provides a political typology, classifying various forms of societies. He details three particular forms, writing,

1. Without government, as among our Indians. 2. Under governments wherein the will of every one has a just influence, as is the case in England in a slight degree, and in our states in a great one. 3. Under governments of force: as is the case in all other monarchies and in most of the other republics. To have an idea of the curse of existence under these last, they must be seen. It is a government of wolves over sheep.⁹⁸

Not surprisingly, Jefferson rejects governments by force likening them, once again, to an animalistic imagery that is prominent throughout his writings. Read in conjunction with his 16 January letter to Carrington, force extends beyond a physical, coercive realm as it applies directly to economic class stratification. A government of wolves over sheep is thus a body politic fraught with internal class division, a dichotomized society along lines of economic status.

The second form, as found in England and the early American republic, is presented as the most feasible and pragmatic route. While Jefferson admits that liberty and happiness is found in this form, he hesitates against a full-out endorsement, suggesting that it only enjoys a “*degree*” of those fundamental principles. Moreover, there are “*evils*” that hinder the second form, namely, “the principal of which is the

⁹⁸ Ibid., 92-93.

turbulence to which it is subject.”⁹⁹ But in comparison to a government by force, Jefferson is clear that this form is certainly preferable. His reasoning, “*Malo periculosam, libertatem quam quietam servitutem*,”¹⁰⁰ commonly translated as, “I prefer dangerous freedom over peaceful slavery.” While not perfect, the second form, at the very least, affords a *possibility of freedom* compared to a condition of slavery found in the third form, even under the guise of a benevolent leader. In Chapter 6, I show how this claim is central to both Jefferson and the more-radical oriented British Whigs’ appeal for an American separation from the crown.

To Jefferson, the first form, that particular type of societal arrangement as seen in indigenous societies, without the presence of government, troubles his thought. “It is a problem, not clear in my mind,” Jefferson raises, “that the 1st. condition is not the best.”¹⁰¹ The very idea of a society without a government and positive law haunts Jefferson’s thinking. In a short, nearly dismissive way, almost characterized by a tone of avoidance, Jefferson offers the underlying problem with such a configuration: “I believe it to be inconsistent with any great degree of population.”¹⁰²

But Jefferson’s conclusion is incomplete and logically reversed by applying his own thought on the issue of size. In his *Notes on Virginia* Jefferson resolves this very

⁹⁹ Ibid., 93.

¹⁰⁰ Ibid. Translation provided by the Robert H. Smith International Center for Jefferson Studies, Monticello, VA.

¹⁰¹ Ibid.

¹⁰² Ibid.

tension, offering exactly how indigenous societies handle the issue of size: by breaking them into smaller units.¹⁰³ This premise should not be cast off as idyllic or utopian. For it finds a practical application, identified by Jefferson in his modeling of indigenous societies, which then becomes mapped upon his own speculative vision for America in the ward system. The communal spirit found in indigenous societies coupled within a network of decentralization to institute a politics of all is not exogenous to Jefferson's thought; rather, it is the lifeblood of the small, fraternal units of the wards. Peter S. Onuf has remarked that the idea of division – a central principle of Jefferson's theorization of the ward republics – calls "into question the very possibility of government itself."¹⁰⁴ Rather than reading such a claim in a potentially negative, or even, terminal light as Onuf does, much can be acquired by envisioning the wards as capable of a fraternal interrogation of the very necessity of a governmental-form *in relation* to Jefferson's political typology. The upshot of this alternative line of thought enables a richer, and more radical, dimension of his thought to be released, one that challenges not only a reification of the state, but more fundamentally, facilitates "a therapeutic corrective to unwise or unjust national policies."¹⁰⁵

A clearer articulation of Jefferson's belief in a society without government, and its accompanying condition of happiness, would not come for nearly three decades

¹⁰³ Jefferson, *Notes on Virginia*, 97.

¹⁰⁴ Peter S. Onuf, "Missouri and the 'Empire for Liberty,'" in *Thomas Jefferson and the Changing West*, 120.

¹⁰⁵ Gary Hart, *Restoration of the Republic: The Jeffersonian Ideal in 21st Century America* (Oxford: Oxford University Press, 2002), 220.

following his January 1787 letter to Madison. This time Jefferson would draw an even starker contrast between indigenous societies and the second form of his political typology, found here in the case of England. Written to his former personal secretary and close friend, William Short, on 15 January 1816, Jefferson is firmly entrenched in the retirement phase of his life. Although no longer a public servant, Jefferson's letters from this period offer a sharp critique of the increasing sway of the federal government, the defense branches, and the financial sector. Critical of the exorbitant level of spending by the War & Navy Departments, Jefferson mourns the loss of former Secretary of the Treasury Albert Gallatin to retirement and his ability to thwart the *faux frais*, or "incidental expenses," of those departments.¹⁰⁶ Additionally, he levies a vehement attack on the banking establishment, referring to them as a "mob of banks," responsible for a growing level of "permanent public debt," which, accordingly, is "inevitably fatal" to the people.¹⁰⁷

Jefferson continues criticizing how impactful high levels of taxation can be on a population. Rebuking governments that leave its citizens with barely anything to exist on following tax payments, he turns his attention to the deplorable conditions for English workers. He writes, "I am informed by one who speaks from experience that of the 15d or 18d a day received by an English laborer, he pays 10d or 12d to government,

¹⁰⁶ Thomas Jefferson to William Short, 15 January 1816, *The Papers of Thomas Jefferson*, Retirement Series, vol. 9, *September 1815 to April 1816*, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2012), 358.

¹⁰⁷ *Ibid.*

the remaining 5d or 6d barely sufficing to keep body & soul together.”¹⁰⁸ Jefferson’s scathing critique resumes drawing out an alternative societal arrangement to the excessive levels of exploitation. “Government in this case costs certainly more than it is worth,” he candidly asserts, then offering a point of comparison, “the laboring class would be happier as the Indians are, without government.”¹⁰⁹ Jefferson’s reasoning is swift and consistent with previous claims, concluding, “for I imagine there *can be no comparison* between the happiness of an Indian & an English laborer.”¹¹⁰

Jefferson’s depiction here of indigenous societies, albeit cursory, is compelling for a number of reasons. Firstly, Jefferson’s claim of an indigenous person *being happier* than an English laborer runs counter to John Locke’s telling of the uncultivated wilderness of America. In Chapter V, “On Property,” §41, of his *Second Treatise of Government*, Locke offers a comparison between an indigenous tribal leader in America and an English laborer. He claims, “a king of a large and fruitful territory there [in America], feeds, lodges, and is clad worse than a day-labourer in England.”¹¹¹ Unlike Locke, Jefferson makes clear on two occasions then, first in his 1787 letter to Carrington and again in his 1816 letter to Short, that indigenous societies experience more happiness than what can be found in the grueling life of an exploited English laborer.

¹⁰⁸ Ibid.

¹⁰⁹ Ibid.

¹¹⁰ Ibid. Emphasis added.

¹¹¹ John Locke, *Second Treatise of Government*, ed. C.B. Macpherson (Indianapolis: Hackett Publishing Co, 1980), 25-26.

And secondly, the closing lines of Jefferson's letter to Short is revealing from a political economy standpoint. In only a few words, Jefferson is able to capture the wretched conditions facing English workers. Written nearly three decades *before* Friedrich Engels would describe the struggles facing Manchester workers in his groundbreaking text, *The Condition of the Working Class in England*, Jefferson recognizes the impact that economic-life plays on the well being of an individual. "What is to become of those destitute millions, *who consume today what they earned yesterday?*"¹¹² Engels asks in his introduction, indirectly referencing Jefferson's analogous solemn diagnosis of workers "to keep body & soul together."¹¹³ Vitally, the letter helps to reveal a side of Jefferson's thought that sees a strict interplay between politics and economics and the need for an abolishment of economic exploitation in the American republic.

The three letters presented (Carrington, Madison, and Short) help to shape the formal structure of Jefferson's political typology. In them they convey Jefferson's thinking on the various forms of society, and carefully accentuate his belief that societies without government can not only produce, but also in opposition to the second and third categories of his typology, actually generate a greater degree of happiness. Strict monarchies, constitutional-parliamentary monarchies, and even the infant

¹¹² Friedrich Engels, *The Condition of the Working Class in England in 1844*, trans. Florence Kelley Wishchnewetzsky (New York: Cosimo Classics, 2008), 17.

¹¹³ Thomas Jefferson to William Short, 15 January 1816, 358.

American republic stand outside of this categorization as Jefferson hammers the point that indigenous societies are the archetype of such a configuration.

While these three letters acquire a discernibly theoretical depth in relation to our investigation of his *Notes on Virginia* it is important to caution against the development of a settled conceptualization of indigenous societies. This hesitation is fundamental to Jefferson's understanding of the formulation of theory, particularly in regard to abstracting verifiable conclusions concerning indigenous peoples in North America. According to Jefferson, a proper theorization always requires more collection of data, more facts that can be aided in the proper examination of a specific condition. Eschewing theoretical determinism, Jefferson writes, "I wish that the persons who go thither would make very exact descriptions of what they see of that kind, without forming any theories." He continues, "The moment a person forms a theory, his imagination sees in every object only the tracts which favor that theory."¹¹⁴ Jefferson's own words are apropos here as well. For this reason, it is necessary to move beyond the axis of his writings on indigenous societies, primarily comprised in his *Notes on Virginia* and the batch of letters pertaining to the correlation between form and happiness, and explore a fresh perspective. By this, I suggest that a secondary route of analysis is needed within his epistolary catalogue. Although this path will only tease out a fractional viewpoint, it will, nevertheless, expose a terrain of his thought that has been

¹¹⁴ Thomas Jefferson to Charles Thomson, 20 September 1787, *The Papers of Thomas Jefferson*, vol. 12, 159-161.

uncharted. To be clear, this mode of inquiry will not unlock a missing piece or uncover a central premise that will facilitate a construction of a theory to commence; instead, it will further complicate the image of Jefferson, calling into question – from both a normative and empirical position – the optimal type of society for the pursuit of political freedom and equality. To present this angle, I turn to a set of correspondences that showcase Jefferson’s response to inquiries concerning a vastly different vision of society.

*A Heterodox Passageway:
Jefferson’s Blessing of Communal Property*

In October 1804, Jefferson received a letter from Cornelius Camden Blatchly, a New York physician. Born in Mendham, New Jersey in 1783, Blatchly worked exclusively with the poor, providing care and writing extensively on the amelioration of poverty.¹¹⁵ In his letter to Jefferson, Blatchly invites the president to read, analyze, and scrutinize the enclosed manuscript that develops “a scheme for an American alphabet.”¹¹⁶ Hopeful to receive the prudent advice from one of the “most illustrious literary characters in America,”¹¹⁷ Blatchly apologizes for transmitting the document during a current session

¹¹⁵ See Cornelius Blatchly, “Some Causes of Popular Poverty, Derived from the Enriching Nature of Interests, Rents, Duties, Inheritances, and Church Establishments, Investigated in their Principles and Consequences, and Agreement with the Scriptures” in *The Pleasures of Contemplation* (Philadelphia: Eastwick & Stacy, 1817), 195-220.

¹¹⁶ Cornelius C. Blatchly to Thomas Jefferson, 31 October 1804, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 031, image 1.

¹¹⁷ Cornelius Blatchly to Thomas Jefferson, 31 October 1804, image 1.

of Congress, but nonetheless expresses great respect and excitement for a response. Blatchly's letter reached the president as Jefferson recorded it on 17 November in his "Summary Journal of Letters"¹¹⁸; however, Blatchly would receive no response from the third president of the United States.

Over the next two decades, Blatchly would continue to work with the poor, turning to politics in an attempt to combat rapid levels of poverty in New York City. In 1820, he founded the New York Society for Promoting Communities, an association committed to communitarian ideals as envisioned by Robert Owen. Two years later, drawing directly from Owen's *A New View of Society*, Blatchly penned his own concise manifesto on a communal arrangement of society, titled *An Essay on Common Wealth*.¹¹⁹ On 6 October of that same year, Blatchly would reach out to the sage of Monticello, yet again; this time, hopeful to receive Jefferson's insights on a new vision of society.

Blatchly opens the letter with a rousing initiation. Accompanying the letter is a copy of Blatchly's essay, imploring Jefferson to read it so that he may "comprehend our ideas of what society now is, and what it ought to be."¹²⁰ Blatchly proceeds to provide a

¹¹⁸ Jefferson was meticulous in recording letters that he had received and written between 1783-1826. See Thomas Jefferson, "Epistolary Record or Summary Journal of Letters," *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 057, image 213.

¹¹⁹ Blatchly and the New York Society for Promoting Communities were instrumental in bringing Owen to New York City in the winter of 1824-1825. Upon his arrival, he was greeted with a copy of *An Essay on Common Wealth*. See Frank Podmore, *Robert Owen: A Biography*, vol. 1 (London: Hutchinson & Co., 1906), 289.

¹²⁰ Cornelius Camden Blatchly to Thomas Jefferson, 6 October 1822, with Receipt, Alexander Garrett to William Mitchell, Dated October 7, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 053, image 1.

succinct synopsis of the aim of the essay as well as the general ethos of this new kind of society. He details,

We are well persuaded [sic] that pure and good communities, can only be instituted & established by people who have good hearts & pure principles; and who ardently desire to practice what an illuminated intellect manifests to them to be right & dutiful to God & man.—Our essays are, therefore, only for the virtuous & unprejudiced, who candidly desire & seek for goodness & truth;—and such as these only, are fit for erecting societies wholly on the social, impartial, and unselfish principle: or in other terms, on the self-denying principle.¹²¹

He concludes, affirming his utmost love and friendship for the recipient. “I am assured by thy character, that thou will approve of our disinterested endeavours,” Blatchly upholds, for their ultimate goals seek to “promote the prosperity, purity & peace of all people.”¹²²

Blatchly’s letter was recorded as received by Jefferson on 13 October 1822.¹²³

Unlike the previous letter of 1804, this time Jefferson would offer a response. Jefferson opens his 21 October 1822 letter to Blatchly with a note of gratitude, thanking him for the pamphlet as the claims put forth warrant much admiration. “Its moral principles merit entire approbation, its philanthropy especially,” Jefferson offers, further adding his respect for “its views of the equal rights of man.”¹²⁴ However, Jefferson is hesitant to offer a flat-out endorsement of its objective. Primarily, Jefferson is concerned that a

¹²¹ Cornelius Camden Blatchly to Thomas Jefferson, 6 October 1822, image 3.

¹²² Ibid.

¹²³ See Thomas Jefferson, “Epistolary Record or Summary Journal of Letters,” image 414.

¹²⁴ Thomas Jefferson to Cornelius Camden Blatchly, 21 October 1822, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 053, image 1.

vision of this accord would be incompatible with an “extended society, like that of the United States.”¹²⁵ Instead, the “diffusion of light and education” offer the best means for an extended promotion of virtue and a proliferation of happiness. His reliance on this delicate balance of liberty and education – a commitment that showcases his liberal and classical republican sensibilities – through an intercession of reason strikes a resounding chord to his 1787 letters as well as a suitable panacea for an ignorance on the part of the populace pertaining to public affairs.

Jefferson’s tepid reply, however, is not without significance. Commenting on Blatchly’s position of communal property, Jefferson affirms not only its feasibility, but also the real upshot of a community defined by sharing. He writes, “On the principle of communion of property, small societies may exist in habits of virtue, order, industry, and peace, and consequently in a *state of as much happiness* as Heaven has been pleased to deal out to imperfect humanity.”¹²⁶ The utopian ideal of Blatchly and his fellow associates, therefore, resonates with Jefferson for the societal design is directly aimed at the creation and enjoyment of happiness. What is striking is how this stands in opposition to Jefferson’s prior political typology where societies with governments maintained by equal influence (regime classification number two) enable a degree of happiness to be achieved by its members. Here, Jefferson expands the scope of happiness for a societal arrangement defined by communal property to its maximum

¹²⁵ Thomas Jefferson to Cornelius Camden Blatchly, 21 October 1822, image 1.

¹²⁶ Ibid. Emphasis added.

level – to a plane of its terrestrial limit. While there is an impulse to reduce Jefferson’s, and, in turn, Blatchly’s claims here to an unfeasible configuration of society, one that cannot escape a messianic interpretation, such a position becomes untenable in light of the subsequent passage in the letter. After praising the benefits of communal property, Jefferson cuts directly to its practical aspect, affirming “I can readily conceive, and indeed, have seen its *proofs* in various small societies which have been constituted on that principle.”¹²⁷ Based on our analysis of earlier letters and his *Notes on Virginia*, the proofs that Jefferson refers to here are quite convincingly those of indigenous societies. The Blatchly letter, then, once again, represents another point in Jefferson’s thought that establishes a link between small societies – in this case, accentuating the role of communal property – and its direct relation to happiness.

Jefferson’s affirmation of actual, real-world proofs of alternative societies would resurface in a correspondence with William Ludlow two years later. On 30 July 1824, Ludlow, secretary of the “common stock of the Rational Brethren, and the Church of God in union,”¹²⁸ reached out to Jefferson to acquire his insights on the prospects of a new type of social organization. In a lengthy letter – nearly six pages long – Ludlow provides his views of the Society and their beliefs in how mankind would benefit from the creation of communities that hold property in common. To test such a proposition,

¹²⁷ Ibid. Emphasis added.

¹²⁸ William Ludlow to Thomas Jefferson, 30 July 1824, *Founders Online*, National Archives, <http://founders.archives.gov/documents/Jefferson/98-01-02-4438>

Ludlow along with his brother, Israel, and James M. Dorsey purchased land near Coal Creek in Indiana.¹²⁹ Intent on establishing a community “associated in scientific union,”

Ludlow describes the configuration of their future-home. He writes,

We shall suppose that fifty families hold a joint and equal interest in 3000 acres of land, their right of enjoyment, being founded upon the simple principle of moral rectitude: and that they settle upon the tract, the soil good, with water advantages for machinery. All the useful arts are understood by a sufficient number in union. The only test of fellowship, and enjoyment of all improvements to be an adherence to those established rules, that a common sense of rectitude must render evidently best. Is it not rational to believe; that by the united wisdom and actions of the associates; a far greater effect for the good of all can be produced by such organized union; than by any other method?¹³⁰

The effects of this type of society on the physical, intellectual, and spiritual condition of man are clear to Ludlow. “The associates shall be freed from that corroding anxiety and turmoil,” Ludlow contends, establishing a community defined by “a solid and permanent friendship, between those, who receive such superior and real benefits from one-another.” Ludlow believes that their experiment in Coal Creek will be essential in proving that a communitarian-led society can be implemented at-large, as he offers, “And if fifty, or a hundred families, can enjoy those effects; five hundred, or a thousand, may not be too large an association.” According to Ludlow, only a community of sharing can permit the full flourishing of mankind, enabling all to “reap the greatest

¹²⁹ See *Annual Report of the Historical and Philosophical Society of Ohio* (Cincinnati: The Abingdon Press, 1916), 119.

¹³⁰ William Ludlow to Thomas Jefferson, 30 July 1824.

possible benefit: [...] the perfection of machinery in manufacturing advantages, and the best perfected plan of education."¹³¹

Quite similar to the Blatchly letter, Jefferson opens his reply to Ludlow with an air of scientific inquiry. "We have under our eyes tolerable proofs,"¹³² Jefferson attests, speaking to the development and progression of societies. In agreement with Ludlow, Jefferson, too, believes that the promise of progress has not been fully realized, in large part due to the encroachment and usurping nature of excessive "machinery of government."¹³³ While he rejects Ludlow's claim for a return to a simpler state of society, Jefferson does delicately indicate interest for the establishment of an experiment to test a small arrangement of families living under an ethic of communal sharing. Sidney Hook points to the delicate interplay between societal form and happiness in Jefferson's thinking, stressing, "Happiness depends 'on the circumstances and opinions of *different societies,*' and is a matter of investigation and experimentation."¹³⁴ Once again, Jefferson, the scientist, reveals his passion for experimentation and an openness for seeing property held in common *contra* natural, hereditary, divine, or positive claims. "Your experiment seems to have this in view," Jefferson writes, "A society of

¹³¹ Ibid.

¹³² Thomas Jefferson to William Ludlow, 6 September 1824, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 054, image 1.

¹³³ Thomas Jefferson to William Ludlow, 6 September 1824, image 1.

¹³⁴ Sidney Hook, *The Paradox of Freedom* (Berkeley: University of California Press, 1970), 6. Emphasis added.

seventy families, the number you name, may very possibly be governed as a single family, subsisting on their common industry, and holding all things in common.”¹³⁵

Not surprisingly, Jefferson raises concerns over population growth and how communal property could be maintained in order to ensure stability. But Jefferson’s cautionary words are counterbalanced by captivation. Closing the letter in such a manner, he writes, “The experiment is interesting; I shall not live to see its issue, but I wish it success equal to your hopes, and to yourself and society prosperity and happiness.”¹³⁶ Jefferson’s wish – the erection of an intimate, fraternal, communitarian organization – would dissolve in 1832, nearly six years after his death.¹³⁷ However, the promise of a society defined by communal values, an absence of coercive power, and an attainment of happiness for its members would remain in Jefferson’s thought. Its position, however, would not be found in the American utopian socialist experiments of the 1820s and 1830s, but rather, in the distinct societies of the indigenous peoples in North America.

* * *

In the preceding sections, I have traced Jefferson’s writing on societies without government in order to demonstrate his aversion to coercive forms of political power as

¹³⁵ Thomas Jefferson to William Ludlow, 6 September 1824, image 1.

¹³⁶ *Ibid.*, image 2.

¹³⁷ See Thomas D. Hamm, *God’s Government Begun: The Society for Universal Inquiry and Reform, 1842-1846* (Bloomington: Indiana University Press, 1995), 141. Also, see “Rational Brethren (Oxford, Ohio) and Coal Creek Community and Church of God (Fountain County, Ind.), 1816-1832,” Illinois History and Lincoln Collections, Indiana State Library, collection identifier: 847, extent: 1.0 microfilm reel.

well as his belief that social organizations of this order could attain happiness. It is, however, important to problematize Jefferson's essentialist reading of indigenous societies. As Elise Marienstras has pointed out, even a Jeffersonian interpretation of nature and the frontier's potentiality to escape the defects of the Old World is contaminated by an imperialist quality. "The nature of the republic was imperialist from the very beginning,"¹³⁸ Marienstras asserts, and Jefferson's presidential policies – tainted with naivety and brutality¹³⁹ – were directly responsible for western migration and the accompanying acts of forced assimilation and genocide that followed. In a fascinating, brief letter written in 1824, Jefferson discusses, in a tone balanced with remorse, the horrors inflicted upon indigenous peoples at the hands of the American republic, writing "I wish that was the only blot in our moral history, and that no other race had higher charges to bring against us."¹⁴⁰ He is, of course, making direct reference to the violence committed upon indigenous peoples and, as well, the abhorrent continuation of slavery in the south.

¹³⁸ Elise Marienstras, "The Common Man's Indian: The Image of the Indian as a Promoter of National Identity in the Early National Era," in *Native Americans and the Early Republic*, eds. Frederick E. Hoxie, Ronald Hoffman and Peter J. Albert (Charlottesville: The University Press of Virginia, 1999), 272.

¹³⁹ For just one example of the explicit brutality, see Thomas Jefferson to George Rogers Clark, 1 January 1779, *The Papers of Thomas Jefferson*, vol. 3, 18 June 1779–30 September 1780, ed. Julian P. Boyd (Princeton: Princeton University Press, 1951), 258-259. In the original draft of this letter, Jefferson wrote, "I think the most important object which can be proposed with such a force is the extermination of the hostile tribes of Indians who live between the Ohio and Illinois who have harassed us with external hostilities [...]." This text was deleted in the final version sent to Clark.

¹⁴⁰ Thomas Jefferson to Lydia Howard Huntley Sigourney, 18 July 1824. St. Paul's School in Concord, NH owns this letter. Photostatic copy examined at the Albert and Shirley Small Special Collections Library, University of Virginia, Charlottesville, VA.

Jefferson's commitment to agrarian society was, notwithstanding, a central strain of his thinking that initiated processes of agricultural development upon indigenous communities. Convinced that their current state of progress was stunted,¹⁴¹ firmly entrenched in a hunting and gathering phase, an introduction of agriculture would benefit both indigenous peoples and the American republic alike.¹⁴² In his second inaugural address of 1805, Jefferson stresses such a position:

The Aboriginal inhabitants of these countries I have regarded with the commiseration their history inspires. endowed with the faculties & the rights of men, breathing an ardent love of liberty and independance, & occupying a country which left them no desire but to be undisturbed, the stream of overflowing population from other regions directed itself on these shores. without power to divert, or habits to contend against it, they have been overwhelmed by the current, or driven before it. now reduced within limits too narrow for the hunter-state, humanity enjoins us to teach them agriculture & the domestic arts; to encourage them to that industry which alone can enable them to maintain their place in existence, & to prepare them in time for that state of society, which to bodily comforts adds the improvement of the mind & morals. we have therefore liberally furnished them with the implements of husbandry & household use [...].¹⁴³

Jefferson continues in his promotion of an embrace of toiling the soil in an 1806 letter to the "Chiefs of the Osages, Missouri, Kansas, Ottoes, Panis, Ayowas, Sioux,

¹⁴¹ See Thomas Jefferson to Osages Chiefs, 4 January 1806. Photostatic copy examined at the Albert and Shirley Small Special Collections Library, University of Virginia, Charlottesville, VA. See also, *The Thomas Jefferson Papers* at the Library of Congress, series 1: General Correspondence, 1651-1827, microfilm reel: 035, images 1-4. Providing advice on a suitable path for development, Jefferson writes, "if you love in friendship with all human kind, you can employ all your time to secure nourishment and clothing for yourselves and your families [...]. My children, I have given this advice to all you red brothres [sic] of this side of the Mississippi: they follow it; they increase in number; they learn how to clothe themselves and to provide for their families like ourselves."

¹⁴² Fergus M. Bordewich, *Killing the White Man's Indian: Reinventing Native Americans at the End of the Twentieth Century* (New York: Anchor Books, 1996), 38.

¹⁴³ Thomas Jefferson, "Draft of Inaugural Address," in Jefferson's hand, 4 March 1805, *The Thomas Jefferson Papers* at the Library of Congress, image 3.

Poutewattamies, Foxes and Sacs" nations. He writes, "My children, you have had opportunities of seeing many things among us, you have seen how by living in peace, cultivating the earth and practising the useful arts, we, who were once but a few travellers landing on this Island, are now a great people and growing daily greater."¹⁴⁴ Continuing, he asserts, "You too possess good lands, and abundance of it, by cultivating that and living in peace you may become as we are." The shift to agricultural development was thus twofold to Jefferson and the expanding republic. It carefully ushered in a relinquishing of land, typically by exerting forms of force, while at the same time, fostering an economic climate that necessitated "Indians to participate in the commercial market"¹⁴⁵ in order to subsist.

While Jefferson's analysis of indigenous societies was flat-out incorrect on a number of fronts (a neo-classical discourse interpretation of their discursive patterns, the defense of American nature over indigenous communities, the failure to see the role that collective memory maintained, and the depiction of subjugated women,¹⁴⁶ to name just a few), his writings on the matter are significant not because of what he got correct, but rather how they could be taken up. As Matthew Crow suggests, "part of the fascination Jefferson felt with regards to Native Americans came from a desire to see

¹⁴⁴ Thomas Jefferson to Chiefs of Indian Tribes, 11 April 1806. This letter is privately owned. Examined at the Albert and Shirley Small Special Collections Library, University of Virginia, Charlottesville, VA.

¹⁴⁵ Daniel H. Usner, Jr., "Iroquois Livelihood and Jeffersonian Agrarianism: Reaching behind the Models and Metaphors," in *Native Americans and the Early Republic*, 213.

¹⁴⁶ In his *Notes on Virginia*, commenting on women in indigenous societies, Jefferson writes, "The women are submitted to unjust drudgery. This I believe is the case with every barbarous people" (63).

them as fit material for historical conjecture and political theory."¹⁴⁷ Crow's point is key precisely because it enables Jefferson's claims to be used and situated within a political context. The malleability of Jefferson's thought does not necessarily produce either a revisionist or an apologist account; rather, by drawing out his views on power, and subsequently, the ways in which power can be shared collectively, a more radical reading germinates.

This chapter has sought to call attention to those vital aspects of his writings, which produce an opening of thought that rejects claims that societies without government contained an inherent incompleteness. Rather, by sketching out Jefferson's typology of societies and then identifying specific aspects of those societies devoid of governmental form, I have suggested that the optimal setting for politics takes place in a small, communal venue. The full implication suggests that all forms of power need not necessarily be subjected to a large government-form, to a seat of singular authority and control. Rather, public opinion – even in its coercive manifestation – along with accessible channels of political power represents defining features of his radical viewpoint that offers a vision of politics without government.

My evaluation of Jefferson's understanding of power and politics in indigenous societies as well as in the Hundreds of the Anglo-Saxons focused on a political and physical terrain that was decisively non-market oriented. In the next chapter, I will

¹⁴⁷ Matthew Ellsworth Crow, "In the Course of Human Events: Jefferson, Text, and the Potentialities of Law," doctoral dissertation (Los Angeles: University of California, Los Angeles, 2011), 210.

show how Jefferson understands this communal emphasis on power in New England town hall meetings, while being situated within the market setting of the commercial republic, specifically, in opposition to the policies of his presidential administration. His response, we shall shortly see, will once again accentuate the instituting powers of collective action in a local scene.

CHAPTER 5

Democratic Momentum: Challenging the Federal Republic

Democracy, then, is less the result of a process that brings about the disappearance of the State, in a largely smooth space devoid of bitterness, than the determined institution of a space of conflict, a space against, an agonistic stage on which the respective logics of two antagonistic powers pitilessly attack each other.¹

– Miguel Abensour

Every government degenerates when trusted to the rulers of the people alone.²

– Thomas Jefferson

This chapter draws to a close our constellation alignment of key spaces of local politics that are central to a more radical democratic reading of Jefferson’s thought. In this chapter, I focus on Jefferson’s understanding of New England townships and meeting structure. As a locale oriented to the “prudential affairs”³ of the town, the organizational design of the typical township maintained a strong force of political legitimacy and autonomy. The character of the towns embodied a spirit of civic culture that shaped nearly all aspects of communal life. Central to the arrangement of the towns was an emphasis on self-government and sovereignty enacted and upheld by community members, one not entirely dependent on extra socio-legal forces.

¹ Miguel Abensour, *Democracy Against the State: Marx and the Machiavellian Moment*, trans. Max Blechman and Martin Breugh (Cambridge: Polity Press, 2011), 94.

² Thomas Jefferson, *Notes on the State of Virginia* (Boston: Lilly & Wait, 1832), 156.

³ See Massachusetts, *Acts and Resolves of Massachusetts*, vol. 1, 1692-93 (Boston: Wright & Potter Printers, 1869), Ch. 28.

