Thirty-Six Short Essays on the Probing Mind of Thomas Jefferson

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"A sentimental traveller"

By

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To my older brother, David

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Preface

THOMAS JEFFERSON WROTE to Madame de Tott (5 Apr. 1787), "The plan of my journey, as well as of my life, being to take things by the smooth handle, few occur which have not something tolerable to offer me." That sentiment follows another from the Stoic philosopher Epictetus, who writes in *Enchiridion* §43, "Every matter has two handles—one by which it ought to be carried; the other by which it ought not to be carried." Epicurus' dictum is clearly to encourage right, not obliquitous, action. Jefferson follows that dictum, but adds that almost all events are of some interest to him. In that, he was in the words of his favorite novelist, Laurence Sterne, a "sentimental traveller"—one who journeyed through life both with eyes opened to what most consider mundane events and open to the possibility of personalizing events—that is, making events to be experiences.

For Jefferson, one could have a god's-eye or human perspective of events.

Jefferson wrote prosaically to Dr. James Curie (27 Sept. 1785) that from a god's-eye perspective, political events on the globe have a drab uniformity. "Political events are scarcely interesting to a man who looks on them from high ground. There is always war in one place, evolution in another, pestilence in a third, interspersed with spots of quiet. These chequers shift places but they do not vanish, so that to an eye which extends itself over the whole earth there is always uniformity of prospect."

Yet there is also a human, immersed-in-particulars perspective. There are the "small facts" that pass under one's eyes each day that are of especial interest, because those events penetrate to the heart, if one's eyes are opened to them. To John Page (4 May 1786), Jefferson laments that most persons do not see the indescribable beauty and magnificence of everyday events. To the Marquis de Lafayette one year later, he advises the French patriot and politician to tour the countryside of France and see "fields and farms" of the *hoi polloi*, eat their bread, and sit on their mattresses. It comes as no surprise to learn that Jefferson, ever curious and of omnifarious interests, customarily travelled with a pen and notebook to jot down observations that might be of some future use to him or others. Consequently, to enter into the mind of Jefferson, one has to have both a big-picture approach as well as a small-facts approach. That complicates Jeffersonian scholarship—especially Jeffersonian biography.

In my book, *The Cavernous Mind of Thomas Jefferson, An American Savant* (Cambridge Scholars, 2019), I write in the preface of my own dilemma concerning a big-picture, depth approach (few topics covered and detailed analysis of each) or a small-facts, breadth approach (numerous topics covered but exhaustive analysis wanting) to Jefferson. I remark that there are merits and demerits to each and chose the big-picture approach, in which each chapter focuses on one aspect of the numerous hats Jefferson wore: that of lawyer, of scientist, of farmer, of philologist, and so on. In that manner, I focus on nine "personae" and give a relatively exhaustive account of each. I recognize, of course, that that approach leaves much unsaid about the dimensionality of Jefferson and his interest in any subject of value in advancing human affairs.

Thirty-Six Short Essays on the Probing Mind of Thomas Jefferson: "A sentimental traveler" is, in effect, a small-facts approach to the mind of Jefferson, and thus, it is a companion to *The Cavernous Mind of Thomas Jefferson.* In this book, readers will get more than a glimpse of the mind of Thomas Jefferson, as there are essays, as the contents show, on all aspects of Jefferson's broad. scientific mind—"there is not a sprig of grass that shots uninteresting to me," he tells daughter Martha (23 Dec. 1790)—and even essays on Jeffersonian historiography. Moreover, in contrast with *The Cavernous Mind,* which was chiefly expository, this book is chiefly critical, and though chiefly critical, it is meant for general readership, while *The Cavernous Mind* was crafted for a scholarly audience.

With most books on a scholarly topic, the preface and contents provide a sort of logical rubric to the thesis being defended and the gist of the argument(s) on its behalf. That is not the case with this book. There is no thesis to this book, but 36 different theses that I have loosely collected under the four rubrics of the contents. I say "loosely" because the essays need not be read seriatim.

How then are readers to approach this book?

Thomas Jefferson wrote to his personal physician, Dr. Vine Utley (21 Mar. 1819) that he was wont to read something morally inspirational "whereupon to ruminate in the intervals of sleep" prior to retiring to bed. He was wedded especially to useful knowledge and no knowledge was more useful than that which allowed for moral action through moral inspiration. And so, he might go to the Bible and read the Sermon on the Mount in Matthew or go to Seneca's *Epistles* and study one of Seneca's letters to Lucilius on a particular moral theme or perhaps even read a favorite passage from Cervantes' *Don Quijote*.

Though *Thirty-Six Short Essays* is not a book that focuses on morality—though there are several essays on morality—this book, I suggest,

is to be read in a similar manner. The short essays—light, fresh, and lively, but erudite and provocative—are to be read similarly by mavens of Jefferson: one or a few chapters at a time, "whereupon to ruminate." Thus, they are to be savored in the manner of the *Fables* of Aesop or of Seneca's *Epistles* to his disciple Lucilius.

One procedural note: All translations from Greek or Latin are mine.

Enjoy!

Part I

Politics & Political Philosophy

I

"The illimitable freedom of the human mind"

Why Jefferson *Was* a Political Philosopher

CONFIDENCE IN THE PEOPLE, WRITES C.E. MERRIAM, JR., in a 1902 paper on Jefferson's political thinking, was the "distinguishing characteristic in the *theory* of Jeffersonian democracy". What Jefferson wrote on republican governing "was notable … [more] because of its rhetoric than because of its scientific depth or clearness". Jefferson offered nothing new, did not penetrate deeply into political theory, and was not a systematic writer. "Jefferson", he sums, "falls far short of the stature of a great political philosopher".

Ari Helo in *Thomas Jefferson's Ethics and the Politics of Human Progress* quite recently argues that Jeffersonian republicanism could not have been a political philosophy because Jefferson was a politician and not a philosopher—"he refused to be a philosopher for moral reasons"—and he never aimed at a consistent theory, but only on "keeping ethical discourse alive" with his "ethically charged Lockean [political] leanings". Jefferson, while he did adopt "various extra-historical assumptions" like a philosopher, chose to live in "an ongoing history".

The verdicts of Merriam and Helo are today still the received view. Most historians believe that Jefferson was a real politician, who hungered for power and only pretended in numerous letters to execrate politics.

Yet, *pace* Helo, Jefferson was first a philosopher and then a politician and that he had, *pace* Merriam, a consistent and relatively rich and robust political philosophy—one more nuanced than Merriam acknowledges.

What is a political philosophy? Whereas, following Aristotle, ethics (*ethikē technē*) essays to answer the question of the good of each human being, political philosophy (*politikē technē*) essays to answer the question of the good of each basic political unit. As such, it is a sort of ethics applicable to political institutions. It tells us why government is important, offers a description and comparative analysis of various types of governments (past and present), works from such comparative analysis to views of utopias as well as assessments of their realization, gives normative assessment of the relationships of citizens to each other and to their government in various types of government, and critically assesses

such subjects as freedom, equality, number of persons governing in a government, citizens' rights, the justness of war and revolution, how a society ideally ought to be constructed, *inter alia*. And so, to assert that Jefferson was no political philosopher is to assert that he never thought systemically about or never offered crisp, consistent answers to the sorts of questions that political philosophers address. That is demonstrably false.

Jefferson's notion of republicanism was not a political alternative to Hamilton-styled Federalism, but even early on a nascent political philosophy. We see its roots in his draft of the Declaration of Independence (1776)—a lengthy, layered argument to justify America's severance of ties with Britain that contains the germ of his later-fleshed-out political philosophy. The argument may be summed thus:

1) All people are created equal.
2) [People are social animals.] (implicit)
3) So, all people are endowed with certain rights (life, liberty, and the pursuit of happiness) to enable them to live peaceably among each other in a social setting (1 & 2).
4) Governmental power is derived from the consent of the people.
5) So, the main task of a government is to secure its citizens' rights (3 & 4).
6) When any government fails to secure its citizens' rights, the citizens have a right to abolish it and institute a new government.
7) George III has abusively violated the British colonists' rights (18+ grievances).
8) So, the colonists have a right to form their own government in keeping with their own notions of their safety and happiness (6 & 7).

Next there are letters to Edward Carrington (Jan. 16) and James Madison (Jan. 30) in 1787. In each, he writes of three sorts of societies: one without government (e.g., that of Native Americans), one with superabundancy of government (European governments), and one where government represents the will of the people, a mean between the others (America and to a lesser extent England). The first allows for "an infinitely greater degree of happiness than those who live under the European governments", but is "inconsistent with any degree of population". The second is merely a government of "wolves and sheep". The last, "wherein the will of every one has a just influence", allows for "the mass of mankind under that enjoys a precious degree of liberty & happiness", but also allows for political turbulence. Yet turbulence "prevents the degeneracy of government, and nourishes a general attention to the public affairs".

In his First Inaugural Address (1801), Jefferson lists the "essential principles of our Government" in 13 doctrines: (1) equal and exact justice to all men; (2) peace, commerce, and honest friendship with all nations and entangling alliances with none; (3) support of the rights of states; (4) the preservation of the federal government in its constitutional vigor to secure peace at home and safety abroad; (5) preservation of the right of election by the people to guard against revolution; (6) appeal to the will of the majority in political matters; (7) a well-disciplined militia and not a standing army; (8) civil instead of military authority; (9) political measures to lighten public expenses; (10) ready payment of governmental debts; (11) encouragement of agriculture and commerce; (12) freedom of the press and freedom of person by habeas corpus, with trial by juries impartially selected; and (13) freedom of religion. The address is not an anthem for a party credo, as many scholars have mistakenly stated, but a sketch of a political philosophy, which has its roots in a normative picture of man in the cosmos.