Although the towns of the New England corridor were certainly connected – particularly regarding economic relations⁴ – to the dictates of the Crown pre-Revolution and then the federal republic post-ratification, town hall meetings continued to exist as essential sites for local politics. The scope of a community’s influence, deliberated over and procured through the town hall meeting, was far-reaching: the administration of local elections, the institutional governance of the town, and the frequent creation of temporary committees in times of need.⁵ In many ways, a New England town represented a bastion of democratic practices in America exhibiting a commitment to dialogue, civic engagement, and fraternity.

Jefferson’s admiration for the New England town hall setting was certainly influenced by these factors. High levels of civic participation found within town hall meetings through a *face-to-face* relationship, rather than a proxy or representative exchange, runs concurrently with his ward system, a network of ward republics that strives for action and dialogue over passivity and apathy. However, the depth of Jefferson’s esteem for the town hall locale runs much deeper than a penetrating layer of civic engagement that encases its entire structure. In Jefferson’s view, the New England town hall reveals a democratic expression that holds a unique reservoir of political

⁴ For the impact that economic concerns played on the Puritan migration to America and within New England towns, see Barry Levy, *Town Born: The Political Economy of New England from Its Founding to Revolution* (Philadelphia: University of Pennsylvania Press, 2009), 17-50.

⁵ For the democratic and highly political nature of the New England townships, particularly in the town hall meetings, see Edward M. Cook, Jr., *The Fathers of the Towns: Leadership and Community Structure in Eighteenth-Century New England* (Baltimore: The Johns Hopkins Press, 1976), 191.

potential that when set into motion reveals itself as a political force capable of destabilizing the entire configuration of the federal republic. This rests at the heart of Jefferson's understanding of local politics.

An evaluation of Jefferson's understanding of the New England town hall meeting locale helps to elucidate a central element of his political thinking, particularly the transformative capabilities of a political community to expose, rather than conceal, the inherent divisions of its composition. For Jefferson, the townships of New England exhibited an ability to potentially overturn the union as an important check on federal power during the tumultuous events that culminated in the 1807 Embargo Act. Political action of this order proceeded along lines of division that affirmed the plurality and socialness of a community, while simultaneously opening up new spaces for ongoing dialogue and participation. In this manner, Jefferson sees the town hall setting as a particular site of politics that asserts its own unique markers of identification and self-foundation in opposition to a demand for servitude over self-determination.

To proceed, and in turn, to present Jefferson's evaluation of the New England town hall meeting, I'll first turn attention to how his understanding of New England generally and the town hall meeting specifically has been treated in scholarship. Here, I suggest that scholarship has cast Jefferson as a strict southern regional thinker and political advocate. However, I argue that such a reading is severely exaggerated and misguided. Rather, I offer Jefferson's own perspective towards New England in order to

showcase not only his admiration for the region, but his desire for replication and transplantation of the township pattern to his home state of Virginia where he held “little firsthand experience with democracy.”⁶ By presenting Jefferson’s writing on New England in relation to the events of the Embargo Act of 1807, I argue that the response by New England towns across the region represents a vital element of his political thinking. The landing point we shall reach, one that animates Jefferson’s political worldview, speaks to a new understanding of politics generated along lines of division, contestation, and dialogue. In short, we shall see how the democratic potential of the New England town hall meeting – through Jefferson’s lens – demonstrates a momentum against the directives of a centralized governmental body in an attempt to convert a space of conflict into a community of fraternity and sociability.

Casting Jefferson as an Anti-New Englander

Much has been made of Jefferson’s depiction of New England, explicitly deemed as an area of scorn and condemnation by him due to the industry-driven, former cradle of aristocratic decadence, underscored by a strong ethos of Puritanism and possibly even devout monarchism at-heart.⁷ For sure, Jefferson blasted the undemocratic nature of the

⁶ Frank M. Bryan, *Real Democracy: The New England Town Meeting and How It Works* (Chicago: The University of Chicago Press, 2004), 26, fn 3.

⁷ Dirk Jan Struik, *Yankee Science in the Making: Science and Engineering in New England from Colonial Times to the Civil War* (New York: Dover Publications, Inc., 1991), 71.

Massachusetts Constitution for its reliance on property qualifications for citizenship⁸ and the fervent spirit of religiosity that thwarted an impartial, rational, and scientific examination of political issues from materializing.⁹ Cultural and economic issues between the staunch Virginian and the prestige of the northeastern mentality, marvelously illustrated by the aristocratic bent of the Adams family, certainly lend a hand in exacerbating the trope between Jefferson's southern, agrarian worldview in constant battle with the urban, commercial heavy setting of the northeast. Jefferson, indeed, was critical of the region, especially concerning Northeastern urban centers, yet his distaste for these condensed spaces of city-life – areas ripe for crime, corruption, and disease due to rapid industrialization and overcrowding – were greatly influenced by his view of European cities.¹⁰ Yet, importantly, Jefferson's dislike for cities, informed by his European journeys between 1784 and 1789, would dissipate in his later years for

⁸ Written primarily by John Adams in 1779-80 and ratified in 1780, the Massachusetts Constitution set stringent property qualifications for political office and voting. Moreover, it established the Congregational Church as the official church of the commonwealth. For Jefferson's view on the countless problems of state constitutions, see Thomas Jefferson to John Hambden Pleasants, 19 April 1824, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 054, images 1-3.

⁹ See Joseph Haroutinian, *Piety vs. Moralism: The Passing of the New England Theology* (New York: Henry Holt, 1932); Perry Miller, "The New England Consciousness," in *The Responsibility of Mind in a Civilization of Machines*, eds. Jon Crowell and Stanford J. Searl, Jr. (Amherst: University of Massachusetts Press, 1979); Sumner Chilton Powell, *Puritan Village: The Formation of a New England Town* (New York: Anchor Books, 1965).

¹⁰ For Jefferson's critique of Northern urban spaces as rampant with crime, disease, and corruption, see Jefferson, *Notes on the State of Virginia*, 173; Thomas Jefferson to Uriah Forrest, with Enclosure, 31 December 1787, *The Papers of Thomas Jefferson*, vol. 12, 7 August 1787–31 March 1788, ed. Julian P. Boyd (Princeton: Princeton University Press, 1955), 475-479; Thomas Jefferson to Jean Baptiste Say, 1 February 1804, *The Papers of Thomas Jefferson*, vol. 42, 16 November 1803–10 March 1804, ed. James P. McClure (Princeton: Princeton University Press, 2016), 380-381; Thomas Jefferson to the Trustees of the Lottery for East Tennessee College, 6 May 1810, *The Papers of Thomas Jefferson*, Retirement Series, vol. 2, 16 November 1809 to 11 August 1810, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2005), 365-366.

reasons concerning economic survival. Morton and Lucia White detail a modification of Jefferson's loyal agrarian standpoint with a tepid reception of urbanization, "His mind had been changed, [...] by his concern for national survival. He disliked its manufactures and its banks, but the international situation ultimately forced him to regard the city as an indispensable element of American life."¹¹ While the shift from Jefferson's anti-urban commentary found widely in his *Notes on the State of Virginia* to his mild embrace of cities – in conjunction, with accompanying processes of industrialization – expressed in private letters to Benjamin Austin and William H. Crawford in 1816 has been documented in scholarship, his casting as a Virginian, agrarian figure has remained resolute.¹² This exhausted narrative centered on an all-around general antagonism against all things originating from the north has thus emphatically taken root in scholarship's understanding of Jefferson's fabricated political regional rival.

Significantly, work by Gary Wills, particularly his study "*Negro President*": *Jefferson and the Slave Power*, casts Jefferson in a shrewdly Machiavellian light.¹³ Wills

¹¹ Morton White and Lucia White, *The Intellectual Versus the City* (Toronto: Mentor Books, 1964), 30-31.

¹² For example, see Richard Hofstadter, "Parrington and the Jeffersonian Tradition," *Journal of History of Ideas* 2 (1941): 391-400; Reinhold Niebuhr, *The Irony of American History* (Chicago: The University of Chicago Press, 2008), 30-32. For Jefferson's views on the necessity for American urban spaces of industrialization, see Thomas Jefferson to Benjamin Austin, 9 January 1816, *The Papers of Thomas Jefferson*, Retirement Series, vol. 9, *September 1815 to April 1816*, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2012), 333-337; Thomas Jefferson to William H. Crawford, 20 June 1816, *The Papers of Thomas Jefferson*, Retirement Series, vol. 10, *May 1816 to 18 January 1817*, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2013), 173-176.

¹³ Gary Wills, "*Negro President*": *Jefferson and the Slave Power* (Boston: Mariner Books, 2005).

argues that Jefferson was desirous to establish a southern hegemony, seeing the possible addition of slave states to the American republic as an effective tactic to destabilize the efficacy and political weight of northern merchants and, largely, the Federalists. Wills, also, takes Jefferson's involvement and advocacy for the Embargo Act of 1807 as a direct attack on the vitality and prosperity of the northern economy. As engaging as Wills' account appears, his central thesis of Jefferson as a vociferous southern nationalist, is undone by his own examination of the details concerning the events that precipitated and the subsequent outcome of the Embargo Act. In an almost redaction fashion, Wills dismisses the southern-driven motives of the embargo, relenting that the effects of such a blockade were instituted by Jefferson to protect New Englanders from British intrusions. The economic impact of the embargo was, as Wills undeniably admits, ruinous for the southern markets of wheat and cotton, as well as, chiefly tobacco.¹⁴

In addition to Wills, Peter S. Onuf sketches out a larger, more robust picture of Jefferson's nationalistic sensibilities informed by a southern milieu. Integral to Onuf's account put forth in *Jefferson's Empire: The Language of American Nationhood* is Jefferson's holding of a fundamental hostility against New England and the mercantilism of the

¹⁴ For accounts on the disastrous effect that the Embargo Act had on southern states, see Burton Spivak, *Jefferson's English Crisis: Commerce, Embargo and the Republican Revolution* (Charlottesville: The University Press of Virginia, 1979); Louis Martin Sears, *Jefferson and the Embargo* (Durham, NC: Duke University Press, 1927); Henry Adams, *History of the United States of America During the Administrations of Thomas Jefferson and James Madison*, vol. 4 (New York: Antiquarian Press, 1962), 281-283.

region.¹⁵ Whereas Wills casts Jefferson as a calculating southern strategist, Onuf paints him as a downright passionate opponent of the northeast, desirous of its ultimate destruction.¹⁶ Onuf suggests that Jefferson became alarmed that the Embargo Act and the events surrounding the War of 1812 would spur a cultivation of separationist support in the northeast. Onuf reads Jefferson as being deeply fearful that British loyalists in the region undermined the unity of the nation. To Onuf, Jefferson, while firmly secluded in Monticello away from the machinery of governmental affairs, came to believe that only the total obliteration of the northeast through military interventions would save the republic from relapsing back to the British Empire. Drawing from a letter to William Short in November 1814, Onuf uses Jefferson's projection of an imaginary war between a Virginia-led militia force and Massachusetts as the lynchpin in his assessment that Jefferson deemed the expulsion of New England as necessary for the salvation of the union.¹⁷ "The rupture of the union," Onuf asserts "would bring its real enemies out into the open," meaning, principally British loyalists and Federalists.¹⁸

¹⁵ Peter S. Onuf, *Jefferson's Empire: The Language of American Nationhood* (Charlottesville: The University of Virginia Press, 2000), 121-137.

¹⁶ Onuf also makes this point in "Missouri and the 'Empire for Liberty,'" in *Thomas Jefferson and the Changing West: From Conquest to Conservation*, ed. James P. Ronda (Albuquerque: University of New Mexico Press, 1997), 123.

¹⁷ Onuf, *Jefferson's Empire*, 125. For Jefferson's original letter, see: Thomas Jefferson to William Short, 28 November 1814, *The Papers of Thomas Jefferson*, Retirement Series, vol. 8, *1 October 1814 to 31 August 1815*, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2011), 107-111.

¹⁸ Onuf, *Jefferson's Empire*, 125.

According to Onuf, Jefferson's fantastical war would lead to the safeguarding of the union by "destroying New England."¹⁹

While the work of both Wills and Onuf illuminate an important dimension to Jefferson's thought, one that, at times, rings through with notes of northern animus particularly concerning his negative depiction of Northern cities and the region's industrialization sector, neither account fully considers his more praiseworthy writings on the region. The approach taken by Willis, Onuf, and others,²⁰ has directed its lines of inquiry on Jefferson's responses to the important events, such as the Embargo Act, War of 1812, and the Missouri crisis,²¹ in the context of policy recommendations. If we are to adhere to this strict reading of Jefferson *against* New England, then, we can conclude that his worldview and, in turn, his understanding of civic engagement only operated within a firmly entrenched southern nationalistic framework. But such an understanding is to negate the complementary side of his vision – that is, a political space that accentuates the differences held between individuals played out in politics – which is, as Arthur Scherr argues, sympathetic to New England in the attempt "to foster

¹⁹ Onuf, *Jefferson's Empire*, 121-122. Onuf produces this claim by utilizing a letter from Thomas Jefferson to James Martin on 20 September 1813. For that letter, see Thomas Jefferson to James Martin (of New York), 20 September 1813, *The Papers of Thomas Jefferson*, Retirement Series, vol. 6, 11 March to 27 November 1813, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2009), 518-520.

²⁰ See Robert E. Shalhope, "Thomas Jefferson's Republicanism and Antebellum Southern Thought," *The Journal of Southern History* 42, no. 4 (Nov 1976): 529-556.

²¹ See Kevin R.C. Gutzman, *Thomas Jefferson – Revolutionary: A Radical's Struggle to Remake America* (New York: St. Martin's Press, 2017), 76-81. Also, see Robert Pierce Forbes, *The Missouri Compromise and Its Aftermath: Slavery and the Meaning of America* (Chapel Hill: University of North Carolina Press, 2007); Alan Taylor, *The Internal Enemy: Slavery and War in Virginia, 1772-1832* (New York: W.W. Norton, 2013). For Jefferson's view, see Thomas Jefferson to Albert Gallatin, 26 December 1820, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 052, images 1-4.

a harmonious Union.”²² If we are to step back from the dominant interpretation of the Jefferson-New England relationship, a detour that brings to surface his views on the transformative powers inherent within spaces of local politics, then a fruitful dimension emerges: one that affirms the political and physical space of the New England town hall meeting as a scene that sets its sights on the creation of the new, the making of a new order rendered only possible through the “in-between space”²³ of individuals and their exercises in collective power.

*Jefferson on New England:
Nature, Space, & Division*

Jefferson’s first visit to New England occurred in May 1784. His plan was to explore the industries of the region particularly fishery and commerce to better acquire a comprehensive understanding of the national economy. Writing to his friend Edmund Pendleton in the midst of his travels, Jefferson outlines his goal for the northern journey, “I mean to go thro’ the Eastern states in hopes of deriving some knolege [sic] of them from actual inspection and enquiry which may enable me to discharge my duty to

²² Arthur Scherr, “Thomas Jefferson’s Nationalist Vision of New England and the War of 1812,” *The Historian* 69, no. 1 (2007): 5. Also, see Arthur Scherr *Thomas Jefferson’s Image of New England: Nationalism Versus Sectionalism in the Young Republic* (Jefferson, NC: McFarland & Company, Inc., Publishers, 2016), 9-22.

²³ Hannah Arendt, *On Revolution* (New York: Penguin Books, 1990), 175. For the socio-ontological implications that Arendt’s claim of “in-between” plays on political action, see Rodrigo Cordero, “It Happens ‘in-between’: On the Spatial Birth of Politics in Arendt’s *On Revolution*,” *European Journal of Cultural and Political Sociology* 1, no. 3 (2004): 249-265.

them somewhat the better.”²⁴ Appointed by Congress to serve as the primary liaison between European nations and the United States regarding trade negotiations,²⁵ Jefferson’s letter to Pendleton expresses openness to the region as well as a general sense of intrigue and thirst for exploration of the New England corridor.

Following his travels, Jefferson maintained an overall appreciation and respect for the eastern states, seen by his denunciation of Marquis de Chastellux’s regional opinions expressed in his work, *Travels in North-America in the Years 1780-81-82*. As a former general in the French Expeditionary Force under command of Rochambeau during the American Revolution, Chastellux cast a negative light over Virginia – largely in part due to its climate – resulting in an underwhelming work ethic and vast pockets of poverty.²⁶ In a well-balanced rebuttal letter written to Chastellux on 2 September 1785, Jefferson confirms an impact of the climate on his home state, yet paints the citizens of Virginia in a lively, compelling, and candid fashion. While Jefferson’s affirmation for Virginia is not surprising, what is striking is his depiction of the inhabitants of New England. In table form, Jefferson compares the characteristics

²⁴ Thomas Jefferson to Edmund Pendleton, 25 May 1784, *The Papers of Thomas Jefferson*, vol. 7, 2 March 1784–25 February 1785, ed. Julian P. Boyd (Princeton: Princeton University Press, 1953), 292-293.

²⁵ Max Beloff, *Thomas Jefferson and American Democracy* (Middlesex, UK: Penguin Books, 1972), 72, 78-81.

²⁶ François-Jean de Chastellux, *Travels in North-America in the Years 1780-81-82*, trans. George Grieve (New York: White, Gallaher, & White, 1827). See particularly, Part II: “Journal of a Tour in Upper Virginia, in the Apalachian Mountains, and to the Natural Bridge,” Ch. V, 287, 291-299.

between Virginians and New Englanders, suggesting that the former are “indolent,” “unsteady,” and “fiery,” whereas the latter are “laborious,” “persevering,” and “cool.”²⁷

In the summer of 1791, Jefferson once again returned to New England, this time with James Madison by his side. Exploring the key sites of Shays’ Rebellion as well as ecological attractions, Jefferson’s travel journal and personal correspondences detail a strong exuberance for his discovery of the northeastern terrain.²⁸ As a continuation of the methodology employed in his *Notes on the State of Virginia*,²⁹ Jefferson’s expeditionary writings carefully integrate elements of nature, such as the curvature of a river or the rolling topography of a mountain range, within a political landscape.³⁰ For Jefferson, nature is not set aside from politics, operating in a realm outside of its

²⁷ Thomas Jefferson to Chastellux, with Enclosure, 2 September 1785, *The Papers of Thomas Jefferson*, vol. 8, 25 February–31 October 1785, ed. Julian P. Boyd (Princeton: Princeton University Press, 1953), 467-470.

²⁸ For a general sketch of Jefferson’s scientific and leisure activities, see “Jefferson’s Journal of the Tour, 21 May–10 June 1791,” *The Papers of Thomas Jefferson*, vol. 20, 1 April–4 August 1791, ed. Julian P. Boyd (Princeton: Princeton University Press, 1982), 453-456. For more detailed accounts, see Thomas Jefferson to George Washington, 5 June 1791, *The Papers of George Washington*, Presidential Series, vol. 8, 22 March 1791–22 September 1791, ed. Mark A. Mastromarino (Charlottesville: The University Press of Virginia, 1999), 229-231; Thomas Jefferson to Thomas Mann Randolph, Jr., 5 June 1791, *The Papers of Thomas Jefferson*, vol. 20, 464-466; “Jefferson’s Table of Distances and Rating of Inns, 17 May–19 June 1791,” *The Papers of Thomas Jefferson*, vol. 20, 471-473.

²⁹ Thomas Jefferson, *Notes on the State of Virginia*. For Jefferson’s ecological investigations and analysis, see Queries II, IV, VI, & VII. Jefferson, then, links up the formation of rivers, mountains, vegetative and mineral deposits, as well as the regional climate of Virginia as a constituting force in the development of towns, governmental forms, constitutional creation, and laws. These political creations are thoroughly examined in Queries XII, XIII, and XIV.

³⁰ See Adrienne Koch, *Jefferson and Madison: The Great Collaboration* (New York: Oxford University Press, 1950), 114-16; Stanley Elkins and Eric McKittrick, *The Age of Federalism* (New York: Oxford University Press, 1993), 240-42.

purview;³¹ rather, nature is a necessary feature of politics, formed by the dynamic, physical forces of the political, while contained within the historical development of nature and a body politic.³² In this sense, Jefferson's classification and dissection of the Hessian fly,³³ mapping of Lake George,³⁴ and vocabulary cataloging of the Unquachog Indians,³⁵ undertaken on his northern voyage with Madison, offers insight into his understanding of political development. For example, Jefferson's investigation of the Hessian fly included thorough documentation of its "habits, life, and depredations" in order to better understand its growing destructive impact on wheat crops.³⁶ By examining nature – both in physical and animal forms – Jefferson believes that each element of a specific setting, either positively or negatively, effects the prospects for human emancipation.³⁷ Jefferson's ecological investigations are, therefore, not separate from his political worldview; rather they serve to provide a spatial and temporal

³¹ Catherine A. Holland examines this central tenet of Jefferson's political-ecological thinking, see "Notes on the State of America: Jeffersonian Democracy and the Production of a National Past," *Political Theory* 29, no. 2 (April, 2001): 195.

³² In Chapter 7, I link this claim with Jefferson's understanding of resistance embodied in the events of Shays' Rebellion. In this manner, Jefferson casts political resistance as a material force that is always present within politics, one that is necessary and productive for the vitality and health of a body politic.

³³ "II. Jefferson's Notes on the Hessian Fly, 24 May–18 June 1791," *The Papers of Thomas Jefferson*, vol. 20, 456-462.

³⁴ "V. Thomas Jefferson to Martha Jefferson Randolph, 31 May 1791," *The Papers of Thomas Jefferson*, vol. 20, 463-464.

³⁵ "VIII. Jefferson's Vocabulary of the Unquachog Indians, 14 June 1791," *The Papers of Thomas Jefferson*, vol. 20, 467-470.

³⁶ Donald Jackson, *Thomas Jefferson & the Stony Mountains: Exploring the West from Monticello* (Norman: University of Oklahoma Press, 1993), 70.

³⁷ See Myra Jehlen, *American Incarnation: The Individual, the Nation, and the Continent* (Cambridge: Harvard University Press, 1986), 57-59; Christopher Looby, "The Constitution of Nature: Taxonomy As Politics in Jefferson, Peale, and Bartram," *Early American Literature* 22 (1987): 252-273.

dimension to the possibility of democracy *within* the boundaries of the American republic.³⁸

Jefferson's overall fondness towards New England displayed in his writings during the 1784 and 1791 trips show an important context to his regional thinking. However, the real thrust of his affirmative praise for New England comes through, not in broad regional stokes, but rather in the details of his appraisal of New England town hall meetings. Approaching flat-out veneration, Jefferson views the localized, participatory, and inclusive structure of town hall meeting as the paradigmatic vehicle for an enactment of the vital principle of self-government, namely an ability for every citizen to personally engage in the administration of public affairs. To Jefferson, this "vital principle" – one crucially present in New England according to him – is necessary for the preservation of self-government.³⁹

This affirmation by Jefferson for the town hall setting is not, however, limited to the geographical region of New England. The design of Jefferson's ward republics – a subject I explored in Chapter 2 – finds its political genealogy from the town hall meetings. Jefferson's vision of a system of wards, first within Virginia, and then proliferated throughout the republic, is in a striking manner, an attempt to transplant the energy, force, and dynamic momentum demarcated within the localized northern

³⁸ Holland, "Notes on the State of America," 194-195.

³⁹ Thomas Jefferson, "Proposals to Revise the Virginia Constitution: I. Thomas Jefferson to 'Henry Tompkinson' (Samuel Kercheval)," 12 July 1816, *The Papers of Thomas Jefferson*, Retirement Series, vol. 10, 222-228.

setting back to Virginia.⁴⁰ This attempt for replication is clear in Jefferson's writings on a number of occasions.

Writing to John Adams on 28 October 1813, Jefferson distinguishes between a decisive division within society of the pseudo-aristoi, a classification that is only generated through the arbitrary bestowment of titles and status, and the Americana *homo novus*, in the form of a natural aristocracy,⁴¹ procured through the cultivation of virtue and talents underscored by a "sense of public duty."⁴² An inoculation, or as Jefferson suggests, a "separation...of the wheat from the chaff" of the pseudo-aristoi is necessary to prevent the corruption of government.⁴³ To accomplish such a demanding and important task, Jefferson resorts to the act of division; to dilute, if not flat-out, undermine the influence of an undeserving and corruptive artificial aristocratic class. Referencing his 1776 draft of "A Bill for the More General Diffusion of Knowledge" deliberated within the Virginia state assembly, a piece of legislation that advocated for the shattering of counties into smaller townships and structured around free local

⁴⁰ John Ferling, *Setting the World Ablaze: Washington, Adams, Jefferson, and the American Revolution* (New York: Oxford University Press, 2000), 165.

⁴¹ Erik H. Erikson, *Dimensions of a New Identity: The 1973 Jefferson Lectures in the Humanities* (New York: W.W. Norton & Company, 1974), 32.

⁴² J.M. Opal, *Beyond the Farm: National Ambitions in Rural New England* (Philadelphia: University of Pennsylvania Press, 2008), 7.

⁴³ Thomas Jefferson to John Adams, 28 October 1813, *The Papers of Thomas Jefferson*, Retirement Series, vol. 6, 562-568.

schools,⁴⁴ Jefferson informs Adams that the underpinnings of the bill were influenced from “*your townships*.”⁴⁵ Jefferson’s proposed path *qua* division for the dissemination of public education and the undoing of the pseudo-aristoi also contains an important political dimension to the scheme. As the wards would be defined by a self-government of public control and engagement, Jefferson believes that active, localized citizenries, such as in the case of the New England town hall meetings, possess an ability to mobilize and alter the trajectory of the federal republic. Linking the theoretical possibilities of the wards to the actualities of the town hall venue, Jefferson praises this transformative capacity, asserting, “a general call of ward-meetings by their Wardens on the same day thro’ the state would at any time produce the genuine sense of the people on any required point, and would enable the state to act in mass, as your people have so often done, and with so much effect, by their town-meetings.”⁴⁶

In a letter to John Taylor, dated 28 May 1816, Jefferson again praises the political structure of New England, this time in direct response to the problems of republican government. Fully aware of how an expansion of political space coupled with a retraction of accessible time for citizenry engagement leads to a diminution of political

⁴⁴ For a detailed schedule of proposals contained within the bill, see Thomas Jefferson to Joseph Priestley, 27 January 1800, *The Papers of Thomas Jefferson*, vol. 31, 1 February 1799–31 May 1800, ed. Barbara B. Oberg (Princeton: Princeton University Press, 2004), 339-341.

⁴⁵ Thomas Jefferson to John Adams, 28 October 1813, 562-568. Emphasis added.

⁴⁶ *Ibid.*

freedom, Jefferson provides a succinct understanding of what constitutes a republic.⁴⁷ For Jefferson, all governments contain elements of republicanism, namely a political community constituted by the sociability of citizens, yet an actualization of political freedom and equality impinges upon the degree in which the conditions of popular election and control are materialized within the composition of the particular republic. The possibility of such a political community is tentative and contingent along the “very narrow limits of space and population.”⁴⁸ Jefferson makes clear the dubious case for a robust, expansive republican government that still maintains individual liberty and popular democratic control, suggesting that the scope of self-government must be kept small and local. Challenging the idea of a vast, commercial republic, Jefferson offers his vision of the ideal size and composition of a political community, arguing, “I doubt if it would be practicable beyond the extent of a New England township.”⁴⁹

Just two months following his letter to Taylor, Jefferson once again took up the troubling issue of space for a republic, suggesting that it “would be impracticable beyond the limits of a city, or small township.”⁵⁰ In the same letter to Samuel Kercheval, Jefferson locates the *modus operandi* for active political engagement that characterizes the scene of localized politics. Rebuffing the idea that a constitution perfectly encapsulates

⁴⁷ See Major L. Wilson, *Space, Time and Freedom: The Quest for Nationality and the Irrepressible Conflict, 1815–1861* (Westport, CT: Greenwood Press, 1974), 11.

⁴⁸ Thomas Jefferson to John Taylor, 28 May 1816, *The Papers of Thomas Jefferson*, Retirement Series, vol. 10, 86-90.

⁴⁹ Thomas Jefferson to John Taylor, 28 May 1816, 86-90.

⁵⁰ “Proposals to Revise the Virginia Constitution,” 222-228.

the will of a nation, Jefferson offers an alternate setting for the maintenance of the American republic: “in the spirit of our people.”⁵¹ Jefferson’s location of republicanism within in the spirit of a people, rather than in constitutional form is revealing as it points to precisely where he situates such an important element to the republic. In opposition to popular control, Jefferson claims that the federal judicial branch maintains an unruly and intractable power within the republic. The powers endowed within the court system, such as the ability to appoint juries, as well as their irremovable status casts them as a despotic force *independent* from public control. While Jefferson is not necessarily challenging the importance of an independent judiciary, one free from the sway of political pressure, his real concern rests along an intrusive scope of the judiciary branch into public affairs that should be confined to the people as well as the absence of proper methods for recall of court officials. Attacking the omnipotent nature of the judiciary, Jefferson offers, “justices of the inferior courts are self-chosen, are for life, and perpetuate their own body in succession forever, so that a faction once possessing itself of the bench of a county can never be broken up, but hold their county in chains, forever indissoluble.”⁵² Jefferson’s mistrust of a federal judiciary in general, extending even to the Supreme Court, greatly underscored his presidential decisions – in collaboration with the more radical members of his party – to circumvent, if not flat-

⁵¹ Ibid.

⁵² Ibid.

out destroy, the powers of the federal court system.⁵³ Jefferson's deeply held suspicion of concentrated federal seats of judicial authority strongly emanate throughout his letter to Kercheval, offering instead, an alternative judicial design that vests more authority at state and local levels. He continues with a probing, yet rhetorical question, aiming to untangle the principles of republicanism with a federal judiciary, asking, "where then is our republicanism to be found?"⁵⁴ The answer is clear to him. Since the constitution exists as a legitimizing force that insulates the despotic tendencies of the judiciary, ultimately leading to an erosion of republican principles of self-government, only the people exist as the necessary – and legitimate – depositories of a spirit of republicanism.

Jefferson is aware that his desire for the public appointment and removability of judges is already in practice in one New England state, specifically, Connecticut. Elected every six months and subject to public recourse, Jefferson views this experiment in public control over the judiciary at the state-level in complimentary terms. He attests, "in one state of the Union at least it has been long tried and with the most satisfactory success."⁵⁵ However, Jefferson insists that if popular election of judges are to be deemed unfavorable, then federal appointments should be relegated to the executive branch alone, rather than violating a separation of powers between the executive and legislative branches. Jefferson writes, "by leaving nomination in it's proper place among

⁵³ See Richard E. Ellis, *The Jeffersonian Crisis: Courts and Politics in the Young Republic* (New York: Oxford University Press, 1971), 234-242.

⁵⁴ "Proposals to Revise the Virginia Constitution," 222-228.