Upon retirement, Jefferson took it on himself to articulate a precise conception of republicanism. The year 1816 was especially noteworthy and it left no uncertainty that Jeffersonian republicanism was a political philosophy.

Republican government, Jefferson writes to P.S. Dupont de Nemours (24 Apr. 1816), is grounded on nine indissoluble "moral principles", which are "proper for all conditions of society". He asserts that (1) morality, compassion, generosity are innate elements of the human constitution; (2) rights cannot be secured by force; (3) there is a right to property; (4) no one has a right to obstruct another; (5) justice is the fundamental law of society; (6) the majority, oppressing an individual, is guilty of a crime; (7) "action by the citizens in person, in affairs within their reach and competence, and in all others by representatives, chosen immediately, and removable by themselves, constitutes the essence of a republic"; (8) the approximation of principle 7 is a measure of a state's republicanism; and (9) "a government by representation is capable of extension over a greater surface of country than one of any other form".

To John Taylor (28 May 1816), Jefferson says that a proper republic is "a government by its citizens in mass, acting directly and personally, according to rules established by the majority".

To Samuel Kercheval (12 July 1816), Jefferson gives his "mother principle": "Governments are republican only in proportion as they embody the will of their people, and execute it" through, at the higher offices, by elected representatives. Jefferson then adds, "The true foundation of

republican government is the equal right of every citizen, in his person and property, and in their management".

Thus, we might arrive at the following barebones definition of "republic" for Jefferson, or a Jeffersonian republic:

> **Jeffersonian republic=df:** A government is republic if and only if it allows each citizen the same opportunity to participate politically in affairs within their reach and competency; it employs representatives, chosen and recallable by the citizenry and functioning for short periods, for affairs outside citizens' reach and competency; it functions according to the rules (periodically revisable) established by the majority of the citizens; and it guarantees the equal rights, in person and property, of all citizens.

The definition is barebones, for several reasons. First, it fails to capture the normative essence of what is "proper for all conditions of society" in Jefferson's letter to Dupont de Nemours. Yet it is not normatively neutral. It speaks, for instance, of equality of opportunity for each citizen to participate in government and it guarantees equal rights. Second, no mention is made of the partnership of politics and science, which is an ineliminable part of Jefferson's conception of a republic. Jefferson made allowance for periodic revisions of the Constitution at conventions, held often enough to accommodate changes in the will of the people. Changes in the will of the people were not arbitrary changes in their wishes and wants, but instead changes in their wishes and wants dictated for the most part by advances in science—politics and morality seen to be sciences in Jefferson's time. Jefferson writes to Kercheval (12 July 1816), "The laws and constitutions must go hand in hand with the progress of the human mind". Alignment of a government by the will of the people with science—ensuring that the will of the people was progressive—was Jefferson's way of skirting the problem of turbulence, for the people, generally education, would be watchdogs to unsure their leaders were acting intelligently and morally.

Overall, Jeffersonian republicanism is merely a schema for government by the people, not any particular system of governing or instantiation of a set of rules into a schema. Thus, it is comparable to John Rawls' notion of the basic structure of a well-ordered society—"the background social framework within which the activities of associations and individuals take place". As with Rawls' basic structure, whose principles "do not apply directly to or regulate internally institutions and associations within society", Jeffersonian republicanism is not wedded to any particular constitution—constitutions are merely provisional representations of the

will of the people at the time of their drafting—but to the principle of government representing the will of the people, suitably informed. That is why Jefferson said in his First Inaugural Address that for the will of the majority to be reasonable, it must be rightful.

Finally, for Jefferson, partnership between republican government and education was crucial for political success. First, for a thriving republic, all citizens needed basic educative tools to conduct everyday affairs without governmental encroachment. Thereafter, education was to be proportioned to citizens' needs—few citizens needed more than a basic education. Next, the University of Virginia was birthed to offer a blueprint for the partnership of republicanism and education by promoting individuality and collegiality. It promoted individuality by allowing students to choose their course of study, by offering an intimate educative setting which would encourage students to interact with professors, and by permitting miscreant students to be disciplined by a panel of their peers. It was founded, as Jefferson writes to William Roscoe (27 Dec. 1820), on "the illimitable freedom of the human mind". Thus, education was not confined to lectures, not recitations; it aimed to be a manner of living at the university in preparation for a manner of living after leaving it. Thus, Jefferson fully recognized that part of the structure of a thriving republic would be a systemic, bottom-up driven approach to education and he, as politician and citizen, did his best to instantiate such a system.