⁵⁵ *Ibid.*

executive functions the principle of the distribution of power is preserved, and responsibility weighs with its heaviest force on a single head.”⁵⁶ Yet, in matters concerning a state court system, it is from this point, an emulating praise of the direct control of state judges found in New England, that Jefferson quickly transitions into a discussion of his ward system. Adopting the practices seen in Connecticut at the local level, and importantly, the spirit of republicanism embodied not in constitutional form, but through a commensurate sociability of the people, Jefferson posits, “The justices thus chosen by every ward, would constitute the county court, would do its judiciary business, direct roads and bridges, levy county and poor-rates, and administer all the matters of common interest to the whole county.”⁵⁷ He continues, “these Wards, called townships, in New England, are the vital principle of their governments, and have proved themselves the *wisest invention* ever devised by the wit of man for the perfect exercise of self-government, and for its preservation.”⁵⁸

Jefferson’s expression of the central role that a small, localized public space plays for the preservation of republican principles is firm. By redirecting a path of civic identity and action away from the contours of constituted authority, Jefferson’s appraisal of the New England town hall meetings and the region, more generally, point to the very question of the political. An identification of the spirit of republicanism *qua*

⁵⁶ Ibid.

⁵⁷ Ibid.

⁵⁸ Ibid. Emphasis added.

the people elevates a primacy of the political *over* a deduction of myriad forms of civic action confined to a restrictive space demarcated by the Constitution. In this sense, the design of the wards or even the New England townships offers a multitude of pathways for citizens to engage in the tasks of full-citizenship.

Throughout the winter of 1823 and the summer months of 1824 and 1826, Jefferson engaged in a series of correspondences with Maryland merchant and businessman Littleton Dennis Teackle.⁵⁹ Seeking out guidance for the creation of a public education system that would focus on the principles of political economy, Teackle was directed by the Maryland House of Delegates to contact Jefferson and acquire his insights into the matter. Although their letters are primarily concerned with introducing education reform legislation, Jefferson offers Teackle his most prized and valuable advice. Written in short, episodic form, due to his deteriorating health, Jefferson proposes a bold idea to bring about radical change: “the subdivision of counties into districts, called townships to the North and wards here is one of the wisest, smartest basis of a republican government which has ever occurred to the wit of man.”⁶⁰

Jefferson’s point here is not off-topic for Teackle’s predicament. Rather, it reveals

⁵⁹ See Thomas Jefferson to Littleton Dennis Teackle, 22 June 1824, *Founders Online*, National Archives, <http://founders.archives.gov/documents/Jefferson/98-01-02-4345>. Also, see Thomas Jefferson to Littleton Dennis Teackle, 31 March 1826, *Founders Online*, National Archives, <http://founders.archives.gov/documents/Jefferson/98-01-02-6002>.

⁶⁰ Thomas Jefferson to Littleton Dennis Teackle, 14 February 1823, *Founders Online*, National Archives, <http://founders.archives.gov/documents/Jefferson/98-01-02-3325>. In the letter, the word “smartest” appears as “S[. . .]mest.” This is most likely due to Jefferson’s poor health at the time of writing.

Jefferson's belief in the value of public education. For Jefferson, individuals and political communities require accessible space for intellectual and civic maturation. This separate realm, yet one not entirely detached from the overall federal republic, is firmly rooted in a local setting. Jefferson's prescription to Teackle, then, enables us to confront the main thrust of his view of the New England town hall setting and its relation to politics. Rather than obfuscate the inherent divisions of society via a federal configuration, Jefferson envisions a local community as capable of exposing intra-society, principally through education and deliberation over public affairs, lines of exclusion predicated upon title, rank, and birth.

As we saw in his October 1813 letter to John Adams, the notion of division strongly resonated in Jefferson's thought, particularly concerning the issue of aristocracy. A few years later, in a letter to Wilson Cary Nicholas on 2 April 1816, Jefferson once again returns to the idea of division. In the letter, Jefferson stresses a relationship between public education and politics. The relation between accessible public schools and a partitioning off of public space for political engagement is vital, stressing an importance of education, training, and dialogue freed from philosophical and economic coercion. Moreover, the letter further reveals a crucial evolution in Jefferson's thinking that sees how the role division can play beyond signifiers of class and status. For Jefferson, division can now be used to remedy political deficiencies. Expressing his admiration for division, he writes,

My partiality for that division is not founded in views of education solely, but infinitely more as the means of a better administration of our government and the eternal preservation of its republican principles. the example of this most admirable of all human contrivances in government is to be seen in our Eastern states; and its powerful effect in the order and economy of their internal affairs, and the *momentum* it gives them as a nation, is the single circumstance which distinguishes them so remarkably from every other national association.⁶¹

Jefferson's language, here, is direct. Division acquires a vital dimension enabling a safeguarding of public space for politics. Once again, Jefferson links the assurance of public space within the townships of New England, frequently referred to as "eastern states" in his writings.

Nearly seven years after this revealing letter, Jefferson communicated with William Cabell Rives, representative in the Virginia House of Delegates for Albemarle County, concerning an ongoing effort for a statewide reform of primary schools. Seeking guidance, Jefferson continues to profess the need for division. He affirms,

I think you will find the Massachusetts [sic] plan the most simple, and most easily accommodated [sic] to our circumstances. indeed it differs from the bill I originally gave mr Cabell on this subject no further than local circumstances required, and particularly in the substitution of specific for pecuniary contributions. you will find in that bill some provisions which you may think proper to introduce into the new system to be proposed. it is laid on the same basis as that of Massachusetts [sic], a division into what they call Townships, but I would call by the more orthodox name of Wards. this will be the entering wedge of incalculable good.⁶²

⁶¹ Thomas Jefferson to Wilson Cary Nicholas, 2 April 1816, *The Papers of Thomas Jefferson*, Retirement Series, vol. 9, 623-629. Emphasis added.

⁶² Thomas Jefferson to William Cabell Rives, 13 January 1823, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 053, image 1.

In light of the two passages addressed to Wilson and Rives, division for Jefferson is therefore a *sine qua non* to self-government. Merrill D. Peterson carefully identifies this crucial infusion of training for public affairs within the New England scheme of education. Peterson writes,

The principle of public education was not new: common schools had existed in New England for generations. In fact, the principal difficulty of Jefferson's plan was the attempt to introduce a system borrowed from the close-knit environment of New England into the spread-out rural environment of New England. But the plan broke sharply with the essentially religious ideal of New England education, *substituting for it the citizen-republicanism of the new nation*.⁶³

For Jefferson, then, the educational and political design used throughout New England served as a crucial model for emulation, coupled with careful modifications, for the training of a new generation of American citizens. Up to this point, I have carefully identified four points of division central to Jefferson's thought: i) physical space; ii) educational boundaries; iii) the Americana *homo novus* in battle against the pseudo-aristoi; and finally, iv) institutions concerning public affairs. What these areas of division reveal is an opening to Jefferson's understanding of politics rooted in a local scene.

To recapitulate, Jefferson's understanding of New England town hall meetings takes on a transformative dimension, one that is generated and sustained by an active

⁶³ Merrill D. Peterson, *Thomas Jefferson & the New Nation: A Biography* (London: Oxford University Press, 1970), 151. Emphasis added.

momentum and training of citizens in a local setting. The nature of the town hall, as understood by Jefferson, denotes a gap between the constituted power structure of the federal republic and the potential for an expression of constituent power by the people. To speak of a gap in this manner, is thus to signify a distancing between the *people of the local* and the *fixed seats of authority of the federal republic*. For Jefferson, then, the townships of New England represent an attempt to diminish the chasm between the people and federal republic. Moreover, in Jefferson's view, local politics of the New England townships maintain a potential to obliterate the gap between the local and federal through an arrival of force that can profoundly thwart the direction of the entire nation.

Democratic Momentum: Challenging the Embargo

The most revealing aspect of Jefferson's thinking on the New England town hall setting is directly related to the issue of the Embargo Act of 1807. During his second presidential term, Jefferson was confronted with the problem of escalating hostilities against American merchants and cargo vessels by British and French forces. Embroiled in the Napoleonic Wars, these two nations opposed Jefferson's policy of neutrality, frequently ransacking and confiscating American cargo and seamen.

Following the Chesapeake Affair,⁶⁴ a deliberate attack against US sovereignty by the British warship *Leopard*, Jefferson recommended an economic solution in the form of an embargo to avert a full-scale war.⁶⁵ Passed by Congress on 21 December 1807, the embargo proved to greatly test Jefferson's reflexive approach to political office, as it was strongly detested by New Englanders, due to its adverse economic impacts. While public sentiment throughout the nation praised the war-thwarting effect of the embargo, many throughout New England clamored for, at the very least, modifications to assuage its stringent restrictions, if not a flat-out repeal of the embargo. Growing outrage continued throughout 1807 and 1808, prompting Congress and Jefferson to act.⁶⁶ Noble Cunningham Jr. details the uproar emerging from New England, writing,

Soon after Congress assembled in November 1808, petitions seeking the repeal of the embargo poured into the legislature. The largest petitioning effort came from Essex, County, Massachusetts, which sent petitions from sixteen towns. The petitions were in printed form with the name of each town written in and each petition accompanied by from two to fifteen pages of signatures. The eighty-six pages of signatures appended to the sixteen petitions contained 4,101 names.⁶⁷

In response, the House Foreign Affairs Committee was tasked with re-examining the embargo and crafting alternative paths of recourse, recommending to Jefferson that only Britain and France remain included in the embargo, ostensibly reopening trade

⁶⁴ For a detailed account of the internal discussions of the Jefferson Administration following the Chesapeake Affair, see Dumas Malone, *Jefferson and His Time: Jefferson the President, First Term, 1801-1805* (Boston: Little, Brown and Company, 1970), 562.

⁶⁵ Sears, *Jefferson and the Embargo*, 48.

⁶⁶ Spivak, *Jefferson's English Crisis*, 180.

⁶⁷ Noble Cunningham Jr., *The Process of Government under Jefferson* (Princeton: Princeton University Press, 1978), 312.

routes to South American markets.⁶⁸ Unable to resist mounting pressure expressed by petition writing campaigns and public rallies,⁶⁹ Jefferson acquiesced and heeded Congress' recommendation, signing into law the Non-Intercourse Act on 1 March 1809, a mere three days before ending his tenure in the White House.⁷⁰

The resistance *against* the embargo speaks to the collective endeavors of New Englanders to form into a sectional oppositional force.⁷¹ The local, direct, and unremitting practices of the citizens within the town hall setting unleashed a pulsating fervor that exploded upon the national scene. Fixed at the micro-level, the town hall meeting emerged as "a contested form of political action" that saw an infinitude of individuals coalesce into a singular political voice strong enough to tilt the federal government towards capitulation.⁷²

In my evaluation of how the idea of division functioned in Jefferson's thought, I presented his understanding of how its extension within the realm of public affairs unleashed a momentum that took on a decisively political function. It was from this momentum-as-method that the New England townships resisted Jefferson's

⁶⁸ Reginald C. Stuart, *The Half-Way Pacifist: Thomas Jefferson's View of War* (Toronto: University of Toronto Press, 1978), 48.

⁶⁹ James Duncan Phillips, "Jefferson's 'Wicked Tyrannical Embargo,'" *The New England Quarterly* 18, no. 4 (Dec., 1945): 470-471. For the various forms of resistance and efforts to end the embargo by New Englanders, see Thorp Lanier Wolford, "Democratic-Republican Reaction in Massachusetts to the Embargo of 1807," *The New England Quarterly* 15, no. 1 (Mar., 1942): 35-61.

⁷⁰ Stuart, *The Half-Way Pacifist*, 48.

⁷¹ Joseph A. Conforti, *Imagining New England: Explorations of Regional Identity from the Pilgrims to the Mid-Twentieth Century* (Chapel Hill: The University of North Carolina Press, 2001), 120-121.

⁷² For a conceptualization of the post-revolutionary crowd and its democratic potential, rather than strictly sociological, see Jason Frank, *Constituent Moments: Enacting the People in Postrevolutionary America* (Durham, NC: Duke University Press, 2010), 82.

presidential policies, publically appearing between the poles of the people and the federal republic. In his 2 April 1816 letter to Wilson Cary Nicholas, Jefferson affirms this dynamic energy of momentum exhibited by the eastern states in reference to his call for division across governmental institutions. However, if we are to place this understanding of momentum in dialogue with Jefferson's view of the sectional resistance in opposition to the embargo, then an important radical democratic dimension emerges.

In a correspondence with Joseph C. Cabell, Jefferson asks, "how powerfully did we feel the energy of this organisation in the case of the Embargo?"⁷³ His response points directly to a specter of democratic action,

I felt the foundations of the government shaken under my feet by the New England townships. there was not an individual in their states whose body was not thrown, with all it's momentum, into action, and altho' the whole of the other states were known to be in favor of the measure, yet the organisation of this little selfish minority enabled it to *overrule the Union*.⁷⁴

The political practices of New England townships, thereby, created a fissure in the organizational pattern of the federal republic through an eruptive and oppositional pressure. The ability of localized democratic energies to thwart a continuation of the embargo represents a process that forced the federal government into de-escalation. At the same time, it suggests that small political units possess a potential to transcend a

⁷³ Thomas Jefferson to Joseph C. Cabell, 2 February 1816, *The Papers of Thomas Jefferson*, Retirement Series, vol. 9, 435-439.

⁷⁴ Thomas Jefferson to Joseph C. Cabell, 2 February 1816, 435-439. Emphasis added.

policy-paradigm of federal governance, taking on an entirely more democratic dimension, one that destabilizes the very pillars of federal power. The communal structure of New England townships speak to an ability of individuals to erect a sovereign political community outside of the organs of the federal republic, functioning critically as a critique of executive power.⁷⁵ Exemplar in its ability to temporarily suspend a configuration of federal power and control embodied in constituted form, the energies of the townships, fortified within the parameters of a localized scene of democratic practices, established its very own kind of society on its terms. This signifier of democratic power was consummated through an intimate and communal sociability that stood diametrically opposed to a social existence of conformity devoid of political inclusivity.

Jefferson closes his letter to Cabell by alluding to his theorization of the ward system. Making mention to Cato's infamous proclamation of *Carthago delenda est*, Jefferson, too, advances his own political maxim of division, "divide the counties into wards."⁷⁶ Importantly, then, what does Jefferson's letter to Cabell signify? In a manner analogous to my discussion on the ward system, the Hundreds, indigenous tribal councils, and experimental communes, Jefferson's appraisal of New England town hall meetings confirm his belief in a local scene as the optimal setting for politics. Further,

⁷⁵ See Bradley D. Hays, "A Place for Interposition - What John Taylor of Caroline and the Embargo Crisis Have to Offer Regarding Resistance to the Bush Constitution," *Maryland Law Review* 67, no. 1 (2007): 202.

⁷⁶ Thomas Jefferson to Joseph C. Cabell, 2 February 1816, 439.

Jefferson's letter to Cabell is revealing two-fold: firstly, it points to how politics maintains a creative power, an ability to splinter the totality of centralized power, enabling an appearance of the people on a national stage; and, secondly, democratic training, dialogue, and action produces an incessant energy that bonds individuals into a collective identity, sustained through ongoing interactions with others.⁷⁷ In sum, these two central features further suggest that Jefferson envisions *local spaces* as the optimal setting for a playing-out of democratic politics and an exercising of civic duties.

It is precisely in this aspect that the townships of New England maintain a valuable aspect in the Jeffersonian imagination. As the wish of the network of New England townships was to force the repeal of the Embargo Act, the citizens of these dissenting enclaves hoped that their own political and economic interests would alter the trajectory of the Jefferson Administration. However, to Jefferson their actions represented something much more profound: a democratic expression of the people to win a space of its own through deliberation and action.

* * *

In my survey of spaces of radical politics, I have sought to excavate the optimal terrain for politics within the Jeffersonian imagination. Drawing from distinct settings, I utilized a conceptual and historical approach to showcase how local spaces exist as a

⁷⁷ See Joseph Francis Zimmerman, *The New England Town Meeting: Democracy in Action* (Westport, CT: Praeger Publishers, 1999), 3.

training ground for individual and civic cultivation as well as a communal forum for democratic expression.

The manner in which these spaces (politically and physically) have been assessed in Jefferson's thought has been vastly unexplored and malnourished. What my constellation alignment reading has shown is that the problems of political time-space necessitates the creation, accompanied by a constant re-winning, of an actual physical space for the effective realization of politics. In this manner, politics is the relentless quest for a home, an area that the people can call its own, a struggle caught between an exodus into the wilderness and the promissory attainment of a homeland.

In the next two chapters, Part III, I extend my examination of Jefferson's political vision to his understanding of the pivotal break by the colonists from the Crown and the agrarian resistance of Shays' Rebellion. An interrogation of these events of political action will help to form the *method* envisioned by Jefferson for a winning of the political and a revitalization of a body politic. By exploring this side of Jefferson's thought, I argue that he maintains a resolute commitment to both revolutionary action and cyclical expressions of resistance against encroachments that attempt to erode or challenge the rights of individuals. In this sense, constant vigilance and, at times, direct action by the people, is necessary for the safeguarding of freedom and the establishment of a political community for all.

PART III

Events of Political Action

CHAPTER 6

Jefferson's Revolution: 1776, A Democratic Experience

In the age of freedom, equality, and new beginnings, revolution emerges as the term for a continuous and inexorable push for the realization of these values against the old regimes that denied them both legitimacy and actuality.¹

– Wendy Brown

These facts have given the last stab to agonizing affection, and manly spirit bids us to renounce forever these unfeeling brethren.²

– Thomas Jefferson

In Part I of this study, I further developed Hannah Arendt's consideration of Jefferson's ward system by suggesting that the primary objective of his political vision sought to institute a politics of all. In Part II, I surveyed the Jeffersonian imagination to identify the optimal setting for politics, namely a localized public space populated by active, duty-bound citizens. In Part III, I move beyond the objective and setting of his political scheme, turning particular attention to the *method* for creation and rehabilitation of a body politic. Specifically, I argue that Jefferson understands *revolutionary action* and

¹ Wendy Brown, *Edgework: Critical Essays on Knowledge and Politics* (Princeton: Princeton University Press, 2005), 102.

² See Thomas Jefferson, "Fragment of the Composition Draft of the Declaration of Independence, before 29 July 1776," *The Papers of Thomas Jefferson*, vol. 1, 1760–1776, ed. Julian P. Boyd (Princeton: Princeton University Press, 1950), 420–423. In Jefferson's subsequent draft, commonly cited as the "original Rough draught," this line of text was crossed out and then deleted. However, Jefferson's intent behind the phrase "last stab" will reemerge in his call for the American colonists' to "forget our former *love* for them." It will, importantly, point to the moral gravity of revolutionary action and necessity for separation.

political resistance as both a means and ends to create a political society devoid of artificial stations of privilege and rank.

In this chapter, I offer Jefferson's interpretation of the historic separation of the American colonists from the British Empire by unpacking his vision of revolutionary action as a continuous process aimed at political and societal transformation. Primarily, Jefferson's thinking *on* revolutionary action situates 1776 as a commencement point in a continuum of political action initiated by the colonists that extends into the future without a fixed termination point. In this light, key moments ranging from the public exhibition of the *Declaration of Independence* to the Siege of Yorktown to the signing of the Treaty of Paris symbolize *events of political action* within a politico-historical sequence that always aims for human emancipation. From my heterodox reading of Jefferson, the actions of the American colonists thus come to signify an *event of political action* against excessive governmental power: a series of ongoing clashes that challenge the very idea of an omnipotent government devoid of the people, while striving to create new spaces of sociability and fraternity for the exposition of public affairs.

Importantly, I argue that Jefferson's vision of revolutionary power detailed in his writings from 1774-1776 exists as a precursor to his later articulation of a politics of all made possible through political action: a destabilization of hierarchical governmental power by political subjects to institute a political community inclusive of all. For Jefferson, the American Revolution appears – on the world's stage – as a genuine

democratic experience through actions of social-historical subjects striving for political status in order to create a public space that is *truly public* for all. The upshot of this entry into Jefferson's thought is an illumination of his understanding of revolutionary action and political resistance.³ Such a position will aid in uncovering Jefferson's view of the transformative potential of a revolutionary process; marking a ruptural opening of the political onto the people in the present-moment.

To expose this central feature of Jefferson's political vision, I first turn to his writings in the lead-up to 1776 and, then, importantly, to the *Declaration of Independence*. In Chapter 3, I presented Jefferson's discussion of ancestral legitimacy inherited from the Anglo-Saxons as a central aspect of localized politics, which retained sole possession of law-creation and property-relations. Specifically, I utilized "A Summary View of the Rights of British America" (1774) to emphasize his claim of a natural right of migration. In this chapter, I offer a fuller exegesis of this key pre-revolution text in order to draw out, in addition to an ancestral claim, Jefferson's *political* claim for American separation. While this premise will proceed along the line of civic importance it will also be underscored by Jefferson's emphasis on a reordering of the American body politic in order to purge moral imperfections and promote progress achievable through a revolutionary process.

³ Dan Sisson notes that Jefferson's thinking between revolutionary action and resistance, or understood as insurrectionary action, were "almost indistinguishable." See Dan Sisson, *The American Revolution of 1800: How Jefferson Rescued Democracy from Tyranny and Faction – And What This Means Today* (San Francisco: Berrett-Koehler Publishers, Inc., 2014), 41.

To unpack the origins of Jefferson's political claim as well as how the grievances are directly concerned with the civil rights of the colonists, a brief examination of principal acts passed by Westminster Parliament and enforced in British America is necessary. In so doing, I will show how his political claim for independence is comprised of three essential components, concerning the issues of 1) legislative power, 2) arithmetic legitimacy, and 3) non-arbitrary legal protections.

Following my discussion on Jefferson's political claim, I shift focus to how revolutionary action imports an ethical call to action as presented in his *Declaration* as well as his view of the French Revolution. Importantly, this shift to a moral plane draws to the surface how Jefferson understands revolutionary action as an ongoing process, one elevated to a plane of political, social, and ethical obligation, directly aimed at the attainment of freedom, equality, and happiness. Finally, my evaluation of Jefferson's view on revolutionary action will conclude by moving beyond the events of the American and French revolutions to a germ of his thinking that incites a key interplay between revolution and resistance. Such a delicate exchange will expose an opening to his unconventional, yet radically democratic vision of civic duty and citizenship. To begin, I now turn to important historical moments and political responses between Great Britain and the colonists that helped to shape Jefferson's position on separation and, ultimately, a reopening of the political *qua* revolutionary action, before exploring his key revolutionary-focused and post-revolution writings.

British Acts, Colonial Protests, & A Theory of Non-Freedom

Following the end of the French and Indian War, Great Britain was facing a debt crisis. The high financial tolls of the military campaign impelled British Prime Minister George Grenville to employ methods for a massive reduction in debt. While a simple flat-tax imposed on certain goods across the commonwealth was a possible recourse, Grenville and Parliament opposed such a plan for two primary reasons. Firstly, Grenville desired reducing local taxes at-home to appease mainland Brits and, secondly, Parliament sought an establishment of a permanent standing military force in the British American colonies to safeguard the frontier against encroachments by indigenous peoples. As a solution, Grenville turned his sights on British America as means to achieve both goals.

The first plank of the debt-reduction and military establishment plan was passed in April 1764 as the American Revenue Act, or commonly referred as the Sugar Act of 1764.⁴ Marking the first instance of Parliament exercising its perceived right of taxation over the colonists, the act imposed duties on molasses, coffee, textiles, and wine, while additionally restricting the export of iron and silk exclusively to Great Britain.⁵ Although the Sugar Act of 1764 was met with resistance by the colonists in the form of boycotts and the creation of a Committee of Correspondence in Massachusetts to

⁴ For studies that examine the development and implementation of the Sugar Act, see Bernhard Knollenberg, *Origins of the American Revolution, 1759-1776*, ed. Bernard W. Sheehan (Indianapolis: Liberty Fund, 2002); Charles R. Ritcheson, *British Policies and the American Revolution* (Norman: University of Oklahoma Press, 1954).

⁵ Allen S. Johnson, "The Passage of the Sugar Act," *William and Mary Quarterly* 15 (1959): 507-514.

coordinate formal objections across the colonies, it failed to generate sufficient revenue for a total reduction of debt.⁶

In March 1765, Grenville pressed Parliament again to authorize another round of taxation on the colonies in order to raise revenue. Parliament complied with Grenville's request, passing the Stamp Act of 1765 on 22 March 1765.⁷ Under this act, taxes were levied on all legal documents, newspapers, and pamphlets. Protests against the tax erupted across the colonies. In June 1765, James Otis proposed that a formal body be erected to deal with the tax and devise a strategy for its repeal. Nine colonies enlisted Otis' invocation forming the Stamp Act Congress, subsequently drafting the "Declaration of Rights and Grievances," which emphasized that legitimate taxation necessitated political representation.⁸ Outcries towards the Stamp Act also took a less-formal and more forceful path in port cities across the eastern coast. Associations referring to themselves as the Sons of Liberty initiated far-reaching boycotts of the distribution of stamps, sparking violent protests, resulting in the destruction of homes

⁶ Allen S. Johnson, *A Prologue to Revolution: The Political Career of George Grenville (1712-1770)* (Lanham, MD: University Press of America, Inc., 1997), 170-175.

⁷ P.D.G. Thomas, *British Politics and the Stamp Act Crisis: The First Phase of the American Revolution, 1763-1767* (New York: Oxford University Press, 1967).

⁸ "Declaration of Rights and Grievances of the Colonists, October 19, 1765," in *Essential Documents of American History, vol. I: From Colonial Times to the Civil War*, ed. Robert Blaisdell (Mineola, NY: Dover Publications, 2016), 72-75.

of prominent stamp distributors and political elites, such as the Lieutenant Governor of Massachusetts Thomas Hutchinson.⁹

As growing unrest mounted in the colonies, mainland Britain was dealing with its own political uncertainty. The hostile response, particularly the boycotts of British goods by the colonists resulted in a strong pushback by British merchants against Grenville's tax-reduction plan.¹⁰ With calls for its repeal percolating in the colonies and at home, Grenville's tenure as Prime Minister was short-lived with Charles Watson-Wentworth, the 2nd Marquess of Rockingham replacing Grenville in late 1765. The change in leadership brought with it an oppositional voice against the implementation of the Stamp Act and Parliament quickly responded, repealing the act on 17 March 1766.¹¹

While the repeal of the Stamp Act marked an important stifling of Westminster's encroaching taxation policy, the passage of the Declaratory Act would prove to be far more noxious to the colonists' understanding of sovereignty and arbitrary power. Passed on the same day as the repeal of the Stamp Act, the Declaratory Act marked a

⁹ Gordon S. Wood, "A Note on the Mobs in the American Revolution," *William and Mary Quarterly* 23 (1966): 635-642. Also, see Andrew P. Peabody, "Boston Mobs Before the Revolution," *Atlantic Monthly* 62 (1888): 321-333.

¹⁰ John Brewer, *Party Ideology and Popular Politics at the Accession of George III* (Cambridge: Cambridge University Press, 1981), 240-257.

¹¹ Jack M. Sosin, "A Postscript to the Stamp Act. George Grenville's Revenue Measures: Drain on Colonial Specie?" *American Historical Review* 63 (1958): 918-923.

bold effort by Westminster to reassert its authority *over* the colonies.¹² Drawing from the Navigation Act of 1651 and the Irish Declaratory Act of 1719, the act stated that Parliament retained the “full power and authority” in order to bind the colonies as subjects of the crown “in all cases whatsoever.”¹³ The passage of the act marked a decisive shift in how the colonists saw not only their relationship with mainland Britain, but also how Parliament and the Crown existed as crucial impediments to self-government.

The absence of political representation only exacerbated the dilemma of the colonists, yet a larger issue, was also at-play. In a profound manner, the colonists now saw themselves reduced to the status of a slave, beholden to an arbitrary power located thousands of miles away from British America. The colonists were no longer free British subjects, but under the authority of another. In classical Roman republican terms, the free-men of British descent had acquired, *qua* the image of the Crown, a master (*dominus*) and were thrust into a codependent relationship of domination (*dominatio*). The inability of the colonists to see themselves as free subjects speaks to a rampant usage of the word “slave” by American Whigs. From 1765 to the 1776, the term of

¹² See Bernhard Knollenberg, *Growth of the American Revolution, 1766-1775*, ed. Bernard W. Sheehan (Indianapolis: Liberty Fund, 2003), 10-17.

¹³ Danby Pickering, “The Declaratory Act, March 18, 1766,” in *The Statutes at Large from 1225 to 1867* (Cambridge: Printed by Bentham, for C. Bathurst, London, 1762-1869).

“slave” was the most commonly used phrase by the colonists to depict their condition,¹⁴ succinctly articulated in the 1772 Boston Town Resolution. Collectively drafted and approved by the inhabitants of Boston, the text asserts, “We are degraded from the rank of free subjects to the despicable condition of slaves.”¹⁵

The growing sentiment by the colonists at the time – a despicable state of non-freedom placed upon them by a foreign arbitrary power – found important commonalities with the eighteenth century Whig movement in England, particularly in its more radical manifestations. No greater influence can be found pertaining to the colonists’ inability to see a possibility of freedom than in the writings of John Trenchard and Thomas Gordon. Written and published between 1719 and 1723, *Cato’s Letters* were widely concerned with civil liberty, the degeneration of morality, and the growing threat of tyranny within the commonwealth. In Letter No. 62, the two British writers directly confront the dangers of arbitrary power and how such a power dynamic eradicates personal autonomy. The effects of an unequal power exchange are far-reaching, according to Trenchard and Gordon, resulting in a political climate marked by violence and uncertainty. But beyond the erasure of stability *qua* an equilibrium of private and public liberty that is initiated by the full force of arbitrary power, the letter points to the substantive content of a positive theorization of freedom. “Liberty is, to

¹⁴ John Phillip Reid, *The Concept of Liberty in the Age of the American Revolution* (Chicago: The University of Chicago Press, 1988), 92.

¹⁵ Cited in Philip Pettit, *Republicanism: A Theory of Freedom and Government* (Oxford: Clarendon Press, 2002), 34.

live upon one's own terms," the writers maintain, affirming a necessity for individual autonomy as well as the absence of an external force over free subjects. For Trenchard and Gordon, the antithesis of liberty is flat-out devastating: "slavery is, to live at the mere mercy of another."¹⁶

This framing of liberty, and importantly, its full conceptual scope pertaining to a particular understanding of slavery outside the realm of chattel slavery, strongly resurfaced, not simply in the rhetoric of the colonists, but in the lexicon of ardent British supporters of the American case. Notably, Joseph Priestley and Richard Price expound upon this idea of liberty.¹⁷ In *An Essay on the First Principles of Government*, Priestley takes direct aim at the full force of the Declaratory Act on the American colonists and its repercussions for a continuation of abusive powers. "But in all cases, when those who lay the tax upon others exempt themselves, there is *tyranny*,"¹⁸ Priestley suggests. Continuing, Priestley alludes to the non-recallable nature of tyrannical power, linking a minimal offense, the taxation of a single penny in this case, to a larger more nefarious pattern leading to the total destruction of personal liberty. "The man who submits to a tax of a penny, levied in this manner," Priestley claims, "is liable to have the last penny

¹⁶ John Trenchard and Thomas Gordon, "No. 62, An Enquiry Into The Nature And Extent Of Liberty; With Its Loveliness And Advantages, And The Vile Effects Of Slavery," in *Cato's Letters, or Essays on Liberty, Civil and Religious, and Other Important Subjects*, vol. 2, June 24, 1721 to March 3, 1722, ed. Ronald Hamowy (Indianapolis: Liberty Fund, 1995), 128-133.

¹⁷ Robert E. Schofield, *The Enlightened Joseph Priestley: A Study of His Life and Work from 1773 to 1804* (University Park: The Pennsylvania State University Press, 2004), 18.

¹⁸ Joseph Priestley, *An Essay on the First Principles of Government: And on the Nature of Political, Civil, and Religious Liberty*, 2nd ed. (London: Printed for J. Johnson, 1771), 22.

he has extorted from him.”¹⁹ In this manner, Priestley expunges the idea that the severity of a law must serve as the sole criterion for its propriety. Rather, Priestley’s assertion cuts directly to the heart of the American case, in the sense that it was not necessarily the erroneous nature of the British Acts that restrained the possibility of liberty, but instead, it was the manner in which the Americans were removed from the law-making process, thus subject to an external force not of their own accord or control.²⁰

What Priestley was able to show – namely, a fractured and uneven distribution of sovereignty rights between Westminster and the Crown with the colonists – was further amplified in the writings of Richard Price. Here, similar to the discussion of slavery found in Trenchard and Gordon’s *Cato’s Letters*, Price takes up the issue of Britain’s authority over both an individual colonist *and* the colonies at-large. Dispelling the casting of Parliament and King George III in a paternalistic or benevolent light, Price believes that any form of external authority leads to a reduction of liberty, and consequently, servitude. Price argues that neither individuals nor communities can be “denominated free” regardless of how “equitably and kindly they may be treated.”²¹

Isaac Kramnick neatly captures Price’s view of the dilemma facing the colonists and the

¹⁹ Priestley, *An Essay on the First Principles of Government*, 22.

²⁰ See Martin Fitzpatrick, “Joseph Priestley, Political Philosopher,” in *Joseph Priestley, Scientist, Philosopher, and Theologian*, eds. Isabel Rivers and David L. Wykes (Oxford: Oxford University Press, 2008), 117.

²¹ Richard Price, “Supplemental Observations on the Nature and Value of Civil Liberty and Free Government,” §1, in *The Works of Dr. Richard Price. With Memoirs of His Life*, vol. 7 (London: Printed for Richard Rees, 1816), 4.

freedom that awaits them as a natural right, asserting, "Price insisted that the rights of the Americans are the natural rights of all free men, not the product of history, tradition, statute, charter, or precedent."²² To Price, then, the outcome of an external power over another is undoubtedly clear: slavery.

The inability of the colonists to see themselves as free subjects placed under the yoke of an external force became intensified with the rise of standing armies throughout the colonies. As the Sugar Act of 1764 ushered in a policy that saw the colonists responsible for costs associated with a permanent military installation, the Quartering Act of 1765 was far more expansive in scope and, for the colonists, more invasive. Under this act, the colonists were to bear the financial burden of all expenditures related to the military presence, including costs of supplies such as bedding, alcohol, and food.²³ Moreover, the act required that the colonists provide accommodations for British troops, if barracks were unavailable.

While the issue of excessive taxation in order to support a permanent military force was certainly unpleasant to many colonists, a necessity to quarter them within barns, inns, and taverns was far more egregious. Rage over the Quartering Act intensified in New York, particularly in New York City, a site of a strong contingent of

²² Isaac Kramnick, "Republican Revisionism Revisited," *The American Historical Review* 87, no. 3 (1982): 642.

²³ Colin Bonwick, *The American Revolution* (New York: Palgrave Macmillan, 2005), 82.

troops.²⁴ Objecting to the financial and invasive nature of the act as well as the uneven share of the burden placed upon the colony, the New York Assembly refused to comply with the stated requirements. In retaliation, Charles Townshend, Chancellor of the Exchequer within the cabinet of Prime Minister William Pitt, effectively persuaded Parliament to pass the Townshend Acts of 1767, initiating yet another round of duties on goods in the colonies.²⁵ Central to the Townshend Acts was a document contained within the piece of legislation referred to as the New York Restraining Act of 1767. Under this part of the act, Parliament suspended the New York Assembly due to its failure to comply with the Quartering Act.²⁶ Unwilling to fully fund the stationing of the troops and capitulate to the demands of the act, Parliament accelerated its attack on the legislative authority of the New York Assembly by formally authorizing Governor Henry Moore to dissolve the Assembly. In early 1769, the Assembly reopened with new representatives and agreed to fully fund all expenditures related to the stationing of British troops in the province.

²⁴ For the strong display of opposition demonstrated by riots and protests from New Yorkers, see Edward Countrymen, *A People in Revolution: The American Revolution and Political Society in New York, 1760-1790* (New York: W.W. Norton, 1989), 36-71.

²⁵ Patrick Griffin, *The Townshend Moment: The Making of Empire and Revolution in the Eighteenth Century* (New Haven: Yale University Press, 2017), 114-165.

²⁶ Griffin, *The Townshend Moment*, 154.

Jefferson's "Summary View"

The acts imposed upon British America prompted many colonists to paint the Crown and Parliament in a tyrannical shade and Jefferson was certainly no exception. In his "A Summary View of the Rights of British America" (1774), Jefferson challenges the very legitimacy of Parliament, claiming that the imposition of the acts were flat-out void. According to Jefferson, Parliament possessed "no right to exercise authority" over the colonies of British America and their actions reaffirm a "spirit of tyranny" that can be located throughout history.²⁷ The severity of these "exercises of usurped power"²⁸ is pronounced due to its prolonged continuation indicating a pattern of abuses that span across numerous tenures of various prime ministers and members of parliament. The ongoing nature of the despotic acts were not political miscalculations or products of the "accidental opinion of a day"²⁹; rather, for Jefferson, the full scope of Parliament's actions ranging from the Declaratory Act to the Tea Act of 1773 to the Boston Port Act of 1774 illustrate a discernible "systematical plan."³⁰ The orientation, or more aptly put, the

²⁷ Thomas Jefferson, "A Summary View of the Rights of British America: Set Forth in Some Resolutions Intended for the Inspection of the Present Delegates of the People of Virginia, Now In Convention," American Imprint Collection, Thomas Jefferson Library Collection, Library of Congress, Washington, D.C. (Williamsburg, VA: Printed by Clementina Rind, 1774), 9.

²⁸ Jefferson, "Summary View," 11.

²⁹ Ibid.

³⁰ Ibid.

end goal of such a design, was clear to Jefferson: the annihilation of political and economic freedom for the colonists by “reducing us to slavery.”³¹

The threat of continued oppression and an encroaching condition of slavery was central to Jefferson’s call for separation and the corresponding shift to direct resistance. Importantly, the *political legitimacy* and *capabilities* of the colonists was in jeopardy by a prolonged relationship with the Crown/Parliament. The grave concern held by Jefferson regarding the negative effects of British tyranny over the political rights of the colonists focused on the stripping away of legislative authority in British America. What Jefferson saw in the New York Restraining Act of 1767 was a violation against not only common sense, but also human nature. While Jefferson acknowledged the legislative sovereignty of Parliament over mainland Britain, he disputed that its authority extended across the Atlantic, improperly violating and superseding the autonomy of New York’s Assembly.³²

Such an event was not simply a rarity to Jefferson. Instead, it represented a “phenomenon unknown in nature”³³ through a masquerade of legislative power. While the suspension of the New York Assembly appears *prima facie* as an illegitimate usurpation of power, the transgression runs much deeper by Jefferson’s account. In the act of suspension, Parliament transfixed the “powers of another” legislative body as

³¹ Ibid.

³² See Nicholas Varga, “The New York Restraining Act: Its Passage And Some Effects, 1766-1768,” *New York History* 37, no. 3 (1956): 233-258.

³³ Jefferson, “Summary View,” 12.

“itself.”³⁴ In this way, Parliament slipped into an action central to usurpation: *deception*. What is so troubling to Jefferson is how Parliament’s denial of legislative authority for the New York Assembly triggered a metamorphosis. A transformation of distinct legislative bodies collapsed into a singular entity. The eradication of the right to self-govern was denied within the New York Assembly, while Westminster became the “creator and creature of its own power.”³⁵ In this manner, Westminster existed as a legislative authority within a defined domestic sphere *and* as an invalid intruder into the affairs of British America. Not only was Parliament in violation of human nature for an improper suspension of another’s power to create laws, but more severely, for exercising a right that they did not possess through an amassment of legislative power in a fraudulent manner.

Jefferson’s criticism of the suspension of the New York Assembly is further illuminative of his understanding of power. For Jefferson, the colonists were exempt from adhering to the dictates of acts imposed by Westminster. A refusal was warranted and Jefferson makes clear in his “Summary View” that the only true source of power comes from the people. In the case of British America, a *critical arithmetic distortion* was in-place creating an imbalance between an overly *powerful Parliament* and a *powerless people*, namely a relationship determined by a usurping master over the colonists.

³⁴ Ibid.

³⁵ Ibid.

Jefferson questions the validity of the imposition of laws over the remote colonies, “Can any one reason be assigned why 160,000 electors in the island of Great Britain should give law to four millions in the states of America, every individual of whom is equal to every individual of them, in virtue, in understanding, and in bodily strength?”³⁶ Jefferson continues by pointing to this disproportionate retention of power and its devastating effects. He writes,

Were this to be admitted, instead of being a free people, as we have hitherto supposed, and mean to continue ourselves, we should suddenly be found the slaves, not of one, but of 160,000 tyrants, distinguished too from all others by this singular circumstance, that they are removed from the reach of fear, the only restraining motive which may hold the hand of a tyrant.³⁷

The condition of the colonists, then, according to Jefferson’s view, should be seen as a tyranny of a minority, rendered in effect by an insulation or impenetrable entry, on the part of the colonists, into the process of law-creation. A central feature of Jefferson’s call for separation along political grounds is thus concerned with the lack of numerical parity – an exacerbated spatial chasm – between rulers and the people.

In the case of mainland Britain and British America, Jefferson sees not only the elected members of Parliament as retaining an excessively powerful position over the colonists, but also, all those who authorize and reinforce the very institution of Westminster. Jefferson’s words here speak to the complicity of the British people, the

³⁶ Ibid.

³⁷ Ibid., 12-13.

legislative authority bestowed upon Parliament by a voting-elective people that have resulted in an establishment of a colony of slaves. To be a colonial subject of the crown meant to only loosely wear the title of a citizen. For Jefferson, this quasi-form of political status was to condemn the colonists to the circumstance of *public domination*. The grave dilemma that the colonists faced, namely, an inability to see a feasible path to freedom under British rule, was, therefore, more nuanced in Jefferson's view: an arithmetic miscount sanctioned by law between the electors of Britain (*the many*, or in numeric form: 160,000) against the inhabitants of the colonies (*the all*, or in numeric form: four million subjects) yielding a distortion of the naturally social and political nature of mankind.

In addition to Jefferson's concerns over the legislative and arithmetic deficiencies of Parliament and the Crown, a third political issue was at-stake, specifically, the presence of *arbitrary legal proceedings* within the colonies. In particular, the passage of the Administration of Justice Act of 1774 drew the ire of Jefferson. As a central piece of legislation under the broader, sweeping policy platform of the four Intolerable Acts,³⁸ the law sought to provide legal protections for royal officials against the prejudicial fury of the colonists. Designed in direct response to the Boston Tea Party,³⁹ the act decisively functioned as a shield for royal officers, including local magistrates and custom

³⁸ Benjamin L. Carp, *Rebels Rising: Cities and the American Revolution* (Oxford: Oxford University Press, 2007), 11-12.

³⁹ Justin du Rivage, *Revolution Against Empire: Taxes, Politics, and the Origins of American Independence* (New Haven: Yale University Press, 2017), 170.

collectors, to enact laws as well as a means to further quell colonial resistance. The act stipulated that if royal officials were to commit a crime of a capital offence in the course of their duty, then the ensuing trial could be held outside of the province, relocated back to Great Britain.⁴⁰ A royally appointed governor could then authorize a transfer of jurisdiction from the colonies to the “court of King’s bench” on the mainland. This circumvention of colonial rule and local juries enraged the colonists, provoking the act to be referred to as the “Murder Act” throughout the colonies.⁴¹

For Jefferson, the act was an exercise in “parliamentary tyranny,” a grave erosion of the right to a “trial by peers of his vicinage.”⁴² Jefferson insisted that the change of venue for the trial increased the likelihood of a spurious verdict as the transfer across the Atlantic represented a migration away from “where alone full evidence could be obtained.”⁴³ While the grave distance from evidence decreased the chance for a fair and honest trial to commence, Jefferson was even more biting in his denunciation of the act, suggesting that there was a predetermined nature to the outcome. In this matter, the trial served as a façade for the legal protections of transgressions committed against colonists. A crime as severe as murder, committed by a royal official, was now no longer applied to the scrutiny of the rule of law, but rather by the capricious dictates of

⁴⁰ See Ian R. Christie and Benjamin W. Labaree, *Empire or Independence, 1760-1776* (Oxford: Phaidon Press, 1976), 190.

⁴¹ Bonwick, *The American Revolution*, 88.

⁴² Jefferson, “Summary View,” 15.

⁴³ *Ibid.*

an oppressive Parliament and Crown. A refusal to protect and present necessary evidence, coupled with a biased outcome procured by judges too far removed from the crime and too far aligned with the monarch, further aided Jefferson's call for separation, serving as a vital plank in a narrative that now saw the Americans as subjects to arbitrary legal procedures.

The full scope of Jefferson's indictment of legal arbitrariness centered on the role that witnesses played in a relocated trial. In addition to the transport of the accused, the act required witnesses to be summoned and transferred for a transatlantic journey to "attend the trial of the said inquisition, for their personal appearance, at the time and place of such trial, to give evidence."⁴⁴ Although the act provided for the costs associated with the long arduous voyage, Jefferson condemned the travel for its effects on the domestic sphere of the witness. Jefferson rhetorically asks, "but who are to feed the wife and children whom he leaves behind, and who have had no other subsistence but his daily labour?"⁴⁵ For Jefferson, even the legal organ of the British Empire had become infected by tyrannical tendencies leaving the American colonists in a permanent state of domination, fixed within a restricted political sphere that distorted the rule of law to the advantage of the *few*, rather than an equal consideration and application to *all*.

⁴⁴ See "The Administration of Justice Act, 20 May 1774" in *The Statutes at Large: From the Thirteenth Year of the Reign of King George The Third to the Sixteenth Year of the Reign of King George The Third, inclusive, Volume the Twelfth* (London: Printed by Charles Eyre & William Strahan, 1776), 76.

⁴⁵ Jefferson, "Summary View," 15.

While Jefferson's political claim – and appeal for action – hinges on three factors (legislative, arithmetic, and legal) the outer shell of his argument revolves around his concerns that a continuation of British rule will hinder the moral fiber and progress of the colonies. Primarily, Jefferson's moral concerns focus on the persistence of "slavery" and a growing trend towards property inequality.⁴⁶ In Chapter 1, I detailed Jefferson's criticisms of the Crown pertaining to the introduction and continuation of slavery; however, there also contains an important line of thought in his objection concerning how the institution of slavery reflects a critical unresponsiveness by the Crown towards the will of the colonists. Specifically, Jefferson maintains scorn for the Crown's engagement with a negative power over the issue. Here, crucially, we see how Jefferson's political claim intersects with his moral concerns in that the Crown has consistently utilized an exercise of negative power to subvert the legitimacy and autonomy of colonial legislatures. A "wanton exercise" by the Crown has undermined the right of legislatures to deliberate and pass laws of their own authorship.⁴⁷ The interference by the Crown to "prevent the passage of laws by any one legislature of the empire," thus signals a *negative power*: an overt force that operates above the ordering of local law-creation, capable of thwarting, subverting, and destroying the will of the

⁴⁶ See David Brion Davis, *The Problem of Slavery in the Age of Revolution, 1770-1823* (Oxford: Oxford University Press, 1999), 9-12.

⁴⁷ Jefferson, "Summary View," 16.

people.⁴⁸ For Jefferson, then, the continuation of political inequality within the colonies represents a violation of “the rights of human nature” through its perverted, inhumane institution as well as a direct abuse of executive power through a circumvention of democratic sovereignty.⁴⁹

The second dimension of Jefferson’s moral concern centers on the Crown’s rejection of allodial land-holdings in the American colonies. As I explored in my discussion of property-relations and its impact on economic inequality in Chapters 2, 3, and 4, Jefferson, here, marries together power and politics as a co-dependent exchange. What Jefferson identified in the history of the Anglo-Saxons, namely, a threat of an external force over the people forming a patrician order, emerges here, even more forcefully, in relation to the plight of the colonists. Drawing from a Whig interpretation, Jefferson expresses trepidation over the property-relations in the colonies that have forced the colonists under an “irresistible pressure,” vitally impeding self-sufficiency and liberty.⁵⁰ Specifically, he foresees a gross exacerbation of property inequality, fortified by a corrupted political and legal system, resulting in a permanent state of servitude and dependency for the colonists. In this manner, separation is necessary, not simply because it will lead to a reconfiguration of the political ordering of the colonies, but precisely because the moral cultivation of the colonists were at stake. For Jefferson,

⁴⁸ Ibid.

⁴⁹ Ibid., 17.

⁵⁰ Paul Goodman, “The Black Flag of Anarchism,” in *Anarchism*, ed. Robert Hoffman (New York: Atherton Press, 1970), 2.

a society defined by an exorbitant inequity in property, specifically feudal society and an emerging commercial society in colonial America, prevents the full development of man's intellectual and physical abilities.⁵¹

Of course, Jefferson's property worldview here is linked with an economic dimension, insofar as it functions as a safety net against compulsion into wage-slavery, but beyond that point, it runs to the heart of his understanding of freedom and equality as intrinsically wedded.⁵² The assurance of an uncontaminated property holding, meaning the absence of an external force over an individual, provides time and space for the transformation of individuals. This possibility for transformation points to Jefferson's fluid understanding of human nature as developmental and receptive to change.⁵³ While the points of Jefferson's thinking are unsystematic in this regard, the logic is revealing and sound. An individual's ability to hold property assumes a double function: on the one side, it eviscerates an external force over the individual, permitting the development of an individual's moral sense and the adherence to laws that one prescribes for one's self (moral claim) and, on the other side, it bestows upon an individual the necessary time and space for training, in the form of education and participation, to more properly engage in local democratic politics (political claim). The

⁵¹ See Jack Temple Kirby, "Rural Culture in the American Middle West: Jefferson to Jane Smiley," *Agricultural History* 70, no. 4 (Autumn, 1996): 582-585.

⁵² Gordon S. Wood, "Thomas Jefferson, Equality, and the Creation of a Civil Society," *Fordham Law Review* 64, no. 5 (1996): 2140-2142.

⁵³ Thomas Jefferson to William Ludlow, 6 September 1824, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 054, images 1-2.

result of these two sides on the same coin merge together, in an illuminating way, through an intimate interplay between politics and ethics and how revolutionary action can facilitate a change in human nature. Such a change, according to Jefferson, runs to the very heart of the potential of revolutionary action.

The significance of Jefferson's political claim thereby promotes a moral consideration of the conditions facing the colonists. It also, in an aspect that acquires moral implications, explores the limitations of progress under the event of continued British rule. Specifically, Jefferson stresses that stunted economic growth for the colonies is all but assured due to the Crown's infringement on trade, financial sustainability, and western expansion. Although much of Jefferson's claim for separation in his "Summary View" centers around a natural right of expatriation, as seen through the lens of the Anglo-Saxons, the natural right of free trade occupies a central place in his argument. In a cursory fashion, Jefferson employs a historical retelling of key acts imposed upon the colonies that have severely stifled their ability to economically expand. Beholden to the dictates of British merchants, agricultural and commercial forces in the colonies have become limited, encumbered, once again, to an external, foreign force that reaps the full reward for the colonists' efforts. Goods produced in British America, as a result, are confined only to the scope of British merchants, unable to receive full market value and left to them "for whatever he will please" as they, not the colonists, "reap the benefits of making sale of them for full

value.”⁵⁴ The economic loss for the colonists is further impaired by the extraction of labor and the corresponding mitigated value recompense. “We raise on our lands,” Jefferson quips, “with our own labour,” yet the labor cycle of production and trade results in a deficiency, leaving the colonists on the wrong side of the exchange, severely undercompensated and hindered in market entry.⁵⁵ Instead, Jefferson seeks a deepening of technological innovation in the colonies in order to modernize modes of production to free individuals from the realm of labor, affording more time for self-development and public affairs.⁵⁶

While Jefferson sees the productive forces of the colonies as being constrained by parliamentary acts, he also, takes aim at the impact of British creditors on the colonists. Seeing debt as a form of control, Jefferson objects to the excessive influence of creditors, affirming, “American lands are made subject to the demands of British creditors, while their own lands were still continued unanswerable for their debts.”⁵⁷ This extra-political effect, therefore, complicates a strict conceptual separation between economics and politics. Once again, Jefferson merges economics and politics into a single plane, by bringing the issue of debt, particular foreign debt, into a political context. For Jefferson, in a train of thought that runs analogous with his property view, debt creates a bond

⁵⁴ Jefferson, “Summary View,” 10.

⁵⁵ Ibid.

⁵⁶ Richard Barbrook, “HyperMedia Freedom,” in *Crypto Anarchy, Cyberstates, and Pirate Utopias*, ed. Peter Ludlow (Cambridge, MA: The MIT Press, 2001), 52.

⁵⁷ Jefferson, “Summary View,” 10.

between creditor and debtor in an antagonistic association.⁵⁸ The effects of such a morally repugnant and economically thwarting practice results in a type of conditioning, both at the individual and societal level, one that instills passivity and obedience, rather than civic virtue and action. The issue of debt, similar to Jefferson's critique of slavery, points to the question of human nature.⁵⁹ Excessive debt in the colonies, held in the hands of foreign agents, has produced a type of political community defined by apathy and servitude, fixing the colonists' in a state of quasi-slavery, one that actively conceals the creative transformative capabilities of individuals and communities alike. Debt, in this fashion, further perpetrates a system of complicity, thus undermining the dynamic potential of mankind.⁶⁰ For Jefferson, then, economic progress runs parallel with societal maturation. It is therefore the task of political action and in the case of Jefferson's doctrinaire "Summary View," the objective of separation

⁵⁸ Here, Jefferson's thought runs in line with David Hume's critical view of debt, especially national debt as a means to amplify the power of economic actors within a political sphere. J.G.A. Pocock importantly notices this similarity on a number of occasions, see J.G.A. Pocock, *Virtue, Commerce, and History: Essays on Political Thought, Chiefly in the Eighteenth Century* (Cambridge: Cambridge University Press, 1985), 140; *Politics, Language, and Time: Essays on Political Thought and History* (Chicago: The University of Chicago Press, 1989), 97. Moreover, points of commonalities can be drawn from Jefferson's negative opinion of debt to the writings of James Burgh and Horne Tooke. See James Burgh, *Political Disquisitions: Or, An Enquiry Into Public Errors, Defects, and Abuses* (London: Printed for Edward and Charles Dilly, 1775); Horne Tooke, *The Causes and Effects of the National Debt and Paper Money on Real and Natural Property, In the Present State of Civil Society* (London: Sherwood, Neely, and Jones, 1818).

⁵⁹ For a discussion on Jefferson's rebuke of credit for its interference with natural rights, see Bray Hammond, *Banks and Politics in America from the Revolution to the Civil War* (Princeton: Princeton University Press, 1985), 120-122.

⁶⁰ Herbert E. Sloan, "The Earth Belongs in Usufruct to the Living," in *Jeffersonian Legacies*, ed. Peter S. Onuf (Charlottesville: The University Press of Virginia, 1993), 281-315.

and revolutionary action to reopen the very possibility of progress in the present moment.

This idea of a reopening of the political, and in effect, human nature, in alignment with a more democratic orientation – a body of citizens defined by talent and effort rather than artificial privileges⁶¹ – links up with his thoughts on the Crown’s prohibition of western expansion by the colonists. In an embryonic form, one that will mature in his vision of an “empire of liberty,” Jefferson decries the governor of the colony of Virginia for a refusal to expand the size of the commonwealth as well as to divide the counties, unless consent is provided on the part of the newly formed county to *not be represented* in the Virginia Assembly. Here, importantly, we begin to see the antecedent logic of his ward system start to percolate. As a consequence, progress is limited both politically by a retraction of legislative power and an amplification of the practice of non-representation as a direct negation of a promissory vision of an enlargement of political space.⁶² In a letter to John Manners, written nearly four decades after his “Summary View,” Jefferson returns to the idea of progress intertwined with space, albeit this time directly interrelated with natural rights. Recalling the central

⁶¹ For Jefferson’s repudiation of an artificial aristocracy of wealth, see Thomas Jefferson, “July 27, 1821, Autobiography Draft Fragment, January 6 through July 27,” *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 052, images 1-93. Also, see Thomas G. West, *Vindicating the Founders: Race, Sex, Class, and Justice in the Origins of America* (Lanham, MD: Rowman & Littlefield Publishers, 2001), 50.

⁶² For Jefferson’s understanding of an American empire composed of equal parts, devoid of a paternalistic locus of authority and political power, see Stephen E. Ambrose, *Undaunted Courage: Meriwether Lewis, Thomas Jefferson, and the Opening of the American West* (New York: Simon & Schuster, 2002), 14.

tenets of the *Declaration of Independence* – “life, liberty, and the pursuit of happiness” – Jefferson reaffirms that they are innate rights “impressed on the sense of every man,” rather than attainable or reducible to “sophistical investigations of reason.” Continuing, he expands the familiar slate of rights advanced in the *Declaration* by adding a fourth natural right, namely “the use of our faculties.” Crucially, Jefferson proceeds by suggesting that no natural “geographical line” exists that would forbid an individual to cross in order to pursue happiness.⁶³ For Jefferson, – the revolutionary thinker *and* Sage of Monticello – political and physical barriers that impede progress, happiness, and freedom must be eliminated.

As a result, Jefferson’s moral-progress-claim reflects a synthesis of myriad ideas of his political thinking. Primarily, his positions reaffirm a primacy of legislative authority, a point that echoes in the legislative plank of his political claim, while also functioning as a critique of a limited understanding of the political (both conceptually and physically). As a project, democratic politics to Jefferson strives to cultivate the necessary conditions for active civic participation by providing the means for the actualization of political freedom, economic equality, and private as well as public happiness. For Jefferson, a gaze to the west under British rule signals a frontier contaminated by the denial of popular sovereignty and a further entrenchment of

⁶³ Thomas Jefferson to John Manners, 12 June 1817, *The Papers of Thomas Jefferson*, Retirement Series, vol. 11, 19 January to 31 August 1817, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2014), 432-434.

domination, which would, if sustained, transform the colonies from a quasi-state to a condition of “absolute” slavery at the mercy of the Crown.⁶⁴

In sum, Jefferson’s “Summary View” offers unique insights into his pre-revolutionary thinking. It carefully accentuates his concern over a disintegration of the political under British rule through usurpation and suppression of legislative power, an arithmetic distortion producing a disequilibrium between political representation and domination, and a collapse of the rule of law into the murky waters of tyrannical rule. Jefferson’s views are further supplemented in a delicate fashion by his efforts to align political issues with questions of morality and progress. The result is a robust picture of the plight of the colonists under the thumb of the Crown as well as revealing to his understanding of the potential of revolutionary action to both repudiate the old regime, but also, to reopen human nature to the very possibility of a political community for all. This basic idea will resurface two years later in Jefferson’s writings. The result will be, in many ways, the most important text in the history of political ideas: an elegant, sweeping manifesto on the primacy of the people and the creation of new horizons for freedom and equality to be realized.

⁶⁴ Jefferson, “Summary View,” 18.

Declarations

Written over the summer months of June and July 1776, Jefferson's *Declaration of Independence* elevates the struggle of the colonists to the world's stage. In many ways, the *Declaration* spurs an interrogation of the relationship between the people and government, not simply for the plight of the Americans, but for mankind. Jefferson's words – operating as a further clarification and expansion of his "Summary View" – reopens the question of a possibility of political freedom through an indeterminate and open process that affirms the power of the people due to its impossible enclosure.⁶⁵ It challenges commonly held notions, at the time of writing, concerning morality, sovereignty, and the political. Stylistically, the scheme is consistent with other pivotal pre-revolution writings. Similar to his "Summary View" and "Necessity for Taking Up Arms" it offers a submission of facts and a concise litany of grievances against the monarch. Substantially, it perfectly embodies Jefferson's political and scientific thinking. Key themes, such as the right and duty of revolution, authority derived from the consent of the governed, and a vigilant identification of patterns of tyranny, stand as defining features of a Jeffersonian worldview.

⁶⁵ In this manner, I'm drawing from the work of Jacques Derrida. In a public speech given at the University of Virginia in 1976, Derrida argues that the full meaning of the *Declaration* remains profoundly open precisely because of the indeterminate process of contextualization. For Derrida, the subject of the document – the people – is radically unstable, unable to ossify into a fixed state, or emerge in the present as a clear and definitive unit. See Jacques Derrida, "Declarations of Independence," *New Political Science* 7, no. 1 (1986): 7-15. Also, see Bonnie Honig, "Declarations of Independence: Arendt and Derrida on the Problem of Founding a Republic," *The American Political Science Review* 85, no. 1 (1991): 97-113.

The text also serves as continuation of a liberal, Lockean framing, particularly concerning a tracing of usurpations of power and a corresponding response *qua* revolutionary action. Although the document reveals Lockean sensibilities it moves beyond them, offering a break with the prominent view that the concept of property-as-natural-right played in seventeenth and eighteenth century English thought. The synergy between Locke and Jefferson is complicated by, perhaps, the most famous line of the text in the meditation on freedom, Jefferson's sweeping litany of natural rights presented as "Life, Liberty and the pursuit of Happiness."⁶⁶

Jefferson's insertion of happiness in lieu of Locke's claim of property helps to reveal a tighter alignment with Scottish thinkers. The influence of Francis Hutcheson and Thomas Reid on Jefferson was enormous, helping to call into question a strict Lockean compatibility. Fundamental to an array of Scottish thinkers, Hutcheson, Reid, David Hume, and Lord Kames, to name just a few, as well as Jefferson, was an understanding that while property is alienable, alienable rights are not property.⁶⁷ From this lens, Jefferson's claim of "unalienable rights"⁶⁸ acquires a greater conceptual depth by importing a degree of indeterminacy and uncertainty into the field of natural rights.

⁶⁶ "The Declaration of Independence as Adopted by Congress, 11 June–4 July 1776," *The Papers of Thomas Jefferson*, vol. 1, 1760–1776, ed. Julian P. Boyd (Princeton: Princeton University Press, 1950), 429–433.