II

"The laziest man in reading I ever knew"

Thomas Jefferson and Patrick Henry

WRITES THOMAS JEFFERSON TO LEAVIT HARRIS concerning Patrick Henry (11 Oct. 1824): "I never heard anything that deserved to be called by the same name with what flowed from him, and where he got that torrent of language is unconceivable. I have frequently shut my eyes while he spoke, and, when he was done, asked myself what he had said, without being able to recollect a word of it. He was no logician. He was truly a great man, however—one of enlarged views".

The gist of the passage is critical, yet the sentiment in the last sentence is not irony. It is sincere. Jefferson, it seems, had an ambivalent attitude toward fellow revolutionist and Virginian Patrick Henry. Henry was a man for whom Jefferson felt genuine respect for his large contribution to the revolutionary cause—his heart was in the right—but Jefferson also felt genuine disrespect because of Henry's cavalier use of words—his head was incapable of expressing cleanly and without hyperbole what his heart rightly felt.

Henry, the first governor of Virginia, was a man of high accomplishments, due much to his oratorical talents, and he was fiery and persuasive in speech.

He came to prominence in the "Parson's Cause" (1763). The Anglican clergy at the time were to be paid for their services 16,000 pounds of tobacco per year—a sum that amounted to two pennies per pound. After a poor crop in 1758, the price of tobacco rose threefold, hence in effect inflating clerics' salary threefold. Virginia's House of Burgesses responded with the Two Penny Act, which fixed a clergyman's salary at two pennies per pound. King George III subsequently vetoed the law, which caused tumult in Virginia because the king was intervening in colonial matters and essaying to coerce citizens to triple the salaries of clergymen.

Rev. James Maury, Jefferson's mentor after the death of his father, Peter, sued Hanover County Court on April 1, 1762, for back wages. Doing so, he was representing all the Anglican clergymen, who had not received their inflated salary, and in effect representing the king and the

interests of Britain. The court ruled in favor of Maury, but there was need of a jury to decide the amount of back wages owed. A jury assembled two months later. A young Patrick Henry argued against remuneration and presumably stated traitorously that the king, by his veto and intervention in colonial matters, "degenerated into a Tyrant and forfeits all right to his subjects' obedience". So persuasively did Henry speak that the jury awarded Maury reparation of one penny and the effect was nullification of King George's veto.

Jefferson tells in his *Autobiography* of witnessing Henry's oratorical skills when the Stamp Act was debated in 1765. Jefferson was 22. At the door of the House of Burgesses, Jefferson heard Henry speak, and was overwhelmed. Henry's oratorical talents, says Jefferson, "were great indeed; such as I have never heard from any other man. He appeared to me to speak as Homer wrote".

The Stamp Act was mandated in 1765 as a relatively arbitrary means of collecting revenue from colonists for British purposes—most notably, for some 10,000 British troops to be stationed in North America avowedly to guard the American frontier. It mandated that many printed materials—e.g., legal papers, newspapers, magazines, and even playing cards—in the colonies were to be made from paper, stamped and produced in London.

While the actual cost of the tax on colonists was minimal, most colonists vigorously objected to a tax, made law, without colonial consent, because of its precedent. Thus, Henry, newly elected to the House of Burgesses, put forth several Stamp Act Resolves to the house, which passed the first four, which maintained in gist that colonists have "all the liberties, privileges, franchises, and immunities that have at any time been held, enjoyed, and possessed by the people of Great Britain", that the only legitimate means of taxation is "of the people by themselves, or by persons chosen by themselves to represent them" (as others cannot "know what taxes the people are able to bear"), and that every law wins legitimacy only by consent of the people. Henry went so far as to assert in Resolve 7, unpassed, that anyone, through speaking or writing, asserting that any tax can be imposed on the people without approbation of the general assembly "shall be deemed an enemy to this his majesty's colony".

Yet Henry is best known to posterity for his fiery speech at St. John's Church in Richmond, VA, on March 23, 1775. In it, Henry pushed fellow Virginians to take up arms against the British, whose interventions in colonial matters and large military presence posed a genuine threat to colonists' liberty. Henry is supposed to have ended with these incendiary words: "I know not what course others may take, but as for me, give me liberty or give me death!"

Jefferson quickly came to find that Henry's capacity to inspire men—"his sublime imagination, his lofty and overwhelming diction", says Jefferson in his *Autobiography*—came not from a vast storehouse of knowledge, but instead from a knack for moving men through intonation and largeness of presence. Though he had a large imagination, it was vague, unlearned, and imprecise. Henry was, said Jefferson, "the laziest man in reading I ever knew".

Is Jefferson's assessment of Henry correct or is it due to jealousy—to wit, that Henry enjoyed a reputation and success in oratory of which Jefferson was incapable? William Wirt—lawyer, politician, and friend of Thomas Jefferson—said this of Jefferson in a eulogy on Jefferson and Adams a few years after their death. "It is true he was not distinguished in popular debate…. He had all the attributes of the mind, and the heart, and the soul, which are essential to eloquence of the highest order. The only defect was a physical one; he wanted volume and compass of voice for a large deliberative assembly; and his voice, from the excess of his sensibility, instead of rising with his feelings and conceptions, sunk under their pressure, and became guttural and inarticulate".