⁶⁷ The work of Francis Hutcheson was especially influential to Jefferson's theorization of a pursuit of happiness. Carefully, Hutcheson, on a number of occasions, provides a detailed exposition and refinement of Locke's work. See Francis Hutcheson, *An Inquiry into the Original of Our Ideas of Beauty and Virtue* (Glasgow: Printed by Robert & Andrew Foulis, 1772); and, *An Essay on the Nature and Conduct of the Passions and Affections* (Glasgow: Printed by Robert & Andrew Foulis, 1769).

⁶⁸ "The Declaration of Independence as Adopted by Congress, 11 June–4 July 1776," *The Papers of Thomas Jefferson*, vol. 1, 429.

Jefferson's catalogue of rights, particularly a non-Lockean utilization of property, hinges upon a *pursuit*: a careful pivoting that treats means and ends not as separate entities, but as symbiotic to the full development and humanization of man. Pursuit thus embodies a scientific, moral, and political dimension for Jefferson,⁶⁹ beyond Locke's usage of the phrase deployed in his *Essay on Human Understanding*,⁷⁰ by summoning a sense of openness achievable through action aimed at freedom.

Thus Jefferson's pursuit is paradoxical and tangible as a type of experience that sets the means towards an object (happiness) and its achievement (a state of happiness) on parallel paths. The pursuit of one's happiness is thus boundless; cast into a field of indeterminacy that transcends the fixed nature of the present moment through an unleashing of a sequence of events that challenges a static means/ends binary. For Jefferson, then, the means to pursue happiness are not separate from its ends, thereby releasing man from the confines of determinacy, or, a life defined by an eternal force, into a course of perpetual creation through *vita contemplativa* and *vita activa*. It is from this sentiment that an examination of two key passages of the *Declaration* will help to

⁶⁹ Gary Wills, *Inventing America: Jefferson's Declaration of Independence* (New York: Vintage Books, 1979), 313.

⁷⁰ Locke's use of the phrase "pursuit of happiness," or, as he frequently enlists, "a constant pursuit of happiness," takes on an ethical dimension. Specifically, Locke's "pursuit" describes a gravitational exchange between pain and pleasure and how happiness helps to form an entry into a comprehension of reality. In many ways, happiness plays a scientific role as well as in developing a science of human behavior, and, in Newtonian terms, a science of motion. See John Locke, *An Essay Concerning Human Understanding; with thoughts on the conduct of the understanding* (London: Printed for Allen & West, 1795), 296-310. See in particular, BK I, Ch. XXI, §44, 48, 51, 52, 61.

shine light on Jefferson's understanding of revolution as a permanent process of transformation, both for an individual and society, writ large.

The Continental Congress unanimously adopted the *Declaration* – a widely influential and mythologized document that has persisted on the stage of political ideas since its arrival – on 4 July 1776. Its impact cannot be understated, helping to spur revolutions across the globe. The French and Russian revolutions are greatly indebted to the rousing words put forth by Jefferson. However, the *Declaration* is an incomplete picture of Jefferson's vision at the time. Many of Jefferson's most radical ideas and his sharp language, particularly his condemnation of slavery, were expunged in the final ratified of the text.

Two particular passages are revealing, and useful for our sake, to help rehabilitate his thinking on the potential of revolutionary action to commence a reopening of the constituent process.⁷¹ In the penultimate paragraph of his "original Rough draught," Jefferson brings the previously stated litany of grievances to their rousing conclusion, pointing towards *what is to come* and what the American revolutionaries must do. His words here transcend the proper politics of redress, typified by petitions and parliamentary appeals, suggesting that revolutionary action ascends to a moral plane to the very issue of love. He writes,

⁷¹ This point is aided by Michael Hardt's presentation of Jefferson's thinking on the revolutionary process and how it functions as an attempt by the Multitude to reclaim constituent power. See Michael Hardt, introduction to *The Declaration of Independence* (London: Verso, 2007), viii.

They too have been deaf to the voice of justice & of consanguinity, & when occasions have been given them, by the regular course of their laws, of removing from their councils the disturbers of our harmony, they have by their free election re-established them in power. [...] We must endeavor to forget our former *love* for them, and to hold them as we hold the rest of mankind, enemies in war, in peace friends. we might have been a free & a great people together; but a communication of grandeur & of freedom it seems is below their dignity. be it so, since they will have it: *the road to glory & happiness is open to us too.*⁷²

The passage is crucial to Jefferson's thinking on revolution for a number of reasons. Firstly, Jefferson affirms the role of the British people in their complicity to reauthorize representatives fundamentally antagonistic to the interests and concerns of the colonists. Importantly, Jefferson's claim moves revolutionary action beyond a strict political terrain, as its aim is not simply the instruments or the organs of a governmental apparatus, but rather a total repudiation against the social body of a hegemonic regime. The effect is a separation by transubstantiation: a metamorphosis of an oppressed people into a social and political body capable of self-rule. Secondly, the insertion of the word "love" by Jefferson imbues revolutionary action in an ethical light.⁷³ It suggests, on the one hand, that the revolutionary agent must be motivated by the production of a new form of love, one that is rooted in the present moment for those of their immediate

⁷² Thomas Jefferson, "original Rough draught" of the Declaration of Independence, 11 June–4 July 1776, *The Papers of Thomas Jefferson*, vol. 1, 423-428. Emphasis added.

⁷³ Michael P. Zuckert makes this point clear, writing, "the Declaration's history is thus a rational reconstruction rather than a literal history; it is not for all that utopian, however, for it can become literal history the moment people understand and act on the fundamental truths of politics and morality." See Michael P. Zuckert, "Founder of the Natural Rights Republic," in *Thomas Jefferson and the Politics of Nature*, ed. Thomas S. Engeman (Notre Dame, IN: University of Notre Dame Press, 2000), 26.

surrounding. On the other hand, it further widens the sweeping effect of revolutionary action to obliterate both the governmental form of the arcane regime as well as the social and cultural mores of the past. Revolutionary action motivated by love – fixed temporarily between the poles of the past and present – therefore initiates a total transformation of an agent’s physical and emotional nature. Arendt importantly affirms this linkage between Jefferson’s desire for the creation of public space for citizens *qua* his ward system – vitally sustained by a revolutionary spirit – and its corresponding display of love. Drawing from a brief letter written a few years before his death, Arendt argues,

When, at the end of his life, he summed up what to him clearly was the gist of private and public morality, ‘Love your neighbour as yourself, and your country more than yourself,’ he knew that this maxim remained an empty exhortation unless the ‘country’ could be made as present to the ‘love’ of its citizens as the ‘neighbour’ was to the love of his fellow men. For just as there could not be much substance to neighbourly love if one’s neighbour should make a brief apparition once every two years, so there could not be much substance to the admonition to love one’s country more than oneself unless the country was a living presence in the midst of its citizens.⁷⁴

Understood in this light, the revolutionary process, underscored by love, is an attempt to create a public space for citizens to engage in the tasks of citizenship through recurrent intimate expressions of sociability and fraternity between individuals.

Thirdly, the concluding line of the passage accentuates Jefferson’s belief in the power of

⁷⁴ Hannah Arendt, *On Revolution* (New York: Penguin Books, 1990), 253. For Jefferson’s letter, see Thomas Jefferson to Thomas Jefferson Grotjan, 10 January 1824, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 054, image 1.

revolutionary action as rupture. Action against British tyranny announces a break with a long pattern of domination opening up a new "road," or plane for the historic realization of the American people. Key to this ruptural capacity is Jefferson's careful linkage with the idea of happiness. For Jefferson, though, happiness is never a fixed state, for it is always enjoined, both as a means and an end, with the very pursuit. Revolutionary action, then, at once, reopens history without a terminating quality through an endless series of pursuits as an unending process. Happiness, therefore, is not to be found in a utopian or messianic manner following the formal conclusion of revolutionary action for Jefferson; rather, happiness and revolutionary action entails a constant process of becoming, situated in opposition to an erection of a space devoid of social recreation.

The penultimate passage acquires further conceptual clarification when situated in relation to a crucial line of text found in the concluding paragraph of Jefferson's draft. Here, Jefferson refines the transformative dimension of revolutionary action found in the previous paragraph in a succinct and compelling fashion. "We utterly dissolve & break off all political connection," he asserts, then, pinpointing the direct objects of an American separation, avowing, "which may have heretofore subsisted between us & the people or parliament of Great Britain; and finally we do assert and declare these

colonies to be free and independant [sic] states.”⁷⁵ Read in conjunction with our previously explored passage, this short, yet critical, passage offers further insights into Jefferson’s vision of revolution. In similar terms, Jefferson makes clear that an American separation is directly targeted at the British government as well as the British people. For Jefferson, action on the part of the colonists is far-reaching and far-lasting, inaugurating a physical declaration that terminates the temporal and corporeal figure of the monarch and, crucially, breaks with the conventional view of revolution as a finite event defined by a fixed beginning and end. Instead, revolution to Jefferson creates a historic ruptural point that reaffirms the sovereignty of the people through a sequence of sporadic clashes between constituent and constituted power.⁷⁶

Jefferson’s idea of revolution understood as a process of ongoing action, therefore, sets the Americans’ struggle for independence as a series of perpetual battles against first, the totality of the British regime embodied in an image of the Crown, and then, subsequently, attempts by concentrated seats of authority to subvert, and ultimately, destroy the continual pursuit of the people to erect a political community for all.⁷⁷ While the idea of a permanent revolutionary process strongly emerged in his

⁷⁵ Jefferson, “original Rough draught,” *The Papers of Thomas Jefferson*, vol. 1, 423-428.

⁷⁶ R.R. Palmer, *The Age of the Democratic Revolution: A Political History of Europe and America, 1760-1800* (Princeton: Princeton University Press, 1959), 216.

⁷⁷ Dick Howard strikes this position in his discussion on exactly why a mere declaration of separation would not suffice for the American colonists; rather, “independence had to be won and then preserved.” See Dick Howard, *The Primacy of the Political: A History of Political Thought from the Greeks to the French & American Revolutions* (New York: Columbia University Press, 2010), 313.

writings in the run-up to July 1776, and then, most pointedly in his *Declaration*, it would persist far after the formal end of the American Revolution. It would, much like his vision of revolution, continue as a never-ending process of transformation.

(Post) Revolutionary Thought

Up to this point, I have engaged with Jefferson's writings leading up to the colonists' proclamation of separation and commencement of military operations against British rule. An examination of these pre-revolution texts helped to delineate major themes of Jefferson's thinking on revolution. Now, it is necessary to show how these ideas continued and further compliment an understanding of the American republic, in Jefferson's view, as the proper setting for the staging of the political *qua* perpetual action. To do so, I turn to three key private letters written after the 1783 Treaty of Paris formally drew the war to a close. By turning to these brief points of thought, I argue that Jefferson's post-revolutionary thinking is actually a misnomer, crafted instead as a probing meditation, rather than an exposition of the ongoing nature of revolutionary action, centered around the pillars of creation, indeterminacy, and, fundamentally, resistance.

In 1793, Jefferson provides his most puzzling, and decisively incendiary, description of the transformative capacity of revolutionary action. Writing to William Short on 3 January, Jefferson passionately defends the ongoing bloodshed committed in

France, his “polar star,”⁷⁸ just months following the violent September massacres. While Jefferson’s letter is certainly constructed to provoke a visceral response by Short, it points to a significant aspect of his revolutionary thinking.⁷⁹ Paying homage to those fallen in the struggle, Jefferson writes,

But time and truth will rescue and embalm their memories, while their posterity will be enjoying that very liberty for which they would never have hesitated to offer up their lives. The liberty of the whole earth was depending on the issue of the contest, and was ever such a prize won with so little innocent blood? My own affections have been deeply wounded by some of the martyrs to this cause, but rather than it should have failed, I would have seen half the earth desolated. Were there but an Adam and an Eve left in every country, and left free, it would be better than as it now is.⁸⁰

While Jefferson’s overly excessive promotion of violence here has rendered accusations of an anarchist orientation,⁸¹ I read the passage in similar manner as Michael Hardt and Antonio Negri, as indicative of the creative, instituting powers that saturates revolutionary action. The inclusion of “Adam” and “Eve” in Jefferson’s account is key.

⁷⁸ Thomas Jefferson, “Notes of a Conversation with George Washington on French Affairs, 27 December 1792,” *The Papers of Thomas Jefferson*, vol. 24, 1 June–31 December 1792, ed. John Catanzariti (Princeton: Princeton University Press, 1990), 793-794.

⁷⁹ For key responses to Jefferson’s promotion of political violence by American and French dignitaries alike, see Philipp Ziesche, *Cosmopolitan Patriots: Americans in Paris in the Age of Revolution* (Charlottesville: The University of Virginia Press, 2010), 39-63.

⁸⁰ Thomas Jefferson to William Short, 3 January 1793, *The Papers of Thomas Jefferson*, vol. 25, 1 January–10 May 1793, ed. John Catanzariti (Princeton: Princeton University Press, 1992), 14-17.

⁸¹ See Voltairine de Cleyre, *Anarchism and American Traditions* (Chicago: Free Society Group, 1932); Wendy McElroy, *The Debates of Liberty: An Overview of Individualist Anarchism, 1881-1908* (Lanham, MD: Lexington Books, 2003), 11, fn 5; Lewis Perry, *Radical Abolitionism: Anarchy and the Government of God in Antislavery Thought* (Knoxville: The University of Tennessee Press, 1995), xxi; Nathan Jun, *Anarchism and Political Modernity* (New York: Continuum, 2012), 72.

Certainly these biblical figures help to conjure up an image of a promotion of bare life,⁸² or, a return to a primitive, sanitized state of nature devoid of the complexities of an emerging commercial society in America and France during the late eighteenth century. However, when these monolithic symbols of purity and the inevitable fall of man are read in relation to Jefferson's writings on the rightful claim of separation by the American colonists, a new interpretation emerges. Specifically, Adam and Eve come to symbolize the reproductive and instituting powers of revolutionary action. Revolutions thus mark new beginnings through an erection of a new society cleansed of the remnants of a prior epoch. Understood in this way, the American Revolution, and for Jefferson, the ongoing events in France represent the commencement of a "new humanity"⁸³ engaged in transformative processes of training, education, and habituation to achieve self-rule as he insists, "the qualifications for self-government in society are not innate. They are the result of habit and long training; and for these they will require time and *probably much suffering*."⁸⁴ Employing stark religious language – as well as infusing the Short letter within a racist scaffolding – Conor Cruise O'Brien signals Jefferson's belief in regeneration via revolution, positing,

⁸² Here I am drawing from the work of Italian theorist Giorgio Agamben, particularly his discussion of the concept of "bare life." See Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford: Stanford University Press, 1998), Part Two, §4, 55-56.

⁸³ Michael Hardt and Antonio Negri, *Commonwealth* (Cambridge: The Belknap Press of Harvard University Press, 2009), 369.

⁸⁴ Thomas Jefferson to Edward Everett, 27 March 1824, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 054, images 1-2. Emphasis added.

Washed in the blood of the victims of the French Revolution, and other revolutions inspired by it, humanity is born again. Above all, *America*, and even higher above all, Virginia, is born again, washed clean at last from that deep blurred single stain, composed of blackness and of guilt. The French Revolution gives back to America its lost innocence.⁸⁵

The figures of “Adam” and “Eve” also conform to Jefferson’s understanding of revolution-as-process. Joseph Ellis detects this key aspect in Jefferson’s thought. Although highly critical of the celebratory tone towards revolutionary violence found in the 1793 letter to Short, even likening him to a revolutionary mold typified by Lenin and Mao,⁸⁶ Ellis does, however, illuminate Jefferson’s sequential understanding of political upheavals. To do so, Ellis links the Short letter to a 1 June 1795 letter written to Tench Coxe, wherein Jefferson attests, “This ball of liberty, I believe most piously, is now so well in motion that it will roll round the globe. At least the enlightened part of it, for light and liberty go together. It is our glory that we first put it into motion, and our happiness that being foremost we had no bad examples to follow.”⁸⁷ Aligning the Short and Coxe letters together, Ellis shows key threads of Jefferson’s thinking on revolution running from the American experience to the French and beyond. Ellis states,

⁸⁵ Conor Cruise O’Brien, *The Long Affair: Thomas Jefferson and the French Revolution, 1785-1800* (Chicago: The University of Chicago Press, 1996), 299-300.

⁸⁶ Similar to Ellis, O’Brien casts Jefferson in a flat-out negative light because of writings on political violence, suggesting that his thought runs analogous with Pol Pot and right-wing American extremists, including those responsible for the 1995 Oklahoma City bombing. For a commentary on these two views, see Jan Lewis and Peter S. Onuf, “American Synecdoche: Thomas Jefferson as Image, Icon, Character, and Self,” *The American Historical Review* 103, no. 1 (Feb., 1998): 125-136.

⁸⁷ Thomas Jefferson to Tench Coxe, 1 June 1795, *The Papers of Thomas Jefferson*, vol. 28, 1 January 1794–29 February 1796, ed. John Catanzariti (Princeton: Princeton University Press, 2000), 373-374.

The main outlines of the picture he carried about in his mind's eye had been congealing ever since his Paris years. It envisioned the American Revolution as merely the opening shot in a global struggle that was eventually destined to sweep over the world. [...] American independence from England was only the initial political manifestation of a much broader and more thoroughgoing process of liberation that would follow naturally, though obviously not without violent opposition, as the last vestiges of feudalism and monarchy were destroyed and swept into the dustbin of history.⁸⁸

The creative, instituting force of revolutionary action that Jefferson alludes to in his letters to Short and Coxe become further developed in a correspondence sent to John Adams on 10 August 1815. Directly discussing the American Revolution, Jefferson expands the idea of a new humanity found in his depiction of the French Revolution, this time situating it in relation to the temporal figure of the event. Answering a previous query of who could develop a historical study of the revolution, Jefferson reiterates Adams' probing questions, "You ask who shall write it? Who can write it? And who ever will be able to write it?"⁸⁹ Jefferson's response is telling and further illuminative of his revolutionary thought, answering the curious questions with a resounding reply: "nobody."⁹⁰ Jefferson reasons such a controversial opinion around the position that an arduous façade was erected during the formal period of the revolution, essentially barricading the people away from the decision-making process

⁸⁸ Joseph J. Ellis, *American Sphinx: The Character of Thomas Jefferson* (New York: Alfred A. Knopf, 1997), 150-151.

⁸⁹ Thomas Jefferson to John Adams, 10 August 1815, *The Papers of Thomas Jefferson*, Retirement Series, vol. 8, *1 October 1814 to 31 August 1815*, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2011), 656-659.

⁹⁰ Thomas Jefferson to John Adams, 10 August 1815, 656-659.

and seats of institutional power.⁹¹ But Jefferson's criticism of the operationalization of patrician politics at-play in the early years of the republic, found especially in the closed-door sessions of legislative committees and Congress,⁹² functions beyond the level of critique. It helps to further showcase how a revolution arrives both as a singular moment within a temporal linear understanding of history as well as an indeterminate sequence of events that persist into the future. For Jefferson, nobody is capable of writing the history of the American Revolution, not simply because the people were barred from the debates concerning the design of the new republic, but precisely because no one is capable of properly capturing a process that is unfinished. "The life and soul of history must for ever be unknown," Jefferson claims, surrounding the details of the colonists' victory against a tyrannical regime. For Jefferson, therefore, the American Revolution continues beyond an enclosure of action, brought about by a formalized agreement of terms, through a constant engagement of patriots to re-win the battle of the political, merely delineated by differences *between* generations. To sustain the long arduous struggle against encroachments that threaten both individual rights

⁹¹ Philipp Ziesche captures this point in detailing how Jefferson saw himself in relation to key events and moments of the American Revolution. Ziesche writes, "Jefferson saw himself as an author and representative of the revolution of 1776, which stood for the popular repudiation of all forms of coercive governmental power." See Ziesche, *Cosmopolitan Patriots*, 23.

⁹² Gary B. Nash carefully details the suppression and betrayal of the people by elite voices, at both the state and national level, during periods of constitutional formation. See Gary B. Nash, *The Unknown American Revolution: The Unruly Birth of Democracy and the Struggle to Create America* (New York: Penguin Books, 2006), 266-280, 290-306.

and self-government, Jefferson insists on the development of virtue, a particular type of civic-life defined by action.

A clear indication of Jefferson's vision of virtue in relation to revolutionary action comes through in a letter written to Henry Lee on 8 May 1825, at the near end of his life. In a tone of somber reflection, Jefferson recalls to Lee the intent of his *Declaration* delivered to the "tribunal of the world" nearly 50 years earlier.⁹³ Minimizing the originality of the document and the sentiments that it conveys, Jefferson is modest in his evaluation of the influential text of political freedom. Instead, Jefferson offers his take on the aim of the *Declaration*, writing, "It was intended to be an expression of the American mind, and to give to that expression the proper tone and *spirit* called for by the occasion."⁹⁴

What is crucial for our sake – and for an examination of Jefferson's thinking on revolution – is how he describes revolutionary action as an expression of a *spirit*, necessitated by the prolonged continuation of domination over the colonies. But what does this revolutionary spirit mean to Jefferson? To fully excavate this line of thought, I must now journey into his reactions surrounding the 1786-87 agrarian resistance in Massachusetts, known as Shays' Rebellion. From there, a point *after*, but *always within* the revolutionary process, Jefferson reveals his most important contribution to the

⁹³ Thomas Jefferson to Henry Lee, Jr., 8 May 1825, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 055, image 1.

⁹⁴ Jefferson to Henry Lee, Jr., 8 May 1825, image 1. Emphasis added.

project of radical democratic politics: the merging of revolutionary action and continuous resistance as an underlying condition of political life.

We shall see shortly how Jefferson's claim that "the spirit of resistance to government is so valuable on certain occasions, that I wish it to be always kept alive,"⁹⁵ in response to Shays' Rebellion, functions congruent to his understanding of revolution. In this light, resistance and revolution embody the productive forces of political action, namely, an ability to institute, and perpetually renew, constituent power through indeterminate and ongoing processes. Fundamental to these processes, or, events of political action, is the role of the virtuous political agent, understood – as we have seen in our analysis of the ward republics – as an active, democratically trained farmer. A paradigmatic figure that expresses, through self-and-collective realization, an innate capacity for "neighbourly love" intimately linked with direct action against particular forms of government that threaten a body politic. From this vantage point, we will arrive full circle at Jefferson's radical understanding of politics in a shift to transpose the revolutionary actor of 1776 onto the direct challenges instigated by the Massachusetts farmer, a decade after the colonists' declared their independence. Such a landing point further reveals Jefferson's political vision, a mode of thought that affirms a primacy of the people through a creation of new spaces for politics to appear.

⁹⁵ Thomas Jefferson to Abigail Adams, 22 February 1787, *The Papers of Thomas Jefferson*, vol. 11, 1 January–6 August 1787, ed. Julian P. Boyd (Princeton: Princeton University Press, 1955), 174-175.

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Jefferson's vision of 1776 maintains a politico-historical dimension that situates the colonists in battle against an enclosure of political time-space. For Jefferson, the actions of the colonists embodied a revolutionary spirit that sought to erect a political community distinct from the liminal, temporal boundaries of consolidated political power, one created and continuously recreated by all members. The decisive break with the British regime signifies not a return to man's natural state, but rather a transubstantiation of history into the political. In this manner, the formation of the republic – enacted by social and political agents – dislodged a particular history of man's subordination to tyrannical power, opening up a new dimension of time and space for man's passage from history into the political.

Primarily, I suggest that Jefferson's thought ascends beyond a fixed horizon of separation and towards *moments* of societal creation. This vision is meaningfully generated through the presence of a social division: a chasm of worldviews that either fears or celebrates political power in the hands of the people, or, in a conceptually neat manner, a binary between Tory and Whig ideologies. According to Jefferson, this division is always present – in both republics and monarchies – and power must always be endowed with the people, rather than in patrician form.⁹⁶

⁹⁶ Gordon S. Wood makes this point, suggesting that both Jefferson and Adam Smith adhered to this binary understanding of society. See Gordon S. Wood, *The Radicalism of the American Revolution* (New York: Vintage Books, 1993), 97.

What is necessary now is to initiate a movement from Jefferson's writings on the American Revolution to another event, one that that would spark a revolutionary fervor reminiscent to 1776. Nearly a decade after the colonists publicly declared their independence, four thousand Massachusetts farmers rekindled the spirit of revolution through an announcement of their coexistence at the steps of institutionalized seats of power. Unable to secure lines of credit, farmers across the Commonwealth of Massachusetts were dispossessed from their lands. With their property, and in turn, their very existence hanging in the balance, the rural farmers, under the leadership of revolutionary war veteran Daniel Shays, petitioned the government for remediation in the form of debt relief, an opening up of new lines of credit, and a reversal of onerous tax policies. When the petitions fell on silent ears, Shays and others banded together to create local committees bent on strategizing a path forward. Within these democratic committees – erected apart and against the nascent republic – farmers burdened with excessive debt and facing an existential threat were opened up to new spaces for action previously denied to them.

An examination of Shays' Rebellion – both politically and economically – will show that the inflammatory agrarian uprising is key in understanding Jefferson's vision of politics. The praiseworthy reactions by Jefferson will indicate that Shays' Rebellion emerged as a continuation of the revolutionary process initiated in 1776 as well as conducive to the production and training of his ideal citizen. An illustration that runs

antithetical to a patrician ordering of politics, motivated by an unrelenting spirit of resistance.

CHAPTER 7

A Spirit of Resistance to Government, Now and Then

I believe that there are honest resistances and legitimate rebellions.¹
– Alexis de Tocqueville

An industrious farmer occupies a more dignified place in the scale of beings, whether moral or political, than a lazy loungeur, valuing himself on his family, too proud to work, and drawing out a miserable existence by eating on that surplus of other men's labour which is the sacred fund of the helpless poor.²
– Thomas Jefferson

In this chapter, I examine the economic and political conditions that directly led to Shays' Rebellion and its central role in shaping – and revealing – Jefferson's radical political vision. Specifically, I pay careful attention to the reaction of the dissenting farmers to seek redress in the form of petition appeals, county conventions, and local democratic organization. The failures of these approaches – due in large part to unresponsiveness by the government – spurred an insurrection that resulted in occupations of courthouses and direct-armed resistance against state officials. By exploring key events of the rebellion, I will elucidate the reactionary measures enacted by the state to obliterate a wave of agrarian radicalism that was perceived as a direct threat to private property as well as political and economic elites of the early republic.

The actions of the farmers was met with harsh disapproval – branded as “insurgents” and mob-like, accused of attempting to introduce anarchy – yet Jefferson's

¹ Alexis de Tocqueville, *Democracy in America*, eds. & trans. Harvey C. Mansfield and Delba Winthrop (Chicago: The University of Chicago Press, 2000), vol. 2: Part Four, Ch. 7, 659.

² Thomas Jefferson, “IV. Jefferson's Observations on DéMeunier's Manuscript, 22 June 1786,” *The Papers of Thomas Jefferson*, vol. 10, 22 June–31 December 1786, ed. Julian P. Boyd (Princeton: Princeton University Press, 1954), 30-61.

response was unorthodox when compared to reactions of other prominent political leaders, such as George Washington, James Madison, and Alexander Hamilton. Even the Federal Farmer depicted the dissenting toilers of the earth in a disapproving light referring to them as “levellers” desirous of the ruination of law and property.³ In this chapter, I juxtapose responses by these leading national figures to Jefferson’s view of the rural uprising in Massachusetts. While serving as the ambassador to France at the time, Jefferson received word of the growing insurrection through personal correspondences with the Adams family as well as newspaper reporting.⁴ I interrogate Jefferson’s replies to these alarming letters for it reveals a dimension of his thinking that points to a primacy of action committed by the people diametrically at-odds with a political order delineated by a vesting of authority in elected officials, while demanding conformity and restraint from the people.⁵ For Jefferson, the agrarian resistance represented a “necessary” element in self-government, as a continuation of the

³ See Richard Henry Lee, “Letter I, The Struggle over Ratification of the Constitution I, 13 October 1787,” in *Letters from the Federal Farmer to the Republican*, ed. Walter Hartwell Bennett (Tuscaloosa: The University of Alabama Press, 1978), 32.

⁴ It is important to note that Jefferson, much like other leading American political figures of the time, did not receive the complete picture of the events unfolding in Massachusetts. Rather, their perspectives were informed by a limited restraint: long delivery times in postage, incomplete as well as inaccurate newspaper reporting, and biased readings of the event by particular elites. Even with Jefferson’s fragmented and incomplete understanding of the agrarian insurrection in mind, I contend that it does not invalidate the central claim articulated in this chapter, namely that what Jefferson did read about occurring in Massachusetts was illustrious of his commitment to political action and his belief in the people as bulwarks against tyranny.

⁵ See Bernard Manin, *The Principles of Representative Government* (Cambridge: Cambridge University Press, 1997), 128-131.

revolutionary process initiated in 1776, helping to purify detrimental policies and rejuvenate the metabolic civic lifeblood of the political.

To proceed, I affirm that the path ahead is historical, yet inherently political. For an exposition of Jefferson's political vision obliges an interrogation of historical events through a framing of political categories, to borrow from Walter Benjamin's methodological commitment.⁶ To do so, requires that the *very idea of the political* permeate every avenue of scrutiny, meaning we must be vigilant for an emergence of an ethic of responsibility and fraternity *towards others* as a central principle that animates political action within Jefferson's understanding of political life. This chapter follows such a route, opening a pathway for the *entry* as well as the *return* of Jefferson's virtuous citizen-farmer. We shall see shortly how this dynamic political agent – the prominent figure of the ward system – was prefigured in his political cosmos, materializing in a pivotal return in his ideal configuration, setting, and method of politics.

Economic and Political Roots of the Insurrection

Before properly examining major events of the agrarian insurrection and Jefferson's commentary on it, it is necessary to turn to the conditions that left Massachusetts farmers in dire economic strife. By first locating the economic and political factors that

⁶ See Walter Benjamin, *Paris, capitale du XIXe siècle: Le livre des passages*, trans. Lacoste (Paris: les Éd. du Cerf, 1989), 409.

directly contributed to high inflation rates, devaluations of currency, and crippling levels of private and public debt that handcuffed, not only the farming region, but vast sectors of the Massachusetts economy, I will show how the underlying roots of the resistance were instrumental in eliciting oppositional voices that clamored for a new constitution fashioned as a centralized federal system in the aftermath of Shays' Rebellion.⁷

Excessive levels of personal debt held by the farmers combined with a retraction of available credit supply – two crucial elements that ignited opposition on the part of the rural dissenters – were directly related to the costs associated with the War of Independence. Under the Articles of Confederation, the power to tax rested with the authority of the states as the national government was unable to impose direct taxes. As a result, states maintained authority to levy taxes on their own citizens to help repay loans advanced for wartime expenditures.⁸ Almost annually, the national government would send states a requisite indicating the amount that each state was responsible to repay, which would then be sent back to Congress and applied directly to the

⁷ Scholars abound have argued that the events of Shays' Rebellion played a central role in the call for the drafting of a new constitution. See Clinton Rossiter, *1787: The Grand Convention* (New York: Macmillan Company, 1966), 56, 86; Forrest McDonald, *We The People: The Economic Origins of the Constitution* (Chicago: University of Chicago Press, 1958), 142, 188; Jackson T. Main, *The Antifederalists Critics of the Constitution, 1781-1788* (Chapel Hill: The University of North Carolina Press, 1961), 63-64. For an engaging study that problematizes a causal link between Shays' Rebellion and the inevitability of the Constitutional Convention, see Robert A. Feer, "Shays's Rebellion and the Constitution: A Study in Causation," *The New England Quarterly* 42, no. 3 (Sept., 1969): 388-410.