Yet Wirt also constructed a biography of Henry: *Sketches of the Life and Character of Patrick Henry* (1817). Much of what we ascribe to Henry in his incendiary speeches has come down to us through Wirt, who corresponded with Jefferson concerning particulars of the biography prior to its publication. The work is generally regarded by historians as unrepresentative of Henry because it smacks of "hero-worship", and we know what Jefferson thought about the work, as he shelved his copy of the book in his library under "Fiction".

While writing his biography, Wirt relied often on Jefferson for details. Jefferson replied with often lengthy letters about what he knew, what he did not know, and what could be reconstructed by written records of events. These letters offer us a vivid depiction of what Jefferson thought of Henry.

On August 4, 1805, Jefferson writes: "In matters of law it [Henry's opinion] was not worth a copper: he was avaritious [*sic*] & rotten hearted. His two great passions were love of money & fame: but when these came into competition the former predominated".

Some seven years later, Jefferson says (12 Apr. 1812): "Mr. Henry's ravenous avarice was the only passion paramount to his love of popularity. … In ordinary business [in the House of Burgesses] he was a very inefficient member. He could not draw a bill on the most simple subject which would bear legal criticism, or even the ordinary criticism which looks to correctness of style and ideas, for indeed there was no accuracy of

idea in his head. His imagination was copious, poetical, sublime, but vague also. He said the strongest things in the finest language, but without logic, without arrangement, desultorily".

Two years later (14 Aug. 1814), Jefferson writes that he recollects nothing of Henry's role in the Parson's Cause, but he tells of Henry's "first remarkable exhibition" in the House of Burgesses in May of 1765 and of the debate concerning his Stamp Act Resolves.

Jefferson says of the former.

> It was on the motion for the establishment of an office for lending money on mortgages of real property. … I can never forget a particular exclamation of his in the debate in which he electrified his hearers. It had been urged that from certain unhappy circumstances of the Colony, men of substantial property had contracted debts, which, if exacted suddenly, must ruin them and their families, but, with a little indulgence of time, might be paid with ease. "What, Sir!" exclaimed Mr. Henry in animadverting on this, "is it proposed then to reclaim the spendthrift from his dissipation and extravagance, by filling his pockets with money?" These expressions are indelibly impressed on my memory. He laid open with so much energy the spirit of favoritism on which the proposition was founded, and the abuses to which it would lead, that it was crushed in its birth.

Of Henry's Resolves, Jefferson has much to say to Wirt, and does what he can to help the biographer to decide unsettled issues. Jefferson's account of Henry throughout is fair. He has no axe to grind. He wishes merely to get the history right. Though distrustful of Henry's oratorical means, he compliments Henry for having taken "the lead out of the hands of those who had heretofore guided the proceedings of the House"—the "honest and able" Pendleton, Wythe, Bland, Randolph, and Nicholas.

On May 12, 1815, Jefferson tells Wirt of the years of his first acquaintance with Henry in 1759. Jefferson was 16 at the time.

> We met at Nathan Dandridge's, in Hanover, about the Christmas of that winter, and passed perhaps a fortnight together at the revelries of the neighborhood and season. His manners had something of the coarseness of the society he had frequented; his passion was fiddling, dancing and pleasantry. He excelled in the last, and it attached every one to him. The occasion perhaps, as much as his idle disposition, prevented his engaging in any conversation which might give the measure either of his mind or information. Opportunity was not wanting, because Mr. John Campbell was there, who had married Mrs. Spotswood, the sister of Colonel Dandridge. He was a man of science, and often introduced conversations on scientific subjects. Mr. Henry had a little before broke up his store, or rather it had broken him up, and within three months after he came to

> Williamsburg for his license, and told me, I think, he had read law not more than six weeks.

Over one year later (4 Sept. 1816), Jefferson objects to Wirt's exaggerated account of Henry's vast learning. "The study and learning ascribed to him, in this passage, would be inconsistent with the excellent and just picture given of his indolence through the rest of the work". Jefferson elaborates: "A first reading of a book he could accomplish sometimes and on some subjects, but never a second. He knew well the geography of his own country, but certainly never made any other a study. So, as to our ancient charters; he had probably read those in Stith's history; but no man ever more undervalued chartered titles than himself". Henry was cautious and selective in conversation. "He never, in conversation or debate, mentioned a hero, a worthy, or a fact in Greek or Roman history, but so vaguely and loosely as to leave room to back out, if he found he had blundered". Yet Henry's intentions were presumed to be morally founded. "He drew all natural rights from a purer source—the feelings of his own breast"—a clear reference to Jefferson's notion of the moral sense, acting instinctively.

Allowing for some jealousy on Jefferson's part—he was a soft-spoken, perhaps even clumsy speaker, while Henry had the attention of all in an audience and the respect of most—Jefferson railed against Henry's oratorical "artistry" because it was a verbal cosmetic. Languages were rich, diverse, historically entrenched, and ever evolving. They offered irrefutable proof of the fertility and complexity of human ideas, as well as the stark commonalities among humans, long separated by time and circumstances. Jefferson, his writings on language show definitively (e.g., "Thoughts on English Prosody"), had a full grasp of such things. He could only have considered someone like Henry, who pretended to an understanding of language he could not have had, as a vulgarian. That said, it is also clear, from scattered comments, that in spite of Henry's uncouth and earthy catachresis, Jefferson fully respected Henry as a man of sound moral instincts and knew that without such men, the American Revolution might not have been successful.

Thus, it is best not to ascribe ambivalence to Jefferson concerning Henry. The depiction Jefferson gives in writings on Henry is not a matter of conflicted *feelings*. It is about essaying to leave behind a correct picture of Patrick Henry, the man. And though the man had numerous shortcomings, he was also proudly patriotic and was possessed of morally correct intuitions concerning the just path for colonists to take concerning British interloping in American affairs.

III

"An expression of the American mind"

Did Jefferson Really Write the Declaration of Independence?

THE DOCUMENT THAT HAS COME TO BE CALLED the Declaration of Independence is deceptively titled. Why? As a statement proclaiming independence it would have been misleading, as the Continental Congress had voted on and passed on July 2, 1776, a resolution of independence, scripted by Richard Henry Lee about one month earlier.

What then was the Declaration if not a declaration of independence?

Thomas Jefferson himself eloquently gives the answer in a letter to Henry Lee about a year before his death (8 May 1825):

> When forced, therefore, to resort to arms for redress, an appeal to the tribunal of the world was deemed proper for our justification. This was the object of the Declaration of Independence. Not to find out new principles, or new arguments, never before thought of, not merely to say things which had never been said before; but to place before mankind the common sense of the subject, in terms so plain and firm as to command their assent, and to justify ourselves in the independent stand we are compelled to take. Neither aiming at originality of principle or sentiment, nor yet copied from any particular and previous 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. All its authority rests then on the harmonizing sentiments of the day, whether expressed in conversation, in letters, printed essays, or in the elementary books of public right, as Aristotle, Cicero, Locke, Sidney, &c.

Analysis of the form of the Declaration—whether Jefferson's rough draft (RD) as he submitted it to the other committee members (Benjamin Franklin, John Adams, Roger Sherman, and Robert Livingston) or the final parchment copy which survived the criticisms of Congress at Independence Hall in Philadelphia (see below) that comes down to us today—confirms that answer.

For ease of understanding, the document can be readily broken into four main parts.

First, there's the opening salvo in the first paragraph, comprising one sentence, which explains the purpose of writing the document. "When in the Course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation". The sentence, pregnant in meaning, states that when there's need of a political break between two peoples, the people that are separating ought to give their reasons for separation and that such reasons must be put before the tribunal of all of mankind.

The second part lists certain self-evident (RD: "sacred & undeniable") truths: that all men are created equal (RD: "equal & independent"); that all have the rights to life (RD: "to the preservation of life"), liberty, and the pursuit of happiness; that governments, deriving power from the "consent of the governed", are instituted to secure such rights; and that the people have a right to abolish any government which "becomes destructive of these ends" and to institute a new government, by "laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness".

Third, there's a lengthy list of 18-plus grievances—"Facts … submitted to a candid world"—which aims to show King George III's behavior to be arbitrary and tyrannical. Some examples:

- he has refused to sanction wholesome public laws,
- he repeated dissolves "Representative Houses" to crush opposition,
- he has appointed judges to represent his will,
- he has implemented taxation without consent, and
- he has kept standing armies in times of peace.

Finally, there's the concluding paragraph which I present as it comes down to us today.

> We, therefore, the Representatives of the united States of America, in General Congress, Assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the Name, and by Authority of the good People of these Colonies, solemnly publish and declare, That these United Colonies are, and of Right ought to be Free and Independent States; that they are Absolved from all Allegiance to the British Crown, and that all political connection between them and the State of Great Britain, is and ought to be totally dissolved; and that as Free and Independent States, they have full Power to levy War, conclude

> Peace, contract Alliances, establish Commerce, and to do all other Acts and Things which Independent States may of right do. And for the support of this Declaration, with a firm reliance on the protection of divine Providence, we mutually pledge to each other our Lives, our Fortunes and our sacred Honor.