⁸ Article VIII, The Articles of Confederation, *The Federalist Papers*, ed. Clinton Rossiter (New York: Signet Classic, 1999), 536.

Continental debt. Decisions pertaining to how funds would be raised were left to the discretion of the states, albeit states typically used all or some combination of direct taxes in the form of income, property, and poll taxes.⁹

Requisitions sent to Massachusetts in the early 1780s, and as late as Congress' 27 September 1785 request, strongly precipitated the rural debt crisis. Facing mounting pressure to repay a Dutch loan in 1787 and a French loan before the end of 1788, Congress was fearful that a default to Dutch bankers would hinder possible future advances and the prospect of a total refinancing of any remaining foreign debt held.¹⁰ With Congress facing stringent deadlines, the onerous task of tax collection fell heavily on the states. In order to meet these critical deadlines to expedite the repayment of national debt, the Massachusetts legislature approved a series of nine direct taxes between 1780 and 1786.¹¹

In concert with direct rounds of taxes, the legislature also authorized an overhaul and acute reform of monetary policies. At the center of the freshly minted monetary program, a strict retraction of the money supply was advanced with a newly created currency injected into circulation. Fiat currency issued by the national government as

⁹ It is important to note that leading anti-Federalist voices strongly opposed a "slavish capitation," or poll tax, as it would lead to a diminution of personal freedom and public virtue while firmly establishing a permanent aristocracy. See Cato, "Letter V, 22 November 1787," in *The Anti-Federalist Papers and The Constitutional Convention Debates*, ed. Ralph Ketcham (New York: Signet Classic, 2003), 319-320.

¹⁰ Richard Buel, Jr., "The Public Creditor Interest in Massachusetts Politics, 1780-86," in *In Debt to Shays: The Bicentennial of an Agrarian Rebellion*, ed. Robert A. Gross (Charlottesville: The University Press of Virginia, 1993), 52.

¹¹ Roger H. Brown, *Redeeming the Republic: Federalist, Taxation, and the Origins of the Constitution* (Baltimore: Johns Hopkins University Press, 1993), 247-248.

well as individual states had resulted in a gross depreciation of currency notes, at both levels.¹² In effect, the national continental currency was virtually worthless, prompting states to enact new methods for currency stabilization and value. As the old continental currency was being reigned in and replaced by new state-produced notes – a process that would be relegated to banks following the ratification of the Constitution – the value of the currency was unfixed; determined and readjusted by the Massachusetts State Supreme Court, tying it directly to market value. The decision to utilize a variable currency rather than a fixed tender status – or, a singular form of currency denomination – was enacted by the state legislature on 25 January 1781, much to the satisfaction and appeasement of creditors. The repeal of tender status meant that any depreciation of currency value would require debtors to repay the fixed-rate of a loan plus interest back by using more currency notes dependent on fluctuations to exchange rates to satisfy the debt.¹³ The abandonment of tender status was met with growing opposition, particularly in three counties. As county conventions were formed in Suffolk, Middlesex, and Worcester to directly protest the new law, resistance took a decisively political route as spring elections saw a battery of representatives from rural towns win seats in the state house. Although a strong bloc of newly elected

¹² Paul A. Gilje, “The Rise of Capitalism in the Early Republic,” in *Wages of Independence: Capitalism in the Early American Republic*, ed. Paul A. Gilje (Lanham, MD: Rowman & Littlefield Publishers, 2006), 2-3.

¹³ Van Beck Hall, *Politics Without Parties: Massachusetts, 1780-1791* (Pittsburgh: University of Pittsburgh Press, 1972), 106-108.

representatives favored tender status and approved of such a return in a June 1781 vote, the state senate prohibited the advancement and subsequent passage of the bill.¹⁴

The full impact of this shift in monetary policy was felt by farming communities throughout central and western Massachusetts as direct taxes were levied on towns. Notably, the severity of the tax burden on these communities was significantly higher during the 1780s than under British rule.¹⁵ Appointed by the state legislature, a legislative committee assessed tax shares for each town, before sending along a warrant from the office of the state treasurer to each town's assessor.¹⁶ From there, town assessors would calculate the amount that was owed from each household, sending a tax bill to both the household and local constable for prompt collection of the debt. The authority of constables was far-reaching, given that they were legally authorized to seize property and resell it in order to fulfill a tax bill.¹⁷

Farmers greatly feared the risk of property seizure and their trepidations heighten in 1786 upon Governor Bowdoin's new call for direct taxes as well as his strong emphasis on efficient and expedited tax collection.¹⁸ Unable to escape the burden of personal debt, severely exacerbated by market depreciations in the value of goods

¹⁴ Sean Condon, *Shays's Rebellion: Authority and Distress in Post-Revolutionary America* (Baltimore: Johns Hopkins University Press, 2015), 15.

¹⁵ Condon, *Shays's Rebellion*, 11.

¹⁶ *Ibid.*, 17.

¹⁷ *Ibid.*

¹⁸ *Ibid.*, 39.

and a decline in demand for commodities in distant markets,¹⁹ farmers were confronted with not only losing their property and livestock, but also the possibility of tenantry or incarceration.²⁰ The danger of becoming trapped on their former property, but now under the command of another, spread a great concern of dread amongst farmers. “The mortgage of our farms, – we cannot think of, with any degree of complacency,” the farmers of Conway professed.²¹ The fearful residents continued, “To be tenants to landlords... and pay rent for lands, purchased with our money, and converted from howling wilderness, into fruitful fields, by the sweat of our brow, seems... truly shocking.”²² Anxiety concerning threats of jail time for failure of tax payment was also pulsating throughout farming communities.²³ Embedded within a “community-oriented society,” farmers were aghast at the plight of their fellow toilers and the prospect of a debtor’s cell was unnerving.²⁴ In Hampshire County alone, nearly 92 percent of all those imprisoned in county jails between July 1784 to December 1786 were

¹⁹ Bettye Hobbs Pruitt, “Self-Sufficiency and the Agricultural Economy of Eighteenth-Century Massachusetts,” *The William and Mary Quarterly* 41, no. 3 (Jul., 1984): 338.

²⁰ David P. Szatmary, *Shays’ Rebellion: The Making of an Agrarian Insurrection* (Amherst: The University of Massachusetts Press, 1980), 33-35.

²¹ Gregory H. Nobles, “Shays’s Neighbors: The Context of Rebellion in Pelham, Massachusetts,” in *In Debt to Shays: The Bicentennial of an Agrarian Rebellion*, ed. Robert A. Gross (Charlottesville: The University Press of Virginia, 1993), 194.

²² Nobles, “Shays’s Neighbors,” 194.

²³ For a thorough discussion on debt and imprisonment in eighteenth century Massachusetts, see Robert A. Feer, “Imprisonment for Debt in Massachusetts,” *Mississippi Valley Historical Review* 48 (1961-1962): 256. Also, see Peter Coleman, *Debtors and Creditors in America* (Madison: State Historical Society of Wisconsin, 1974), 8-11.

²⁴ Szatmary, *Shays’ Rebellion*, 33.

self-identified as either “yeomen,” “husbandmen,” or “gentlemen farmers.”²⁵ Although imprisonment of debtor farmers was certainly not the norm throughout the rest of the commonwealth, it did persist as a draconian form of punishment targeted directly at the farmers.

The forms and fears of punishment utilized by the state – loss of property, tenantry, and imprisonment – reverberated throughout the psyche of farming communities, signaling a distressing warning that an existential threat was unfolding. In an attempt to quell the onslaught of economic policies that were conceived and implemented in a particularly anti-agrarian light, farmers across the state relied upon localized appeals in the form of petitions sent directly to the governor’s office for relief. Pinning their hopes on a constant barrage of petitions, farmers sought out tax relief and an implementation of a new paper currency to mitigate the ongoing diminution of currency in circulation. Opponents of these recommendations emerged strongly from Boston and other commercial towns citing the utilization of paper money as the catalyst for the hyperinflation of the 1770s that severely crippled the state economy.²⁶ Nevertheless, farmers persisted, directing petitions at Governor Bowdoin and the state legislature at a rapid rate. In the coastal farming county of Barnstable, 20 petitions were crafted during local town hall meetings and county conventions between 1781-1782,

²⁵ Ibid., 34-35.

²⁶ For a brief discussion on the complex, transformative elements of eighteenth century Massachusetts economy, see Rona S. Weiss, “The Market and Massachusetts Farmers, 1750-1850,” *The Journal of Economic History* 43, no. 2 (Jun., 1983): 475-478.

sent directly to the General Court seeking tax abatement.²⁷ In total, 220 petitions requesting tax and debt relief on behalf of farming communities were received and recorded by the General Court between the years of 1778-1786.²⁸

The farmers' appeals failed to gain any traction with either the governor or the state legislature. In the fall 1785 and early-spring 1786 sessions, the state legislature took on a decisively hostile tone against the plight of the farmers, rejecting the conciliatory nature of the petitions, in favor of an implementation of a new round of taxes that would be applied directly to the interest of both state and federal debts. Requests for the discharge of a paper currency were overwhelmingly struck down by the legislature in a late 1785 vote²⁹ and on two occasions, first in November 1785 and then again in March 1786, agrarian relief in the form of a personal property tender measure was soundly defeated.³⁰

Instead, the legislature responded by passing the largest direct tax of the decade in the amount of £300,439 for the following fiscal year.³¹ The new heavy tax bill was met with great support by Governor Bowdoin and the efficacy and full force of its passage would be greatly aided by a piece of legislation that was approved just months prior. Seeking to improve the tax collection process, a bill titled, "An Act For Enforcing The

²⁷ Robert A. Feer, *Shay's Rebellion* (New York: Garland Publishing, Inc., 1988), 530.

²⁸ Feer, *Shay's Rebellion*, 530-546. Also, see Chapters III & IV.

²⁹ Szatmary, *Shays' Rebellion*, 53.

³⁰ Condon, *Shays's Rebellion*, 44.

³¹ *Ibid.*

Speedy Payment Of Rates And Taxes, And Directing The Process Against Deficient Constables And Collectors," passed in February of 1786. In this bill, the legislature granted sweeping powers to local assessors authorizing them to hire new constables to replace any present constable negligent in his duties.³² Moreover, collectors were now required to provide collection updates to the state treasurer every two months as well as the local constable to assist with prompt collections. While justifications for the bill from both the legislature and Governor Bowdoin were draped in terms of efficiency, the impact of its effect was clear. A systematic reorganization of the tax collection process paired with a substantial new tax bill spelled little relief for struggling farmers. Instead, Governor Bowdoin and the legislature had taken a firm stand, refusing to capitulate to the appeals of farmers.

While farmers saw the passage of these two key pieces of legislation as a heavy-handed assault against them, they nevertheless, once again, engaged in a series of last-ditch efforts to seek relief. Throughout the summer of 1786, county conventions occurred across the state as farmers deliberated over which proposals could strike an effective chord with politicians in Boston. Demands from the 27 June session of the Bristol convention reemphasized the call for a paper currency as well as a temporary

³² "An Act For Enforcing The Speedy Payment Of Rates And Taxes, And Directing The Process Against Deficient Constables And Collectors," State Library of Massachusetts Archives, <http://archives.lib.state.ma.us/actsResolves/1785/1785acts0046.pdf>

stay on court hearings concerning property foreclosures.³³ On 15 August, farmers convened in Worcester advancing proposals that called for a relocation of the state capitol, a stricter regulation of lawyers dealing with property and debt litigation, and a reduction in court costs associated with tax disputes.³⁴ In the same month, delegates from over fifty towns descended upon Hatfield for a four-day convention. Here requests continued for a paper currency as well as a recommitment to petition both the governor and the legislature for necessary relief.³⁵ Hinting at a reverent respect for the rule of law, the farmers overwhelmingly approved an article that strongly condemned violence as an effective means of recourse and recommended that the inhabitants of Hampshire County “abstain from all mobs and unlawful assemblies.”³⁶ At the close of the Hatfield convention, the optimistic delegates dispersed, returning back to their towns to provide an update on the proceedings. Copies of the approved resolutions were made, carefully written in a stylistic manner that emulated the outline of grievances found in the *Declaration of Independence*, and sent off to the General Court and other towns across the state.

As the bedrock of Massachusetts’ self-government, the worrisome farmers were hopeful that the work done within the local town hall meetings and county conventions

³³ Feer, *Shay’s Rebellion*, 543.

³⁴ Ibid. Also, see Claire Priest, “Colonial Courts and Secured Credit: Early American Commercial Litigation and Shay’s Rebellion,” *Yale Law Journal* 108, no. 8 (June 1999): 2418.

³⁵ George Richards Minot, *History of the Insurrections in Massachusetts in 1786 and of the Rebellion Consequent Thereon* (New York: Da Capo Press, 1971), 36.

³⁶ Minot, *History of the Insurrections in Massachusetts*, 37.

would suffice to procure proper relief and block any future land seizures. The fate of the desperate farmers now rested in the hands of the General Court. In the town of Northampton, the fall session of the court was scheduled to reconvene at the end of August. It was, importantly, the first courthouse to open in the state following a smoldering, tense summer recess. For nearly a decade, the plight of struggling Massachusetts farmers had continued and their petitions were consistently unrequited. Neither time nor the political machinery in the private corridors of the state capitol in Boston – still infected by “glaring defects of an aristocratic government”³⁷ – appeared to be on the side of the farmers. But the waiting game had run its course for many farmers; time had come for a new call to action, one animated by an invocation of the spirit of 1776 in pursuit of finally being seen and heard by state officials.

Counterrevolution and Agrarian Revolt

By the close of summer, the humid Atlantic air was about to be replaced with a wave of hot-blooded protest and agitation. Political appeals in the form of petitions, accompanied by a promissory note of law-abiding respect that characterized the Hatfield convention, abruptly halted by the end of August. The years of petition writing had resulted in no real productive remedial agrarian legislation reform or debt relief. Farmers were still saddled with debt and being dispossessed of their lands. A boiling

³⁷ Andrew MacFarland Davis, "The Shays Rebellion: A Political Aftermath," in *Proceedings of the American Antiquarian Society*, vol. 21 (Worcester, MA: Press of C. Hamilton, 1911), 59.

point had been reached and at the Northampton courthouse on 29 August 1786 the Rubicon was crossed.

Breathtaking vistas of Mount Tom and Mount Holyoke engulf the quaint and relatively prosperous town of Northampton. Lush gardens and orchards dot across the center of the small picturesque town inhabited by nearly 300 homes. However, on the last Tuesday of August, the typically quiet town nestled comfortably in the valley was swarming with over 1,500 farmers surrounding the Court of Common Pleas. The insurgent farmers, now under the name of the Regulators in homage of the uprisings against British authorities in the Carolina colonies during the late 1760s,³⁸ had come from rural towns across western Massachusetts with nearly five hundred of them equipped with muskets and bayonets.

Throughout the morning, Regulators marched to the beat of thunderous drumming at the steps of the courthouse. The judges dressed in black silk robes requested Sheriff Elisha Porter escort them through the human blockade, which had denied access to the building. By afternoon, the summer sun reached its apex and the number of Regulators continued to surge as incoming farmers flooded the valley in an increasing force. Slogging through the dense crowd, Porter and frustrated judges came face-to-face with emerging leader Luke Day and his fellow farmers-in-arms. Refusing to allow the judges to pass, Day affirmed their constitutional right to protest against the

³⁸ Condon, *Shays's Rebellion*, 57. Also see Marjoleine Kars, *Breaking Loose Together: The Regulator Rebellion in Pre-Revolutionary North Carolina* (Chapel Hill: The University of North Carolina Press, 2002), 138.

unconstitutional nature of the state legislature as well as the resolute commitment of the farmers to block the opening of the court.³⁹ Unable to convince the farmers to withdraw and relent on the occupation of the public courthouse, the judges retreated, still completely caught off guard by the surprise protest, to Samuel Clark's tavern.⁴⁰ There they reviewed the petition delivered to them by Day and contemplated their next move. As the sun began to tuck away between the distant mountains, locals had avoided the commotion by shuttering the doors of their homes and businesses. The town was at an impasse as the farmers dug in around the courthouse and the strategizing judges remained confined to a cozy tavern. By nightfall, there appeared to be an ardent willingness on the part of the farmers to preserve the closure, prompting the judges to finally capitulate.

In an unprecedented turn of events, the Regulators had forced the hands of the judges to officially adjourn for the day. There would be no cases concerning debt litigation on 29 August in the town of Northampton. By midnight of that crucial day, the farmers began to disperse, heading back to satisfy the belated chores of their farms.⁴¹ For at least one day, Regulators effectively stopped the gears of a legal system that had operated in opposition to their pleas. A spark was ignited and the physical space of the courthouse emerged as a pivotal scene for political action.

³⁹ Marion L. Starkey, *A Little Rebellion* (New York: Alfred A. Knopf, 1955), 30.

⁴⁰ Starkey, *A Little Rebellion*, 30.

⁴¹ *Ibid.*, 31.

The response from the governor was unforgiving and condemning. In an official proclamation delivered on 2 September, Bowdoin chastised the rioters for attempting to arouse “universal riot, anarchy and confusion” that, if achieved, would destroy political happiness throughout the commonwealth thrusting it into a condition of “absolute despotism.”⁴² He summoned all “Judges, Justices, Sheriffs, Constables, and other officers, civil and military” of the state to join together in a concerted effort to thwart such violent and harmful transgressions.⁴³

On 5 September, a mere three days after Bowdoin’s public response to the court closure in Northampton, 300-armed farmers arrived in Worcester, effectively blocking the opening of the Court of Common Pleas. The court-closure-tactic of the Regulators persisted throughout September as courts were closed in Concord, Taunton, and Great Barrington. In each case, dissenting farmers were able to quickly mobilize in strong numbers, ranging from 500 in Taunton to 800 in Great Barrington, pressuring public officials for tax reform and debt relief.

While still maintaining the emblem of the Regulators, the month also saw a shift in how the farmers saw themselves in relation to the American body politic.⁴⁴ Although

⁴² Massachusetts, “Governor’s Proclamation,” September 2, 1786, Springfield Technical Community College Archives, Springfield, MA.

⁴³ “Governor’s Proclamation,” September 2, 1786. For a discussion on how Bowdoin’s proclamation and other public addresses were used in legal proceedings against the farmers, see John Noble, “A Few Notes on the Shays Rebellion,” in *Proceedings of the American Antiquarian Society*, vol. 15 (Worcester, MA: Press of C. Hamilton, 1903), 200-232.

⁴⁴ See Jennet Kirkpatrick, *Uncivil Disobedience: Studies in Violence and Democratic Politics* (Princeton: Princeton University Press, 2008), 2.

their demands were particular, the farmers saw the act of *regulation* as a central principle of the republican tradition, dating back to the abuses of Charles I in the English Civil War.⁴⁵ In the English case, the Regulators sought not an abolishment of government itself, but a prevention of political corruption and a return of power back to the people. For the eighteenth century Massachusetts farmers, regulation was needed against a political status quo that consistently enacted detrimental policies in opposition to farming communities. Regulation, then, for the farmers was seen as an ongoing struggle to defeat the “tyrannical government in the Massachusetts state,”⁴⁶ as the enlistment papers of the insurrection declared. The particularities of the farmers’ plight, however, were not the only issue at play. The Regulators saw direct and collective action against the state as a representation of the “body of the people”⁴⁷ in order to *reestablish* – in the spirit of 1776 – a political community aligned with the principles of republican self-government. To counter the rallying banner of the Regulators’ claim to represent the people *in toto* as well as the rightful heirs of 1776, public officials and newspapers alike branded the dissenting farmers as “insurgents” and “mobs.”⁴⁸ The ire

⁴⁵ Robert A. Gross, “A Yankee Rebellion? The Regulators, New England, and the New Nation,” *The New England Quarterly* 82, no. 1 (2009): 120-121.

⁴⁶ Saul Cornell, *A Well-Regulated Militia: The Founding Fathers and the Origins of Gun Control in America* (Oxford: Oxford University Press, 2006), 32.

⁴⁷ Leonard L. Richards, *Shays’s Rebellion: The American Revolution’s Final Battle* (Philadelphia: University of Pennsylvania Press, 2003), 29.

⁴⁸ Richard D. Brown, “Shays’s Rebellion and Its Aftermath: A View from Springfield, Massachusetts, 1787,” *The William and Mary Quarterly* 40, no. 4 (Oct., 1983): 599. Also, see Massachusetts, “Gazette Report On The Closing Of The Courts At Springfield,” 3 January 1787, Pocumtuck Valley Memorial Association,

of the state legislature and Governor Bowdoin was about to surge as farmers turned their sights to Springfield.

As September drew to a close, the commonwealth had been rattled in a topsy-turvy fashion due to the escalating court closures. To this point, Regulators had been effective in adjourning court openings in the counties of Bristol, Middlesex, Hampshire, and Berkshire. In each of these cases, the targets were identical: the steps of the Court of Common Pleas. But in Springfield, Regulators adopted a different approach, turning their sights to the opening of the quarterly session of the Supreme Judicial Court. From 25 to 28 September, 1,500 farmers occupied the courthouse, obstructing the opening of the session, and, importantly, preventing foreclosure cases from being heard. Led by Daniel Shays, the farmers, donning sprigs of evergreen and hemlock in their hats,⁴⁹ crafted a petition that demanded the closure of all civil courts until the state legislature passed effective debt relief as well as a termination of legal proceedings that authorized enforcement for repayment of debt and taxes.⁵⁰

As a Revolutionary War veteran, Shays, like many of his former military comrades, became overburden with debt following the war. His acquisition of land in Pelham, a small town slightly east of the Connecticut River, proved to be an

Deerfield, MA; Massachusetts, "Declaration Of The General Court That A Rebellion Exists," 4 February 1787, Massachusetts State Archives, Boston, MA.

⁴⁹ Condon, *Shays's Rebellion*, 60.

⁵⁰ Joseph Parker Warren, "The Confederation and the Shays Rebellion," *The American Historical Review* 11, no. 1 (Oct., 1905): 42.

unsuccessful enterprise due to rocky, infertile terrain, leaving Shays and his family in dire straits. To help repay mounting debts, Shays sold a sword gifted to him by his former commander, Marquis de Lafayette.⁵¹ Unfortunate for Shays, the coveted memorabilia only fetched a limited return and in 1784, and again in 1786, he was sued for failure to repay a loan. By the time that Shays had arrived in Springfield, he was in default on loans to at least ten men.⁵²

On the evening of the 28th, farmers decided by committee to end the blockade of the courthouse and return home to their farms. The three-day occupation lasted around the clock as farmers set up surrounding camps and employed a rotation to maintain an active presence at the site of the courthouse. The strength of the Regulators rested in their sufficient numbers and calm demeanor to resist using any excessive display of violence, while carefully dragging their demands into the direct sight of the public eye. A week later, the court-closure-tactic continued by the Regulators, prompting adjournments in Berkshire and Bristol counties. As a result of the well-organized mobilization on the part of the Regulators, civil courts remained closed for the remainder of fall and early winter of 1786 in Berkshire, Hampshire, and Worcester

⁵¹ Richards, *Shays's Rebellion*, 54.

⁵² Ibid.

counties as well as in the town of Concord in Middlesex County.⁵³ Additionally, the Supreme Judicial Court remained closed in western Massachusetts until March 1787.⁵⁴

The events at Springfield prompted a quick response by prominent figures in Boston. Governor Bowdoin and the legislature now viewed the dissenting farmers as an emerging threat that had a potential to spark a broader, more public net of support for their cause. Anxiety was beginning to percolate in the state capitol with fears that the already-armed farmers could acquire a surplus of weaponry by launching an assault on the vulnerable federal armory in Springfield. On 29 September, the Congress of the Confederation finally took up the troubling issue of a potential rebellion in Massachusetts.⁵⁵ After a swift vote, Secretary of War Henry Knox was dispatched to Springfield to ensure the protection of the armory. Granted complete authority by Congress and Governor Bowdoin, Knox surveyed the situation in Springfield and reported back with growing trepidation. Knox's report to Congress was clear: the activities of the farmers posed a vital threat to the maintenance of the nation and an enlistment of troops was necessary to neutralize the insurrection. Heeding to Knox's recommendation, the congressional committee concerned with the matter stressed that troops were needed to prevent the insurgents from subverting the government by thrusting it into a "State of Anarchy and Confusion," and quite possibly, the

⁵³ Jonathan Smith, "The Depression of 1785 and Daniel Shays' Rebellion," *The William and Mary Quarterly* 5, no. 1 (Jan., 1948): 86.

⁵⁴ Warren, "The Confederation and the Shays Rebellion," 42.

⁵⁵ *Ibid.*, 43-47.

“Calamities of civil war.”⁵⁶ Congress acted swiftly, approving a plan that raised 2,040 troops for direct involvement in suppressing the rebellion.⁵⁷

Over the next six weeks, action by the farmers and the government shifted from direct to preparatory. In mid-October, a small band of Regulators from Plymouth County arrived at Fort Independence in Dorchester intent on stealing a cannon. Although unsuccessful in their pursuits, the proximity of the fort to Boston sparked alarming fears as tensions ran high that a possible occupation was forthcoming in the state capitol. In a direct response to the potential threat, Governor Bowdoin and the state legislature unleashed a series of bills to counter the mounting resistance.

The first plank of the government’s plan was the Riot Act, passed on 27 October 1786. In this bill, greater authority and power was granted to local sheriffs and constables to break up assemblies of protestors. The bill specified that if one dozen armed individuals or at least 30 individuals convened in a threatening manner, then law enforcement officials could intervene. Punishments for such offences were severe, ranging from incarceration to property confiscation. Beyond these measures, the bill also sought to establish resistance as criminality through public humiliation and shame

⁵⁶ Michael J.G. Cain and Keith L. Dougherty, “Suppressing Shays’ Rebellion: Collective Action and Constitutional Design under the Articles of Confederation,” *Journal of Theoretical Politics* 11, no. 2 (1999): 234. Also, see Woody Holton, *Unruly Americans and the Origins of the Constitution* (New York: Hill and Wang, 2007), 218.

⁵⁷ Cain and Dougherty, “Suppressing Shays’ Rebellion,” 234.

to deter future uprisings.⁵⁸ The bill called for dissenters to be “whipped Thirty-nine stripes on the naked back, at the publick whipping-post, and suffer imprisonment for a term not exceeding Twelve Months, nor less than Six Months.”⁵⁹ Furthermore, offenders sentenced to imprisonment would serve as constant reminders to the public of the severity and ramifications of political agitation. “Once every three months during the said imprisonment,” the bill declared, prisoners would “receive the same number of stripes on the naked back, at the publick whipping-post as aforesaid.”⁶⁰

Although the Riot Act was crafted to “coerce popular protest and contain democratic dissent,”⁶¹ it was only a single tenet of the government’s larger counter-revolutionary program. Aware that Regulators were gathering in Hampshire County, the legislature made a bold effort to crush the farmers through the suspension of the writ of habeas corpus.⁶² In addition, the legislature reaffirmed the authority of Governor Bowdoin to handle the matter, granting him unprecedented powers, in a near dictatorial fashion. The bill, “An Act for Suspending the Privilege of the Writ of Habeas Corpus,” announced:

⁵⁸ Jeremy Engels, “Reading the Riot Act: Rhetoric, Psychology, and Counter-Revolutionary Discourse in Shays’s Rebellion, 1786–1787,” *Quarterly Journal of Speech* 91, no.1 (2005): 75-76.

⁵⁹ Massachusetts, “Riot Act,” *Worcester Magazine*, 8 November 1786 (Worcester, MA: Isaiah Thomas, 1786-1788), 375. Importantly, the number of lashes that the insurgents would receive was not simply arbitrary. Rather, an application of thirty-nine lashes was commonly endorsed in ancient Judaic and Roman law. Moreover, it is commonly cited in the Christian bible that Jesus Christ received that number of lashes before crucifixion.

⁶⁰ “Riot Act,” *Worcester Magazine*, 375.

⁶¹ Robert L. Ivie, “Enabling Democratic Dissent,” *Quarterly Journal of Speech* 101, no.1 (2015): 48.

⁶² Stephen D. Butz, *Shays’ Settlement in Vermont: A Story of Revolt and Archaeology* (Charleston, SC: The History Press, 2017), 64.

Whereas the violent and outrageous opposition, which hath lately been made by armed bodies of men, in several of the counties of this commonwealth, to the constitutional authority thereof, renders it expedient and necessary, that ... the Governour, with the advice of the Council, be, and he hereby is, authorized and empowered, by warrant, under the seal of the commonwealth, by him subscribed, and directed to any sheriff, deputy-sheriff, or constable, or any other person, by name, to command, and cause to be apprehended, and committed in any jail, or any other safe place, within the commonwealth, any person or persons whatsoever, whom the Governour and Council shall deem the safety of the commonwealth requires should be restrained of their personal liberty, or whose enlargement is dangerous thereto.⁶³

The bill continues, authorizing imprisonment of dissenters until July 1787, asserting:

And be it further enacted by the authority aforesaid, That any person who shall be apprehended and imprisoned, as aforesaid, shall be continued in imprisonment, without bail or mainprize, until he shall be discharged therefrom by order of the Governour, or of the General Court. And this Act shall continue and be in force until the first day of July next, and no longer.⁶⁴

On 15 November, the assault against farmers accelerated yet again with the state legislature's approval of a bill directly aimed at the agrarian resistance. According to the Indemnity Act, the dissenting farmers, referred to, as "deluded persons," in the opening line of the bill, were guilty of interrupting the "regular administration of law and justice" throughout the commonwealth.⁶⁵ Clemency for these violations would only be granted following a public oath that affirmed "allegiance to the government" as well as

⁶³ Massachusetts, "An Act for Suspending the Privilege of the Writ of Habeas Corpus," *Worcester Magazine*, 1 December 1786 (Worcester, MA: Isaiah Thomas, 1786-1788), 435.

⁶⁴ Massachusetts, "An Act for Suspending the Privilege of the Writ of Habeas Corpus," 435.