Thus, the Declaration is a lengthy argument—given in gist mostly in the second paragraph. It begins with the equality of all human beings. From equality, Jefferson concludes that all persons are entitled to the rights of life, liberty, and pursuit of happiness. Next, working from the principle, assumed true, that governmental power is founded on consent of the people, he concludes that the chief function of government is to secure the rights of the people. Given the chief function of government, he asserts that the people have a right to abolish coercive government through revolution and establish a new, non-coercive government. Finally, given the large number of grievances given that show George III's abuses of power, he concludes that the colonists have a right to revolt and form their own government, based on the will of the people.

To whom is the argument directed? Here we return to the opening paragraph. The declaration is an argument that's "an expression of the American mind", and is put forth to the "tribunal of the world" in "terms so plain and firm as to command their assent". As "all its authority rests then on the harmonizing sentiments of the day", failure to gain the assent of the tribunal of the world would be evidence that its foundational truths were not so "self-evident".

Were the "truths" so self-evident?

Perhaps not. The Declaration was largely ignored decades after its adoption by the Continental Congress. While Americans celebrated July 4 for years, they paid little attention to the Declaration of Independence. So too did most other countries, France excluded.

The Declaration took on a significance beginning early in the 1810s (e.g., Venezuela in 1811 forged its own declaration and Texas in 1836) that perhaps few members of congress could have envisaged. Today nearly 100 countries of the United Nations have a document similar to the Declaration.

Why has it become such an important document?

One reason that can't be overpassed is that it was drafted through the penmanship of Thomas Jefferson, whose eloquence of expression came readily through his quill, yet poorly through his tongue.

Another reason, not so easily separated from the first, is that Jefferson superbly captured the "harmonizing sentiments of the day" in a rhetorical style that lent itself to revolutionary, libertarian ideology, hostile to large,

coercive government. Consider merely what Abraham Lincoln said over 30 years after the death of Jefferson in a speech at Lewistown, IL, in the summer of 1858.

> Now, my countrymen, if you have been taught doctrines conflicting with the great landmarks of the Declaration of Independence; if you have listened to suggestions which would take away from its grandeur, and mutilate the fair symmetry of its proportions; if you have been inclined to believe that all men are not created equal in those inalienable rights enumerated by our chart of liberty, let me entreat you to come back. Return to the fountain whose waters spring close by the blood of the Revolution. Think nothing of me—take no thought for the political fate of any man whomsoever—but come back to the truths that are in the Declaration of Independence. … Do not destroy that immortal emblem of Humanity—the Declaration of American Independence.

A third reason is that in first mentioning "the united [*sic*] States of America", the Declaration was as one scholar says the "birth certificate of the American nation"—called often, and even by Jefferson, a "great experiment" in government for and of the people through elected representatives, who were chiefly responsible for securing the rights of the people. For Jefferson, it would mark an aristocratic experiment: election of the intelligent and the moral by the citizenry in preference to access to political offices only because of wealth and birth. Given that all people had roughly an equal moral capacity and given access of all citizens to a general education, the citizenry would be able to discern not only moral but intellectual failing in officials. The hoped-for result would be politicians acutely answerable and sensitive to the needs of the people.

In sum, Jefferson's Declaration contained the germ of his republican philosophy—a political philosophy founded on a robust notion of what constitutes a good, happy life not only for Americans, but for all human animals around the globe—hence, his appeal to the tribunal of the world.

IV

"I have given up newspapers"

Did Jefferson Have a Consistent Message on Free Presses?

PERHAPS NOT UNLIKE OTHER PROMINENT POLITICIANS of his time, Thomas Jefferson had an ambivalent relationship with the press. That ambivalence expressed itself in an unflagging theoretical commitment to free presses with growing practical recognition as he advanced in years that free presses seldom concerned themselves with truth. Thus, while he recognized that public papers were often put to use for political posture, in spite of the strictures of the First Amendment, he also recognized that a Jeffersonian republic—republican government consistent with Jefferson's political philosophy—needed free presses. Without free presses, there could not be an informed citizenry, and without an informed citizenry, the likelihood of abusive governors and corrupt government would decuple. So, presses in a Jeffersonian republic had to be free. That is duly noted in the secondary literature. Yet he also came to recognize that the gazettes of nations with a commitment to free presses were vehicles of "inculpation"—not only the politics-sanctioned censors of government, but also politics-sanctioned sycophants of government. Thus, there is the intimation that their potential for public harm through political bias and libel far exceeds their potential for public good through dissemination of useful, fact-based information. That is often overlooked in the secondary literature. So too is the tension between Jefferson's experiences with presses and his theoretical commitment to their indispensability in a Jeffersonian republic.

Jefferson's theoretical commitment to free presses is evident in several letters, none better than an 1816 letter to Charles Yancey (Jan. 6). "If a nation expects to be ignorant & free, in a state of civilization, it expects what never was & never will be. The functionaries of every government have propensities to command at will the liberty & property of their constituents. There is no safe deposit for these but with the people themselves; nor can they be safe with them without information. Where the press is free, and every man able to read, all is safe". To Edward Carrington (16 Jan. 1787), he praises the "good sense of the people" as "the best army" against political abuse. Though they are sometimes led

astray—he has Shays' Rebellion in mind—they "soon correct themselves". We keep people from erring by giving them "full information of their affairs thro' the channel of the public papers". He sums famously, "Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate a moment to prefer the latter. But I should mean that every man should receive those papers and be capable of reading them". In a letter to President Washington (9 Sept. 1792), Jefferson says that free presses are the vehicles of the censors, and sycophants, of government. Still, "nature has given to man no other means of sifting out the truth either in religion, law, or politics". In an 1823 letter to Lafayette (Nov. 4), Jefferson says: "The only security of all, is in a free press. The force of public opinion cannot be resisted, when permitted freely to be expressed. The agitation it produces must be submitted to. It is necessary to keep the waters pure". The sentiment of agitation is in keeping with the turbulence of republican government Jefferson mentions to James Madison (30 Jan. 1787)—pockets of rebellion that spring up periodically. That turbulence is "as necessary in the political world as storms in the physical"—"a medicine necessary for the sound health of government".

Ignorance and freedom, for Jefferson, are inconsistent. If a nation is to be free, then it must have free presses and a citizenry in which all people are able to read the papers. The argument is theoretical as Jefferson is not arguing, as an above-board empiricist, from effects to causes—*viz*., he is not appealing to data which show that free presses are correlated with free, and happy, citizens, and thus, very probably causally linked, but from the safe perch of deductive reasoning, in which a conclusion only spits back information contained in the premise(s). He begins with the notion of an ideal republican government and then works back to things needed for its actualization, or what is more likely, its approximation.

Yet Jefferson's experiences with free presses, expressed in numerous letters and from his tenure as Secretary of State till his death, seem not to conform to his theoretical commitment. I offer a representative sample. To Edward Rutledge (27 Dec. 1796) he says that there is "so much of eulogy and of abuse" in the nation's prominent papers. The harm of abuse, he adds, greatly exceeds the capacity of eulogy to heal. To Samuel Smith (22 Aug. 1798), Jefferson states that response to the calumnies of newspapers is a sort of Hydra's head. "Were I to undertake to answer the calumnies of the newspapers, it would be more than all my own time, & that of twenty aids could effect. For while I should be answering one, twenty new ones would be invented". He writes to Marc-Auguste Pictet (5 Feb. 1803) that public judgment is the best verdict concerning the "line of separation

between the abuse and the wholesome use of the press" To James Madison (19 Apr. 1809), Jefferson says that "a word of truth [in the papers] now and then comes like the drop of water on the tongue of Dives". To John B. Colvin (19 Apr. 1809), he admits to indifferency to the "scurrilities of the newswriters". To John Adams (21 Jan. 1812), he says, "I have given up newspapers in exchange for Tacitus, and Thucydides, for Newton and Euclid, and I find myself much the happier". To James Monroe (1 Jan. 1815), he writes: "A truth now and then projecting into the ocean of newspaper lies, serves like headlands to correct our course". Last, to Nathaniel Macon (12 Jan. 1819), he says, "I read no newspaper now but Ritchie's, and in that chiefly the advertisements, for they contain the only truths to be relied on in a newspaper".

Jefferson's experiences with free presses seem to be inconsistent with his theoretical commitment. They focus on the great potential harm caused by their politics-based sycophancy and calumny, not on the benefits of dissemination of useful information. Too few truths are published, and it is a Bunyanesque task to sift out those truths from "the ocean of newspaper lies". So numerous are the lies that the few truths are customarily taken as lies. Moreover, even if sifted out, those truths are often of such a general sort to be of little use.

In an 1807 letter to editor John Norvell (June 14), Jefferson says that a paper can be "most useful" if it restrains itself to "true facts & sound principles only". Yet "such a paper would find few subscribers". Even truth hides in newspapers, because readers as so accustomed to untruths that truth is taken as falsehood. He then offers a prescription for reform. "Perhaps an editor might begin a reformation in some such way as this. Divide his paper into 4 chapters, heading the 1st, Truths. 2d, Probabilities. 3d, Possibilities. 4th, Lies". Each section would be proportionately larger than the one preceding it and would be read with greater relish.

In 1803, he considers selected prosecutions of libelous slander and has Federalists in mind. He tells Thomas McKean (Feb. 19): "A few prosecutions of the most prominent offenders would have a wholesome effect in restoring the integrity of the presses. Not a general prosecution, for that would look like persecution: but a selected one". Those selected prosecutions are to come through the individual states, not the federal government, which has more serious matters with which to contend. Jefferson, we know through his draft constitution for Virginia, sanctioned redress to private injury through slander—"printing presses shall be free, except so far as by commission of private injury cause may be given of private action"—but Jefferson here seems to be offering presidential sanction for prosecution of public slander aimed at Federalists. Is that so?