⁶⁵ Massachusetts, *Private and Special Statutes of the Commonwealth of Massachusetts*, vol. 1 (Boston: Manning & Loring, 1805), 142.

a pledge to help punish those still involved with the “destructive opposition.” Moreover, the bill made clear that those unwilling to publicly denounce and withdrawn from further engagement would be tried “in any county within this commonwealth nearest thereto, where law and justice can be administered,”⁶⁶ thus strengthening the forceful hand of the state’s legal system.

In response, Regulators engaged in a sequence of court closures throughout the month of December. Winter had finally arrived in Massachusetts and snowy, harsh blizzard conditions, hampered the government’s ability to stifle the advance of the farmers. On 3 December, a band of Regulators, totaling close to one thousand farmers, forced the closure of the civil courthouse in Worcester. A small militia of approximately 170 soldiers responded, although they were quickly dissuaded and overwhelmed by the sheer presence of the occupation.⁶⁷ Yet again, farmers presented their demands in the form of a petition, this time crafted by representatives from the counties of Worcester, Hampshire, and Berkshire.⁶⁸ In the petition given to Honorable Artemas Ward,⁶⁹ the farmers reaffirmed that their actions were not advanced by a “factious few,” but “extended to towns and counties, and almost every individual who derives his living

⁶⁶ *Private and Special Statutes of the Commonwealth of Massachusetts*, 143.

⁶⁷ Condon, *Shays’s Rebellion*, 77.

⁶⁸ *Ibid.*, 77-78.

⁶⁹ Richards, *Shays’s Rebellion*, 11.

from the labour of his hands or an income of a farm.”⁷⁰ The petition was resounding – and in conjunction with a crippling wintry mix – highly successful for the Regulators. The court remained adjourned for the next seven weeks, reopening on 23 January 1787.

While Regulators maintained occupation of the civil courthouse in Worcester, farmers assembled in Hampshire County to plan their next move. Under the leadership of Captain Daniel Gray, along with Shays’ assistance, they organized into six regiments, under a title of the Committee of Seventeen. Drawing from their experiences in the War of Independence and liaisons committees of the Minutemen, the committee maintained a robust scope of tasks that included: circulation of petitions and proclamations, training of new recruits, and procurement of essential supplies, such as food and ammunition.⁷¹ The committee provided a much-needed coherency to the resistance, affording it with a more direct character and clear organizational scheme. It reflected a shift from unorganized, at times, even chaotic moments of resistance, which characterized the early actions of the farmers to a systematic movement to subvert counterrevolutionary actions by the government. The committee set its sights on its next scene of resistance and on Christmas Day, prominent figures Daniel Shays, Luke Day, and Thomas Grover, along with 300 Regulators, took control of the Springfield

⁷⁰ “The Petition of a Committee from Several Towns in the County of Worcester; together with a Committee from a Body of Men,” *Worcester Magazine*, 7 December 1786 (Worcester, MA: Isaiah Thomas, 1786-1788), 453.

⁷¹ Boris M. Shpotov, “The American Farmers’ Uprising under the Leadership of Daniel Shays, 1786-1787,” in *Russian-American Dialogue on the American Revolution*, eds. Gordon S. Wood and Louise G. Wood (Columbia: University of Missouri Press, 1995), 256, 258.

courthouse.⁷² The judges, aware that militia and federal troops were out of reach, acquiesced to the petition of the farmers, adjourning the court session. As Regulators occupied the courthouse – in line with the formation of military ceremonies – word was dispatched to Boston of their presence in Springfield. Notably, the federal armory – visible from the steps of the occupied courthouse – stood prominently in the distance, unarmed and within striking distance of the Regulators.

But the Regulators refrained from advancing on the armory, opting instead to reorganize and target the scheduled opening of the civil court in Worcester on 23 January 1787. Governor Bowdoin and military forces, under direction of General Benjamin Lincoln, saw Worcester as a potential site for confrontation. With all signs pointing towards a showdown at the end of the month, a force of 4,400 troops was enlisted and authorized by the governor. However, the state legislature remained on winter recess and funds were needed for the payment of troops and provisions in the amount of approximately £6,000. To secure funds, Governor Bowdoin and General Lincoln reached out to Bostonian elites, imploring them for monetary contributions in order to prevent future acts of resistance from targeting private property. The appeal worked with 130 men pledging enough funds to nearly satisfy the costs for troop deployment.⁷³ With funds properly secured, Governor Bowdoin issued on 12 January, “An Issue to the Good People of the Commonwealth,” describing the current situation

⁷² Minot, *History of the Insurrections in Massachusetts*, 90-92.

⁷³ Robert J. Taylor, *Western Massachusetts in the Revolution* (Providence: Brown University Press, 1954), 159.

as one ripe with a “Spirit of discontent, originating in supposed grievances,” brought forth by “Insurgents” who desire to “annihilate our present happy constitution.”⁷⁴ To prevent destruction of the constitution through “horrors of bloodshed” and “civil war,” the governor implored citizens from across the commonwealth to “summon up every virtuous principle within them” to join the efforts of the government to restore “order, harmony and peace.”⁷⁵

On 19 January, General Lincoln and two thousand troops departed Roxbury for a forty-mile march to Worcester. As heavy snow fell during the three-day trek, General Lincoln and militia forces arrived in Worcester ready to combat a well-stocked squad of Regulators. However, the Regulators had learned of the large force headed for Worcester and diverted their forces, once again, to Springfield. There, Eli Parsons along with 300 Regulators linked up with Luke Day’s company of nearly one thousand. Unlike the occupation in Springfield back in December, the Regulators, this time, decided to head for the armory. As the Regulators advanced, General Shepard, federal commander of the armory, ordered cannons and “fourteen or fifteen rounds of grapeshot” to be fired at the approaching farmers.⁷⁶ A thick fog of smoke blanketed the armory and the farmers retreated without returning a single shot. As the ringing of

⁷⁴ Massachusetts, *Commonwealth of Massachusetts. By His excellency, James Bowdoin, Esquire, Governour of the Commonwealth of Massachusetts, An Address to the Good People of the Commonwealth, Two Columns Regarding Shays’ Rebellion*, Library of Congress, Washington, D.C., Printed Ephemera Collection; portfolio 43, folder 6, image 1.

⁷⁵ Bowdoin, *An Address to the Good People of the Commonwealth*.

⁷⁶ Szatmary, *Shays’ Rebellion*, 102.

cannon blasts and gun smoke dissipated, the pristine white frozen ground was blemished by the blood of four dead and twenty injured farmers.⁷⁷

The farmers desperately needed to regroup after a devastating loss at the armory. Setting up camp in Pelham, home of Daniel Shays, the farmers received comfort and support by town residents. As the farmers recuperated, General Lincoln and his troops were closing in, preparing camp just ten miles east in the town of Hadley.⁷⁸ On 2 February, Regulators spotted militia scouts surveying their base camp. Before governmental forces could launch an assault, the farmers quickly escaped on 3 February, under the screen of an unrelenting snowfall, embarking on an arduous thirty-mile journey to the Regulator-friendly town of Petersham. As the sun began to rise the next day, the farmers finally arrived in Petersham to a warm welcome. But as the clock struck nine in the morning, the farmers were startled and overrun by General Lincoln's troops. Throughout the night, militia forces embarked on a non-stop slog through blizzard-like conditions to reach Petersham. Exhaustion and frostbite had afflicted both sides and without momentum to muster an assault, the debilitated farmers conceded to government forces. In total, 150 Regulators were captured as remaining farmers escaped, fleeing into Vermont, New Hampshire, and New York.⁷⁹

⁷⁷ Minot, *History of the Insurrections in Massachusetts*, 112-116.

⁷⁸ Condon, *Shays's Rebellion*, 93.

⁷⁹ Minot, *History of the Insurrections in Massachusetts*, 131-136.

The crushing defeat of the Regulators at Petersham signaled the beginning of the end for the agrarian resistance. Although minimal skirmishes continued throughout winter and a final armed conflict occurred in Sheffield on 25 February, the government had regained total control of the movement, directing resources to apprehend key leaders and dismantle any remnants of the insurrection. In early February, the legislature declared that the commonwealth was in a state of a “horrid and unnatural rebellion.”⁸⁰ The “Massachusetts Disqualification Act,” passed on 16 February 1787, following the official announcement of the open rebellion. The law strongly punished those involved in the resistance, effectively disenfranchising and stripping participants of their civil rights. The bill declared:

They shall not serve as Jurors, be eligible to any Town-Office, or any other Office under the Government of this Commonwealth, and shall be disqualified from holding or exercising the employments of School-Masters, Innkeepers or Retailers of spirituous liquors, or either of them, or giving their votes for the same term of time, for any officer, civil or military, within this Commonwealth [...].⁸¹

An assault on scrambling farmers continued throughout the end of winter and into the early spring of 1787. Informed that a number of prominent leaders had fled the state and crossed over into surrounding New England territories, Governor Bowdoin

⁸⁰ Massachusetts, “Declaration Of The General Court That A Rebellion Exists,” 4 February 1787, Springfield Technical Community College Archives, Springfield, MA.

⁸¹ Massachusetts, “Massachusetts Disqualification Act,” February 16, 1787, Springfield Technical Community College Archives, Springfield, MA. Also, see Massachusetts, Governor James Bowdoin, *Commonwealth of Massachusetts. By His Excellency, James Bowdoin, Esq. Governour of the commonwealth of Massachusetts. A proclamation Whereas by an act passed the sixteenth of February instant, entitled, “An act describing the disqualification.”* Boston, 1787. Library of Congress, Washington, D.C. <https://www.loc.gov/item/rbpe.04301100/>.

implored neighboring governors to seek out and capture key insurgents. Throughout April and May, captured Regulators were tried and sentenced, with fourteen men sentenced to death by hanging.⁸² In a matter of months, the state had effectively dismantled the agrarian threat, neutralizing resistance and firmly regaining control of the public issue of debt and tax policies. The events collectively known as Shays' Rebellion⁸³ – moments of direct action, coordination, and deliberation by previously unheard farmers – inflamed a political storm, not only in Massachusetts, but throughout the republic. Its defeat, however, was somber and discreet: the methodical pendulum-like bristling of a hanging noose, the flapping of another foreclosure posting in the brisk, Atlantic air, and the contrived, hushed recitation of a pledge of state loyalty. In February 1788, Daniel Shays – who had fled Massachusetts in the winter of 1787 to Vermont – petitioned the state for a pardon, hoping to return to the commonwealth.⁸⁴ By the summer of 1788, the agrarian resistance was securely over and Daniel Shays was granted a pardon.

⁸² Condon, *Shays's Rebellion*, 111.

⁸³ I treat the numerous displays of action by the dissenting farmers under the singular title of Shays' Rebellion. W.S. Tyler affirms this point, writing, "Shays who happened to give his name to a movement he did not originate and was incapable of leading [...]." See W.S. Tyler, *History of Amherst College During Its First Half Century, 1821-1871* (Springfield, MA: Clark W. Bryan and Company, 1873), 22.

⁸⁴ Minot, *History of the Insurrections in Massachusetts*, 191.

A Spirit of Resistance to Government

The actions of the farmers were met with near-universal condemnation on the part of national political leaders. Fearful that the rebellion would infect the entire republic, the farmers incited an impulse within national figures that saw a creation of “barriers against democracy,”⁸⁵ as a necessary recourse to smother the blooming fervor of radicalism and “lower-class fermentation”⁸⁶ permeating throughout the 1780s. In turn, Shays’ Rebellion became heralded by the political *Few* as a warning-shot: a political *and* economic threat injected across the national stage that threaten the foundation of the republic. Casting the farmers off as hostiles – at times, flat-out vilifying them – was, therefore, essential in the creation of a national narrative that demanded a new political instrument capable of amassing and consolidating power as an effective means to permanently suppress all forms of resistance.

Writing to David Humphrey in late October 1786, George Washington saw the “commotions” in Massachusetts as a reflection of mob rule produced through debauchery.⁸⁷ According to Washington, these *types of commotions* require immediate

⁸⁵ Terry Bouton, *Taming Democracy: “The People,” the Founders, and the Troubled Ending of the American Revolution* (Oxford: Oxford University Press, 2007), 8.

⁸⁶ Marc Egnal, *A Mighty Empire: The Origins of the American Revolution* (Ithaca, NY: Cornell University Press, 1988), 280.

⁸⁷ George Washington to David Humphreys, 22 October 1786, *The Papers of George Washington, Confederation Series*, vol. 4, 2 April 1786–31 January 1787, ed. W.W. Abbot (Charlottesville: The University Press of Virginia, 1995), 296-297.

extinguishing to thwart a spread of dissent.⁸⁸ If not, Washington warned that resistance coalesces, similar to a snowball, gathering force until an opposition can “divide & crumble them.”⁸⁹ Just a day after writing to Humphrey, Washington received an alarming letter from General Henry Knox concerning the activities of the dissenting farmers, dated 23 October 1786. In the letter, Knox suggests that a *rebellion against reason* was unfolding in Massachusetts with the insurgents taking direct aim, through a use of force, at the affluent of the state. To Knox, the intent of the farmers was not simply tax and debt relief, but rather an undoing of the social fabric that binds the nation together. Knox asserted that the creed of the farmers was downright divisive. Outlining their objectives, he writes,

That the property of the United States has been protected from the confiscations of Britain by the joint exertions of all, and therefore ought to be the common property of all. And he that attempts opposition to this creed is an enemy to equity and justice, and ought to be swept from off the face of the earth.⁹⁰

This threat against the sanctity of private property, according to Knox, can be quelled by an extensive transformation of the national government in order to “secure our lives and property.”⁹¹ The farmers – overwhelmed with “turbulent passions” in an

⁸⁸ Stanley M. Elkins and Eric McKittrick, *The Age of Federalism: The Early American Republic, 1788-1800* (Oxford: Oxford University Press, 1993), 43.

⁸⁹ George Washington to David Humphreys, 22 October 1786, 296-297.

⁹⁰ To George Washington from Henry Knox, 23 October 1786, *The Papers of George Washington, Confederation Series*, vol. 4, 299-302. See Gore Vidal, *Inventing a Nation: Washington, Adams, Jefferson* (New Haven: Yale University Press, 2003), 5-10. Also, see Howard Zinn and Anthony Arnove, *Voices of a People's History of the United States* (New York: Seven Stories Press, 2004), 105.

⁹¹ To George Washington from Henry Knox, 23 October 1786, 299-302.

animalistic manner, reminiscent of Plato's condemnation of the *demos* – if successful, would establish an "Arbitrary and Capricious armed tyranny,"⁹² totally destroying liberty and happiness, both publicly and privately. Mark E. Kann summarizes how Federalist leaders viewed the actions of the farmers, casting them in a directly negative light:

The critics claimed the rebellious farmers failed to exhibit the 'reason, independence, bravery, moderation, productivity, and fiscal responsibility' of republican men and instead suffered from vices associated with 'the irrational, extravagant, passionate, seductive, dependent woman.' Federalists pointed to farmers' personal failings, their foolishness and effeminacy, rather than to macroeconomic trends or political policies to explain their indebtedness.⁹³

For political elites to erect such a devastating picture of dissent, on the part of the farmers, they shaped two devastating pictures: firstly, the toilers of the earth were now characterized as overwhelmed with "turbulent passions," devoid of reason and civility; and secondly, actions by these wild actors against reason, *and* the state, *and* private property, *and* wealth, were fashioned together as behavior reflective of the very type of association that could destroy the entire architecture of the American commercial republic and Enlightenment ideals writ large: anarchy.⁹⁴

⁹² Ibid.

⁹³ Mark E. Kann, *Punishment, Prisons, and Patriarchy: Liberty and Power in the Early American Republic* (New York: New York University Press, 2005), 207.

⁹⁴ See J.S. McClelland, *The Crowd and the Mob: From Plato to Canetti* (London: Unwin Hyman, 2010), 2. Also, see Stephen L. Elkin, *City and Regime in the American Republic* (Chicago: The University of Chicago Press, 1987), 115-116.

The possibility of the agrarian resistance devolving into anarchy struck a resounding chord and intensified fears for elites.⁹⁵ Charles Pettit alerted Benjamin Franklin to a very real possibility that anarchy would triumph in Massachusetts and throughout the “Eastern States,” if not properly contained.⁹⁶ Henry Lee informed Washington that the nation was at a critical junction due to the events of Shays’ Rebellion. For Lee, a federal government must be recreated in order to deal with destructive, violent events similar to those taking root in Massachusetts. If not, Lee believed that the people of the United States would be left with no choice but to submit to the brutal “horrors of anarchy and licentiousness.”⁹⁷ Francis Dupuis-Déri discusses the use of such a forceful anti-democratic discourse – including its interchangeable counterpart of “anarchy”⁹⁸ – further suggesting that pejorative labeling was employed to distance the people from spaces of “political deliberation and the decision-making process.”⁹⁹ Dupuis-Déri further argues that the aim of this decisively *anti-people* tactic

⁹⁵ I use the term “elites” here to represent those in direct opposition to the main tenets of the growing radicalism of the anti-Federalists, which centered on localism and egalitarianism and viewed the actions of the Carlisle Riot, Shays’ Rebellion, Fries’ Rebellion, and the Whiskey Rebellion as movements towards an establishment of popular sovereignty. See Saul Cornell, “Aristocracy Assailed: The Ideology of Backcountry Anti-Federalism,” *The Journal of American History* 76, no. 4 (Mar., 1990): 1148-1172.

⁹⁶ Paul M. Thompson, “The Reaction to Shays’ Rebellion,” *Massachusetts Legal History* 4 (1998): 49.

⁹⁷ To George Washington from Henry Lee, Jr., 8 September 1786, *The Papers of George Washington*, Confederation Series, vol. 4, 241.

⁹⁸ Catherine Drinker Bowden stresses this point, writing, “[...] to the members of the Federal Convention the word *democracy* carried another meaning than it does today. Democracy signified anarchy.” See Catherine Drinker Bowden, *Miracle at Philadelphia: The Story of the Constitutional Convention, May to September 1787* (Toronto: Bantam Books, 1966), 44.

⁹⁹ Francis Dupuis-Déri, “The Political Power of Words: The Birth of Pro-democratic Discourse in the Nineteenth Century in the United States and France,” *Political Studies* 52 (2004): 120.

“unmistakably served to draw a visible distinction between the speaker and his adversaries,” vitally seeking to “discredit them as both irresponsible and dangerous.”¹⁰⁰

Talk of anarchy continued in Washington’s letter to James Madison on 5 November 1786. Highly persuaded by Knox’s evaluation of the situation, Washington stressed that the insurrection was aiming at a reconstitution of the American body politic through an abolishment of debt and private property, in favor of commonly held property. As a result, Washington signaled his grave worry over the deteriorating conditions, proclaiming, “We are fast verging to anarchy & confusion!”¹⁰¹ Alluding to the possibility of drafting a new constitution, Washington saw a greater benefit to a strong federal government endowed with the authority to prevent encroachments by means of a powerful standing army.¹⁰² “A liberal, and energetic Constitution,” Washington recommends to “restore us to that degree of respectability & consequence, to which we had a fair claim, & the brightest prospect of attaining.”¹⁰³ James Madison shared Washington’s critical stance towards the agrarian resistance, deeming it an exercise in treasonous activity¹⁰⁴ and even going as far as to suggest that the effects of

¹⁰⁰ Dupuis-Déri, “The Political Power of Words,” 122.

¹⁰¹ From George Washington to James Madison, 5 November 1786, *The Papers of George Washington*, Confederation Series, vol. 4, 331.

¹⁰² Gordon S. Wood, *Empire of Liberty: A History of the Early Republic, 1789-1815* (Oxford: Oxford University Press, 2009), 111.

¹⁰³ From George Washington to James Madison, 5 November 1786, 332.

¹⁰⁴ From James Madison to Thomas Jefferson, 19 March 1787, *The Papers of James Madison*, vol. 9, 9 April 1786–24 May 1787 and supplement 1781–1784, ed. Robert A. Rutland and William M. E. Rachal (Chicago: The University of Chicago Press, 1975), 317-322. For Madison’s belief following the defeat of the insurgents as well as his fear that the defeated-farmers would attempt to use elections to advance their

the insurrection produced a rebellious substance now gravely infused within the republic.¹⁰⁵ Alexander Hamilton was equally inflammatory in his judgment of the rebellion, referring to it as “evil” in *Federalist No. 6*, which necessitated a use of force, as the only effective measure for curing the maladies of the body politic.¹⁰⁶ The need for a use of force reached its zenith in Hamilton’s speech at the Philadelphia Convention in the summer of 1787, when he declared, “A certain portion of military force is absolutely necessary in large communities. Massachusetts is now feeling this necessity & making provision for it.”¹⁰⁷

News surrounding the events of Shays’ Rebellion reached Jefferson in late 1786. In a letter written on 27 October 1786, John Jay framed the situation in a highly dangerous and alarming light. “A Spirit of Licentiousness has infected Massachusetts,” Jay warned, “which appears more formidable than some at first apprehended.”¹⁰⁸ Jay continued, suggesting that the “very unpleasant Situation” in Massachusetts required

positions, see Joseph M. Bessette, *The Mild Voice of Reason: Deliberative Democracy and American National Government* (Chicago: The University of Chicago Press, 1994), 14.

¹⁰⁵ See Michael Lienesch, “Reinterpreting Rebellion: The Influence of Shays’s Rebellion on American Political Thought,” in *In Debt to Shays: The Bicentennial of an Agrarian Rebellion*, 177.

¹⁰⁶ Alexander Hamilton, *The Federalist No. 6, The Papers of Alexander Hamilton*, vol. 4, January 1787–May 1788, ed. Harold C. Syrett (New York: Columbia University Press, 1962), 309-317. Also, see Alexander Hamilton, *The Federalist No. 28, The Papers of Alexander Hamilton*, vol. 4, 439-443.

¹⁰⁷ “James Madison’s Version, 18 June 1787,” *The Papers of Alexander Hamilton*, vol. 4, 187-195. Also quoted in Szatmary, *Shays’ Rebellion*, 129. Hamilton further claimed, much like Shays’ Rebellion, that the Whiskey Rebellion embodied an inherently violent nature. To Hamilton, both rebellions were seen as illegitimate insurrections that directly threatened the foundation of the republic. See Paul Douglas Newman, *Fries’s Rebellion: The Enduring Struggle for the American Revolution* (Philadelphia: University of Pennsylvania Press, 2004), 74.

¹⁰⁸ To Thomas Jefferson from John Jay, 27 October 1786, *The Papers of Thomas Jefferson*, vol. 10, 22 June–31 December 1786, ed. Julian P. Boyd (Princeton: Princeton University Press, 1954), 488-489.

expedited alterations to the structure of the federal government and a stronger constitution in order to “repress the Evils” of the agrarian insurrection.¹⁰⁹ Fearful that the rebels would destroy the pillars of “Law and Government,” Jay speculated that if this “spirit of licentiousness” were able to persist, then the American republic would descend into tyranny, or, in an unabashedly reactionary impulse, the “People” would clamor for the return of the monarch.¹¹⁰

On 30 November 1786, John Adams also wrote to Jefferson concerning the ongoing events in Massachusetts. Unlike Jay’s distressing letter, Adams cautioned Jefferson to not be alarmed by a “late Turbulence in New England.”¹¹¹ Reducing the uprising to the effects of a burdensome tax rate, which was too heavy on the people, Adams assured Jefferson that “all will be well” as the “Commotion” would be quickly terminated, resulting in a further consolidation of government power.¹¹²

Due to the physical distance between his duties in Paris and the unfolding displays of resistance in Massachusetts, both Jay’s and Adams’ letter reached Jefferson on 20 December 1786. In his reaction to these contradictory views, Jefferson conveyed to Adams that he was initially “affected” by the strong tenor of Jay’s concerns, but after reading Adams’ take on the situation, he was confident that “common sense” would

¹⁰⁹ To Thomas Jefferson from John Jay, 27 October 1786, 488-489.

¹¹⁰ Ibid.

¹¹¹ To Thomas Jefferson from John Adams, 30 November 1786, *The Papers of Thomas Jefferson*, vol. 10, 556-557.

¹¹² To Thomas Jefferson from John Adams, 30 November 1786, 577.

prevail.¹¹³ Jefferson continued on the subject in a letter written to Abigail Adams just a day after his response to John Adams. Dated 21 December 1786, Jefferson reaffirmed the frantic nature of Jay's perspective and the calming, assuring viewpoint articulated by her husband. In the same letter, Jefferson also points towards an upshot of the rebellious events enacted by the farmers, opining, "I like to see the people awake and alert."¹¹⁴ But Abigail was unconvinced by Jefferson's complimentary tone towards the importance of civic vigilance against excessive governmental authority. Responding from London on 29 January 1787, Abigail dismissed Jefferson's characterization of a "laudible [sic] Spirit" exhibited by the dissenting farmers, instead referring to them as "Mobish insurgents."¹¹⁵ "Ignorant, wrestless desperadoes, without conscience or principals," Adams declared on the nature of the insurgents, further suggesting that they have "led a deluded multitude to follow their standard."¹¹⁶ Moreover, Adams saw the demands of the insurgents as highly threatening to national tranquility, particularly in their attempt to abolish all debts and implement an equalization of property, due to an increasing amassment and consolidation of property in fewer hands.¹¹⁷ Instead, she

¹¹³ Thomas Jefferson to John Adams, 20 December 1786, *The Papers of Thomas Jefferson*, vol. 10, 619.

¹¹⁴ Thomas Jefferson to Abigail Adams, 21 December 1786, *The Adams Papers*, Adams Family Correspondence, vol. 7, *January 1786–February 1787*, ed. C. James Taylor, Margaret A. Hogan, Celeste Walker, Anne Decker Cecere, Gregg L. Lint, Hobson Woodward, and Mary T. Claffey (Cambridge, MA: Harvard University Press, 2005), 409.

¹¹⁵ Abigail Adams to Thomas Jefferson, 29 January 1787, *The Adams Papers*, Adams Family Correspondence, vol. 7, 455-457.

¹¹⁶ Abigail Adams to Thomas Jefferson, 29 January 1787, 455-457.

¹¹⁷ Jackson Turner Main, *Social Structure of Revolutionary America* (Princeton: Princeton University Press, 1965), 225.

stressed that necessity demands that the “wisest and most vigorous measures”¹¹⁸ be devised and employed to suppress the rebellion. For Adams, the “mad cry of the Mob”¹¹⁹ threatened the very existence of the republic.

But Jefferson was unmoved by Abigail’s inflammatory rhetoric as well as Jay’s account and the reporting of the events as depicted in New England newspapers sent to him by Colonel William S. Smith.¹²⁰ While politicians and elites alike advocated for military intervention and brute force to extinguish the flame of rebellion, Jefferson, writing from Paris, provided a different perspective on the events, even equating them to an “overreaction” by elites.¹²¹ In a letter written to James Madison on 30 January 1787, as the events began to boil to their climax back in Massachusetts, Jefferson stressed the necessity of rebellion, arguing, “I hold it that a little rebellion now and then is a good thing and as *necessary* in the political world as storms in the physical” for the refreshment of the tree of liberty.¹²²

¹¹⁸ Abigail Adams to Thomas Jefferson, 29 January 1787, 455–457.

¹¹⁹ Abigail Adams to Thomas Jefferson, 29 January 1787, 456. In her initial draft of the letter, Adams wrote “the cry of the people.” However, the final letter sent to Jefferson indicates an important shift in her thinking, opting to situate the insurrection in a more radical and condemning inflection through the actions of a mob. For a depiction of how the imagery of the “mob” functioned within the imagination of early America, see Jason Frank, “Publius and Political Imagination,” *Political Theory* 37, no. 1 (February 2009): 74.

¹²⁰ Dumas Malone, *Jefferson and His Time: Jefferson and the Rights of Man* (Boston: Little, Brown and Company, 1951), 157.

¹²¹ Daniel Kemmis, *Community and the Politics of Place* (Norman: University of Oklahoma Press, 1990), 10–12, 128.

¹²² Thomas Jefferson to James Madison, 30 January 1787, *The Papers of Thomas Jefferson*, vol. 11, 1 January–6 August 1787, ed. Julian P. Boyd (Princeton: Princeton University Press, 1955), 92–97. Emphasis added.

Deeply saturated with vivid naturalistic imagery, the main thrust of Jefferson's unorthodox claim impinges upon his usage of the word necessary. As I explored in the previous chapter, Jefferson's *Declaration of Independence* opens with a sweeping announcement: "When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another [...]"¹²³ In Jefferson's manifesto on colonial independence, he begins by firmly situating the grievances of the colonists within a Newtonian worldview. Just as Newton opened his *Principia* with the phrase of "necessary," Jefferson frames the plight of the colonists as illuminative of a particular pattern that is scientifically discernible through a succession of observable facts. For Jefferson, the political units of the colonies, much like planets in orbit, are open to scientific observation and directly point to the specific conditions that produce the kinetic and obstructive forces of movement. The result of this particular sequence of events had produced a law: the separation of the colonies from England is not centered on desirability or even practicality, but rather an act of necessity.¹²⁴ In light of the importance that the phrase of "necessary" maintains in the *Declaration*, Jefferson's call for rebellion and its *necessity* acquires a crucial dimension within his thought, one that suggests a primacy of political action over conformity.

¹²³ "The Declaration of Independence as Adopted by Congress, 11 June–4 July 1776," *The Papers of Thomas Jefferson*, vol. 1, 1760–1776, ed. Julian P. Boyd (Princeton: Princeton University Press, 1950), 429–433.

¹²⁴ For an in-depth descriptive account of the constitutive parts of Jefferson's *Declaration*, particularly the Newtonian influence on the use of "necessary," see Garry Wills, *Inventing America: Jefferson's Declaration of Independence* (New York: Vintage Books, 1979), 93–94.

In his response to Abigail Adams written on 22 February 1787, Jefferson accentuates the necessity for rebellion that he alluded to in his January letter to Madison, albeit this time, in direct relation to the actions of the farmers in Massachusetts. He writes, “The *spirit of resistance to government* is so valuable on certain occasions, that I wish it to be always kept alive. It will often be exercised when wrong, but better so than not to be exercised at all.”¹²⁵ Reapplying the metaphoric imagery of the physical world to resistance, Jefferson continues, “I like a little rebellion now and then. It is like a storm in the Atmosphere.”¹²⁶ Resistance in this manner, then, emerges as a physical force cyclically materializing through constant entries into the political realm. An unleashing of this energetic force represents episodic breaks against and apart from restricted, limited spaces of political engagement situated too distant from the immediacy of the people. It appears with the full force of the present situation – constituted through an immediate “now” – but also with a promise of *what is to come* – the “then” element of political action – an invocation of the indeterminate experience of resistance that at once, and repeatedly, institutes and obliterates markers of certainty defined by an artificial, patrician order.

Jefferson’s thinking on the agrarian resistance reached its clearest articulation in a letter to William Stephens Smith, written in the midst of the ongoing debates

¹²⁵ Thomas Jefferson to Abigail Adams, 22 February 1787, *The Papers of Thomas Jefferson*, vol. 11, 174-175. Emphasis added.

¹²⁶ Thomas Jefferson to Abigail Adams, 22 February 1787, 174.

concerning ratification for the newly drafted Constitution. In the letter to Smith, Jefferson, once again, praises a “spirit of resistance”¹²⁷ exhibited by the Massachusetts farmers, inciting a call for its continuation. Jefferson is clear that a spirit of resistance is necessary for the preservation of public liberty as its absence produces a type of “lethargy” in the people.¹²⁸ When exercised, a spirit of resistance exists as a material force – constituted by the people – that appears in the public to directly challenge corruptive expressions of political power. For Jefferson, such events of political action must occur “from time to time” to reassert a primacy of the people over the supremacy of consolidated, unresponsive government power.¹²⁹ To maintain this invaluable “sign of democratic vitality,”¹³⁰ Jefferson goes as far as to suggest that resistance embodies an inherently forceful character, as he asserts, “Let them take arms.”¹³¹ This type of action – impregnated with the tendency towards physical violence – is essential for the regeneration of the body politic through a reclaiming, or a *re-winning*, of political liberty by the people against oppression, domination, and exclusion. Robert E. Shalhope exposes Jefferson’s deeply held commitment to republican tradition – particularly, Machiavelli, Harrington, and Burgh – that relies on “personal right and communal

¹²⁷ Thomas Jefferson to William Stephens Smith, 13 November 1787, *The Papers of Thomas Jefferson*, vol. 12, 7 August 1787–31 March 1788, ed. Julian P. Boyd (Princeton: Princeton University Press, 1955), 355-357.

¹²⁸ Thomas Jefferson to William Stephens Smith, 13 November 1787, 355-357.

¹²⁹ Thomas Jefferson to William Stephens Smith, 13 November 1787, 355-357.

¹³⁰ George McKenna, *American Populism* (New York: Capricorn Books, 1974), 68.

¹³¹ Thomas Jefferson to William Stephens Smith, 13 November 1787, 355-357.

responsibility" exemplified in an armed citizenry.¹³² According to Shalhope, Jefferson enjoined personal right with civic virtue in formulating his vision of political action *qua* arms and the American frontier. According to Shalhope, Jefferson held the belief that "a vast supply of land, occupied by an armed and self-directing yeomanry, might establish an endless reservoir of virtue."¹³³ For Jefferson, importantly, then, the taking of arms during Shays' Rebellion came to symbolize an expression of civic virtue upon a public stage that daringly alerted the rulers to particular state policies that functioned as impediments to freedom, equality, and happiness for all.

Of course, political action of this style brings with it a decisively dangerous quality, one that cannot escape bloodshed. "The tree of liberty must be refreshed from time to time with the blood of patriots and tyrants," Jefferson writes, "It is natural manure."¹³⁴ From a stylistic standpoint, Jefferson's claim here reintroduces his persistent use of vivid, metaphoric imagery when describing human, political, and environmental elements, carefully expounding on an interrelation nature between these realms. Substantially, Jefferson's grafting of political action – including armed expressions – onto a distinctly non-linear spectrum of time swiftly transcends

¹³² Robert E. Shalhope, "The Armed Citizen in the Early Republic," *Law and Contemporary Problems* 49, no. 1 (Winter 1986): 126.

¹³³ Shalhope, "The Armed Citizen in the Early Republic," 140. The necessity of an armed yeomanry was also stressed in the anti-Federalist writings of "John DeWitt." In Essay II, the writer criticizes calls by the Federalists for the erection of a standing army as well as the suspension of the writ of habeas corpus in Massachusetts to crush the agrarian resistance. See John DeWitt, "Essay II, 27 October 1787," in *The Anti-Federalist Papers*, 197-198.

¹³⁴ Thomas Jefferson to William Stephens Smith, 13 November 1787, 355-357.

demarcations of political events seen strictly in terms of periods of revolutionary unrest. Instead, his insistence for action from “time to time” subverts a political-time-order fixed to generational renewal. Importantly, Jefferson views resistance as a further event contained within an ongoing, indeterminate process initiated by the colonists in 1776 to achieve total emancipation for mankind.

Nearly four decades after his letter to Smith, Jefferson would return to imagery of spilt blood as a result of political resistance. Writing to John Adams in 1823, Jefferson reaffirms a necessity for resistance and the heavy burden that accompanies such action, further suggesting that bloodshed possesses a regenerative and promissory quality for a body politic. Discussing the fever of despotism that blankets Europe, Jefferson indicates that an establishment of self-government requires numerous attempts by the people, often resulting in “rivers of blood.” However, according to Jefferson, the pursuit of self-government and the emancipation of mankind merit sacrifices. He attests, “yet the object is worth rivers of blood, and years of desolation.”¹³⁵ For Jefferson, then, the transition from deposition to freedom impinges upon an indispensable cultivation of the political: a symbolical and physical infusion of human blood returned to the terroir of the earth.

¹³⁵ Thomas Jefferson to John Adams, 4 September 1823, *The Thomas Jefferson Papers* at the Library of Congress, Series 1: General Correspondence, 1651-1827, microfilm reel: 053, images 1-3.

As I explored in my discussion on Jefferson's view of nature and its *intra-*relationship with political development,¹³⁶ the natural, physical world is symbiotically tied to the realm of politics. To Jefferson, the physical world – defined by chaotic eruptions of wind and force – is contained “within the realm of the historical,”¹³⁷ prefiguring it not only prior, but also internal and *necessary* to politics. The political world is thus sustained by permanent discharges of civic action, nourishing the very soil of the political.

Resistance to government, then, functions as a method of institution and rehabilitation, narrowing the space between the people and rulers while, in effect, widening the circle of political status to the level of citizenship. Central to Jefferson's political vision, revolutionary action and resistance hold an invaluable task. A safeguarding of liberty against destructive encroachments – in the form of political, economic, and social institutions – that destroy a possibility for the creation of a kind of society demarcated by the free and direct political actions of self-government for all. In *Public Opinion*, Walter Lippmann appraises Jefferson's attempt to blend the figure of an independent farmer with political action as a regenerative process. In Lippmann's view, Jefferson's disapproval of manufacturing, foreign commerce, and “intangible forms of

¹³⁶ See Chapter 4 for the impact that nature played on indigenous tribal councils and Chapter 5 for the unique advantage that the North American continent possessed for an enactment of a democratic republic.

¹³⁷ Catherine A. Holland, “Notes on the State of America: Jeffersonian Democracy and the Production of a National Past,” *Political Theory* 29, no. 2 (April, 2001): 195.

property,” are consistent with his political thinking, further attesting to the idea that any government not constituted by small self-governing units must be challenged.¹³⁸ According to Lippmann, resistance against hierarchical, vertical arrangements of governments is essential for Jefferson in order to create a type of society produced and constantly reproduced by *spontaneous* democracy.¹³⁹ In this manner, acts of political action discharge a circumvention of teleological and determinist orientations that underscore a patrician ordering – through an unrelenting, perpetual force, as Jefferson maintains, “God forbid we should ever be 20 years without such a rebellion.”¹⁴⁰ For Jefferson, political action advances beyond the periodic transactions of elections afforded by constituted power or even revolutionary upheaval, elevated and understood as a fundamental condition of political life.

* * *

Jefferson’s view on a dynamic spirit of resistance was not confined to the Massachusetts farmers. Instead, it reveals the interlocking mechanism of his entire understanding of politics. A vision that accentuates a political landscape – in starkly pristine and bucolic tones – populated by virtuous, active citizens bound to the affairs of their local community. The specter of the dissenting farmer – exemplified in the actions of court closings and the creation of democratic committees by Massachusetts farmers – is thus,

¹³⁸ Walter Lippmann, *Public Opinion* (New York: Simon & Schuster, 1997), 170.

¹³⁹ Lippmann, *Public Opinion*, 170.

¹⁴⁰ Thomas Jefferson to William Stephens Smith, 13 November 1787, 355-357.

strikingly, the archetypical political actor in Jefferson's thought. Such a figure audaciously reemerges in his ward system – underscored by a rich civic virtue and possession of property – carefully situated in a political and physical terrain for all to be counted as citizens. The conversion of the “now and then” eruption of action demonstrated by Shays' Rebellion into the daily events of the institutionalized ward system of local self-government equates to a cultivation of an ethos of civic action – in word and deed – always in the present for the living generation.

The actions committed by the toilers of the earth during the agrarian resistance, therefore, signify a completion of the Jeffersonian tapestry: a final thread that connects the objective, setting, and method of his political worldview.

Jefferson was, indeed, an ocean apart from the uprisings of Shays' Rebellion while serving as an ambassador to France. Yet even the great distance between the streets of Worcester and Paris could not conceal his belief in the people's ability to organize, create, and act in concert. To Jefferson, Shays' Rebellion reaffirmed the self-instituting powers of democratic organization, training, and action. Tracing the lines of Jefferson's thought from the everyday movement of the ward republics to institute a politics of all to historical sources of localized political engagement to the actions of the rebellious farmers articulates the *vita activa* imbued within democratic republicanism: a

regime of autonomy, equality, and self-limitation.¹⁴¹ Jefferson's political view reaffirms such a position, casting political subjects – conceived in the mold of virtuous farmers – in pursuit of a life defined by freedom, equality, and happiness, privately and publicly. Interrogating Jefferson's thought in this light reopens and reimagines the horizon of emancipatory politics in terms of the possibilities for an autonomous existence. The indeterminacy of what is to come remains open, erupting "now and then" in pursuit of political freedom and equality.

¹⁴¹ Cornelius Castoriadis, "The Greek *Polis* and the Creation of Democracy," in *Philosophy, Politics, Autonomy: Essays in Political Philosophy*, ed. David Ames Curtis (New York: Oxford University Press, 1991), 115.

CONCLUSION

I like the dreams of the future better than the history of the past.¹

– *Thomas Jefferson*

The purpose of this study has been to illuminate the radical democratic thought of Thomas Jefferson. Drawing from three valuable interpretations (Arendt, Matthews, and Hardt), my analysis expanded, by way of an in-depth examination of the archives, the contours of Jefferson's radical political vision. In return, a theory of democracy was revealed that proceeded along lines of plurality, meaning the recognition of individual rights directly situated within relation to the public affairs of all members of a political community. Central to this understanding of democracy, was a projection of a democratic society antithetical to the leveling of *the political* to a singular, inanimate edifice, while reducing the exchange of politics to a subfield, a provisional clash of ideas, values, and opinions molded into consensus-form. Instead, Jefferson saw *the political* as a dynamic, collective corporeal body – materially and symbolically – sustained and renewed through ongoing processes of politics as an exposition of similarities and differences across individuals.

Furthermore, I offered core features of Jefferson's thinking in order to tease out the objective, setting, and method of his radical perspective towards politics. The landing point that we have reached suggests that while Jefferson's political philosophy

¹ Thomas Jefferson to John Adams, 1 August 1816, *The Papers of Thomas Jefferson*, Retirement Series, vol. 10, *May 1816 to 18 January 1817*, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2013), 284-286.

contains key elements from various theoretical registers, his thought importantly offers a historically occulted form of politics, or “forgotten proposals,”² to borrow from Arendt, within the American political landscape.

Jefferson’s vision of America, including a prospective thrust that defined his ward system and western rapture, is, of course, nearly unrecognizable today. His political and scientific eye, sharpened by the great thinkers and ideas that emanated from Enlightenment thought, would require significant modification to comprehend the challenging scene of America, fostered by technological advancements, globalization, and late-capitalism, yet, still painfully divided by economic, gender, and racial disparities and injustices. While Jefferson’s understanding of democracy is predicated along social, political, and economic realities of the early republic – and refined by his fears of the consequences of a class-divided Europe – I suggest that it still speaks, both as a normative and historical tool, to our present moment of political unrest and disenchantment. Specifically, Jefferson’s political philosophy contains an invaluable entry point into the current vitriolic political climate, helping to convey a much-needed sense of democratic potential and energy. Approaching Jefferson’s thought in the twenty-first century and, in turn, rethinking his project in terms of contemporary significance, offers valuable insights into historical antecedents and future horizons for the American republic. I offer four primary avenues of exploration that could benefit

² Hannah Arendt, *On Revolution* (New York: Penguin Books, 1990), 239.

from a renewed intervention with the radical democratic contours of Jefferson's thought.

In June 2017, President Donald J. Trump formally announced his intention to withdraw the United States from the Paris Agreement. The troubling rebuke of drastic cutbacks in greenhouse emissions and divestment of fossil fuels – strongly supported by the international scientific community – signals an ominous trajectory towards catastrophic climate destruction. While more dire projections, including an October 2018 report released by the Intergovernmental Panel on Climate Change (IPCC),³ already suggest that the impossibility of turning back the clock on total-climate collapse is a *fait accompli*. President Trump's decision further aggravates a dire situation, one complicated by international assertions of sovereignty, a current fever of anti-intellectualism in the recent wake of populist surges, and, undoubtedly, the dictates of a global capitalist system. While a seemingly defiant refusal displayed by populist governments and corporations, particularly in the energy sector, to initiate regulatory safeguards aimed at a reduction of carbon emissions warrants an even greater appeal to mass action – a series of international ecological movements – there remains much to be gained from a Jeffersonian vantage point towards ecological change.

³ See Intergovernmental Panel on Climate Change, "Summary for Policymakers," in *Global Warming of 1.5°C. An IPCC Special Report on the Impacts of Global Warming of 1.5°C Above Pre-Industrial Levels and Related Global Greenhouse Gas Emission Pathways, In the Context of Strengthening the Global Response to the Threat of Climate Change, Sustainable Development, and Efforts to Eradicate Poverty*, eds. V. Masson-Delmotte, P. Zhai, H. O. Pörtner, D. Roberts, J. Skea, P.R. Shukla, A. Pirani, W. Moufouma-Okia, C. Péan, R. Pidcock, S. Connors, J. B. R. Matthews, Y. Chen, X. Zhou, M. I. Gomis, E. Lonnoy, T. Maycock, M. Tignor, T. Waterfield (Geneva: World Meteorological Organization, 2018).

Jefferson expressed grave concern over human activities – agriculturally and commercially – that would destroy ecological vitality. His commentary on the cultivation of crops remained mindful to the effects of soil depletion and ruination, instead advising for the constant maintenance of planting plots as well as growing schedules configured to avoid destructive farming practices and products. Most pointedly, his maxim of “*the earth belongs in usufruct to the living*” imports a crucial awareness of ecological conditions, stressing that extraction, development, and land-use does not equate to devastation, but rather that the earth must be passed along in *at least* as good a condition. Jefferson’s environmental view ran parallel with his view of mankind, emphasizing persistent care, nurturing, and improvement, in order for future generations to share in the bounties of the earth.

While Jefferson’s preference for agriculture over manufacturing was based on environmental, economic, and political factors, it was certainly rooted within a pastoral vision – one crucially endowed with an openness that pointed decisively west – it fails to translate neatly onto a complex, hyper-capitalist American society. That said, what can most crucially be gleaned from a Jeffersonian perspective are points of commonalities with autonomist projects and even a post-anarchist orientation that advocates for *a return to spaces outside of the state*. Under these distinct, yet intertwined visions, small-scale production and farming, typically rooted in a communal structure, exists as an alternative to a consumer society reliant on corporate farming and a

transnational food supply chain. Under glooming forecasts issued by the U.S. National Climate Assessment and the United Nations concerning border insecurity, food and water scarcity, and governmental collapse, humankind must develop new methods of subsistence, deeply cognizant of the ecological impact caused by human activities.⁴ As the shadow of global crises looms heavily, Jefferson's writings – along with contemporary examples, such as the Landless Workers' Movement in Brazil and Occupy Wall Street in the United States⁵ – may, in fact, offer a vision of a transformed world populated by networks of small-scale societies, deeply committed to ensuring that future generations have a place to call home.

Jefferson firmly believed in generational autonomy. He was desirous of the creation of a kind of society that would enable the present generation to escape prior hierarchies and stations of artificial privilege. This sense of openness and downright veneration for the living permeated his thinking on constitutions and progress. Condemning those that hold constitutions with “sanctimonious reverence,” Jefferson affirms the necessity for periodic revision of laws, enabling the living to determine the governing forces of society. “The dead have no rights,” Jefferson insists, “They are nothing; and nothing cannot own something.” Instead, he is unequivocal in a primacy

⁴ In particular, see U.S. Global Change Research Program, *Impacts, Risks, and Adaptation in the United States: Fourth National Climate Assessment, volume II*, eds. D.R. Reidmiller, C.W. Avery, D.R. Easterling, K.E. Kunkel, K.L.M. Lewis, T.K. Maycock, and B.C. Stewart (Washington, D.C.: U.S. Global Change Research Program, 2018).

⁵ See Rebecca Solnit, “Throwing Out the Master's Tools,” in *Occupy! Scenes from Occupied America*, eds. Astra Taylor and Keith Gessen (London: Verso, 2011), 146-156.

of the living, stressing, “this corporeal globe, and every thing upon it, belongs to it’s [sic] present corporeal inhabitants, during their generation. They alone have a right to direct what is the concern of themselves alone, and to declare the law of that direction.”⁶

Jefferson’s fondness for societal renewal *qua* generational autonomy is concomitant with his outlook on intellectual and scientific advancement. By freeing present and future generations from the past, Jefferson envisions a diffusion of light, meaning a proliferation of education for all,⁷ to foster the development of advanced modes of inquiry, enabling a disclosure of “new truths.”⁸ For Jefferson, progression of the human mind and, as a corollary, society writ large, necessitates a reflectiveness and malleability to laws and institutions in order to more properly “keep pace” with change. As societies become more enlightened, Jefferson believed that political instruments must be recalibrated to capture, transmit, and reflect scientific, economic, and social improvements.⁹ Blending components of materiality and social production, Jefferson expresses this necessity for political responsiveness and recreation, highlighting an adverse effect of permanently ossified, unadaptable institutions,

⁶ Thomas Jefferson, “Proposals to Revise the Virginia Constitution: I. Thomas Jefferson to ‘Henry Tompkinson’ (Samuel Kercheval),” 12 July 1816, *The Papers of Thomas Jefferson*, Retirement Series, vol. 10, 222-228.

⁷ See Thomas Jefferson to the Trustees of the Lottery for East Tennessee College, 6 May 1810, *The Papers of Thomas Jefferson*, Retirement Series, vol. 2, 16 November 1809 to 11 August 1810, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2005), 365-366. Also, see Thomas Jefferson to Charles Yancey, 6 January 1816, *The Papers of Thomas Jefferson*, Retirement Series, vol. 9, September 1815 to April 1816, ed. J. Jefferson Looney (Princeton: Princeton University Press, 2012), 328-331.

⁸ Thomas Jefferson, “Proposals to Revise the Virginia Constitution,” *The Papers of Thomas Jefferson*, Retirement Series, vol. 10, 222-228.

⁹ This line of thinking shapes the primary contours of John Dewey’s thought on democratic education and social transformation. See John Dewey, *Democracy and Education* (New York: The Free Press, 1944), 9.

writing, “we might as well require a man to wear still the coat which fitted him when a boy.”¹⁰

The currently divided, hyper-partisan scene of American politics – as well as projects of radical politics – would greatly benefit from a Jeffersonian commitment to generational autonomy. American political parties have long struggled with energizing the youth vote, turning – in recent election cycles – to a stronger entry into new forms of voter outreach. While a digital entry across myriad social media platforms coupled with a tighter reliance on celebrity endorsements has resulted in marginal electoral gains for Democrats and Republicans alike, there remains a divisive generational rift on both political style and substance. The millennial and generation Z voters have greatly struggled to locate their voice(s) in the landscape of contemporary American politics, profoundly exacerbated by a firmly entrenched political class that often holds the younger generation in contempt, cast off as woefully inept in civic virtue *and* economic proficiency.

However, branding younger voters as “apathetic” or “disinterested” conceals a pulsating feeling held by many of these generations that their concerns are *unseen* or *unheard* and that they genuinely lack a space – beyond the narrowly digitized, ultra-filtered borders of social media – to *actually engage* in politics. Yet, important examples, such as the powerful adolescent voices that resonated in the wake of the tragedy in

¹⁰ Thomas Jefferson, “Proposals to Revise the Virginia Constitution,” 222-228.

Parkland, Florida and the recent electoral successes in the House of Representatives by Alexandria Ocasio-Cortez (D-NY), Abby Finkenauer (D-IA), and Sharice Davids (D-KS), affirm a vibrant sense of civic responsibility held amongst younger citizens. Drawing from these important youthful voices and actions, radical politics must develop innovative strategies from both within formal politics of representation and outside of the liberal-democratic state, to develop new approaches to direct action and democratic decision-making from an intersectional and intergenerational perspective.

An introduction of Jeffersonian thought within projects of radical politics may additionally offer promising insights in combating the dominant principles of neoliberalism. Under neoliberalism, democratic control of the state, including the economy, judiciary, and bureaucratic apparatuses, has remained limited. In turn, the scope of state-power has assumed an even greater role, erecting barriers to mitigate democratic energy while prioritizing economic interests and technocratic rule.¹¹ To achieve such ends, the neoliberal state has developed an expansive repertoire of tactics aimed at insulating vast sectors of the economy and offices of political authority away from the public.¹² Central to the economic dimension of neoliberalism, states strive to erase impediments that constrain the development of “a good business climate” in

¹¹ Boaventura de Sousa Santos and Leonardo Avritzer, “Opening Up the Canon of Democracy,” in *Democratizing Democracy*, ed. Boaventura de Sousa Santos (London: Verso, 2007), xxxix.

¹² David Harvey, *The New Imperialism* (Oxford: Oxford University Press, 2005), 66.

order to “attract and retain geographically mobile capital.”¹³ Privatization, deregulation, reduction of welfare benefits, and union busting, to name just a few, emerge as fundamental tools to sharpen economic potential and foster new market development and projects. Economic criteria and categories, however, are not merely confined to market-relations; instead, they have become mapped upon political processes, encouraging rule by “experts and elites” to maximize efficiency and, ultimately, capital accumulation *through political stability*.¹⁴ In a hyper-form of patrician politics, a technocratic approach to government has ascended to a dominant plane, strikingly undermining the possibility of democratic decision-making across local, national, and supranational levels, to stifle input and pressure from the people.

As a result, activists, community organizers, and citizens have sought new spaces for inclusive decision-making and an expansion of democratic-relations.¹⁵ Primarily, democratic experiments designed at the local-level have been successful at erecting decision-making bodies constituted by citizens that are autonomous from state control, yet still maintain an important dialogical connection with state-level governmental agencies. Perhaps the most important example of cultivating civic engagement and coordination with state officials can be found in the development of participatory budgeting practices in Porto Alegre, Brazil. As an offshoot of participatory

¹³ David Harvey, *Global Capitalism: Towards a Theory of Uneven Geographical Development* (London: Verso, 2006), 185.

¹⁴ Harvey, *The New Imperialism*, 66.

¹⁵ Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy* (London: Verso, 2001), 176.

democracy, participatory budgeting enables and empowers citizens to actively participate in the allocation of resources within their local community, while still remaining autonomous. Since 1989, the success of Porto Alegre, designed to create effective strategies to enact more expansive institutional changes,¹⁶ has spurred new participatory budgeting projects across the globe. In recent years, cities across the United States and Canada have followed suit. In New York City, thousands of residents – eligibility begins at age 11 – have democratically engaged in the allocation of over \$200 million in public funds relating to new educational, transit, and environmental projects. The Neighborhood Support Coalition, established in Guelph, Ontario, has followed Porto Alegre’s route empowering citizens with the task of allocating resources for local support groups, clinics for tax assistance, and language classes.¹⁷ In addition, participatory budgeting has been implemented in Montreal’s borough of Plateau Mont-Royal, Toronto’s Community Housing Corporation, and in Ward 2 of Hamilton, Ontario.¹⁸

These examples maintain an important affinity with Jefferson’s vision of ward republics. Strikingly, neither Jefferson’s wards nor participatory budgeting projects are

¹⁶ See Hilary Wainwright, “Facing the Problems, Learning the Lessons,” *Eurotopia: Participatory Democracy at the Crossroads* 5 (2008): 11-15; Hilary Wainwright, “Transformative Power; Political Organisation in Transition,” *Socialist Register* 49, no. 49 (2013): 137-158.

¹⁷ See Elizabeth Pinnington, Josh Lerner, and Daniel Shugurensky, “Participatory Budgeting in North America: The Case of Guelph, Canada,” *Journal of Public Budgeting, Accounting and Financial Management* 21, no. 3 (2009): 455-484.

¹⁸ Laura Rempel, “The Participatory Budgeting Potential for Winnipeg,” *Canadian Centre for Policy Alternatives* (April 2013): 1-2.

expressly anti-state in orientation. Rather, the intent is to carefully create and preserve spaces outside the direct control of state-power for individuals to exercise their capacities as citizens. While the relationship between these local spaces of democratic action and the state are not necessarily predicated along antagonistic lines, they do contain a potential for points of rupture: an explicit scene of training and action that produces a qualitatively different set of human relations antithetical to forms of disciplinary state power.

It is important to note that for Jefferson, the state did retain a vital function, namely, the maintenance of “foreign concerns...performed by a few servants.”¹⁹ Jefferson’s view of legitimate state power is nothing short of an image of the minimal state, highly constrained in domestic affairs and relegated to national protection. My reading of Jefferson suggests that fundamental to his political worldview is a transfer of decision-making powers away from a distant, centralized government back to the hands of the people. In a letter written to John Taylor on 28 May 1816, Jefferson hints at the necessity for the equal availability for political participation, suggesting that all must act “directly and personally.”²⁰ According to Jefferson, as political decision-making power migrates away from a local setting and towards a centralized focal point, far removed from the people, the “direct and *constant* control” of citizens becomes

¹⁹ Thomas Jefferson to Gideon Granger, 13 August 1800, *The Papers of Thomas Jefferson*, vol. 32, 1 June 1800 – 16 February 1801, ed. Barbara B. Oberg (Princeton: Princeton University Press, 2005), 95-97.

²⁰ Thomas Jefferson to John Taylor, 28 May 1816, *The Papers of Thomas Jefferson*, Retirement Series, vol. 10, 86-90.

undermined, leading to a contraction of political freedom and equality.²¹ Jefferson's understanding of local politics is, therefore, analogous with the broad conceptual strokes of participatory budgeting projects, shifting processes of decision-making away from "experts" and back to the hands of the people. While neoliberalism, understood as an economic *and* political program, maintains dominance on a global-scale, localized spaces of democratic action – from Chicago's 49th Ward to the anti-violence, Peace Community of San José de Apartadó, Colombia to the Assembly of First Nations – offers citizens, and importantly, non-citizens, first-hand experience into new ways of thinking, speaking, and acting politically.

Finally, Jefferson's belief in the transformative power of education – including, but not limited to the education of citizenship one gets through political engagement – may be more relevant now than ever. As Judith Shklar notes, "Public education was not a random public good for Jefferson, it was based on a scientific theory of learning with obvious political implications. If more democracy was the cure for political ills (as he certainly believed), it was because all governments were to be distrusted."²² His unwavering commitment to school reform in his home state as well as throughout the American republic consumed much of his energies following the end of his political career. Ever diligent in his investigation of pedagogical methods, Jefferson frequently

²¹ Thomas Jefferson to John Taylor, 28 May 1816, 86-90. Emphasis added.

²² Judith N. Shklar, "Redeeming American Political Theory," *The American Political Science Review* 85, no. 1 (Mar., 1991): 6.

drafted course syllabi for various disciplines, firmly confident that the prosperity of the new nation was dependent on a well-educated citizenry, rather than government.²³ Directly responsible for the creation of the University of Virginia in 1819, it stood as his personal crowning achievement; his contribution preserved in posterity on the epitaph of his tombstone. At the center of his entire worldview, “science and education pulled his carriage of hopes,”²⁴ obliterating artificial markers of rank inherited from the past and affording all avenues of life with the promise of freedom and happiness.

Public education in the United States has undergone a drastic transformation over the past thirty years. Beholden to the principles of neoliberal mentality, funding for education (from intermediate to secondary to postsecondary) has drastically dwindled, forcing public school districts as well as universities and colleges, private and public alike, to adapt to an increasingly austere landscape underscored by the rapid expansion of *for-profit* institutions, escalating levels of student-debt, and political scrutiny.²⁵ As a result, market-rationality has converted education from a public and social good into economic terms, promoting a “disciplinary, technocratic, top-down management of public institutions along corporate lines.”²⁶ Wendy Brown identifies a shift under

²³ Shklar, “Redeeming American Political Theory,” 6.

²⁴ Joyce Appleby, “What Is Still American in the Political Philosophy of Thomas Jefferson?,” *The William and Mary Quarterly* 39, no. 2 (Apr., 1982): 294.

²⁵ See Sheila Slaughter and Gary Rhoades, “The Neo-liberal University,” *New Labor Forum* 6 (Spring-Summer, 2000): 73.

²⁶ Dean Caivano, Rodney Doody, Terry Maley, and Chris Vandenberg, “Critical Pedagogy in the Neoliberal University: Reflections on the 2015 York University Strike through a Marcusean Lens,” *New Political Science* 38, no.4 (2016): 502.

neoliberalism in the restructuring and subsequent marketing of public higher education as a source of individual and societal enrichment to terms of earning capacity for students, devoid of training for democratic citizenship. Brown writes,

Public higher education, like much else in neoliberal orders, is increasingly structured to entrench, rather than redress class trajectories. As it denotes itself to enhancing the value of human capital, it now abjures the project of producing a public readied for participation in popular sovereignty.²⁷

What Brown importantly illuminates is not only how students are beholden to market forces, often further impairing access, but that the American education system is not equipped, by design and because of structural limitations, to train students how to engage in the political process. In this light, Jefferson's vision of a robust, educated citizenry capable of engaging in the affairs of the wards has never been fully achieved. While the prospects for deeper-funding commitments to public education appears bleak, community colleges, such as the Tennessee Promise which provides free tuition at community and technical colleges, offer students, including low-income, racialized, and new immigrants, invaluable vocational and intellectual training. In a return to Jefferson's thinking on the power of education, then, local communities across the nation may represent the best (and last) space for developing new patterns of democratic sociability.

²⁷ Wendy Brown, *Undoing the Demos: Neoliberalism's Stealth Revolution* (New York: Zone Books, 2015), 184.

The four avenues of Jefferson's thought presented (environmental protection, generational autonomy, non-expert political rule, and educational revitalization) indicate entry points as well as alternative perspectives into major challenges that face twenty-first century America. The solution to these problems, and others, does not exist within the Jeffersonian worldview, or any of the prominent figures of the early republic. Rather, surveying Jefferson's thought – a vision constrained by personal contradiction and theoretical limitations of exclusion – brings to the surface the complicated histories of the republic, including, prominent narratives as well as neglected voices, stories, and events banished from the collective memory of a nation. Jefferson, the revolutionary-figure, president, and slaveholder “still survives,” to summon Adams' dying words, in commemorative, controversial, and mystifying ways. His vision of a true democracy, however, remains incomplete, permanently open for the present generation and all those to come.

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