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*Polity*, Vol. 16, No. 3. (Spring, 1984), pp. 447-466.

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*Polity* is currently published by Palgrave Macmillan Journals.

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Thomas Jefferson & Race:  
The Declaration & *Notes*  
on the State of Virginia

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*Considering that three generations of slaves provided Jefferson the leisure that enabled him to reflect on public affairs, it is not unreasonable to wonder whether he regarded the blacks as “men,” equal with other men and entitled to the inalienable rights he asserted in the Declaration of Independence and elsewhere. Professor Richardson maintains that he did—without, however, implying that blacks should be enabled to become equal partners with the whites in the same polity.*

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Thomas Jefferson’s words, deeds, and life have long attracted his fellow statesmen, citizens, and, indeed, many scholars. However, there is a tendency among some commentators to be paternalistic when discussing certain of Jefferson’s ideas that are now considered to be politically unfashionable or even reprehensible. This tendency is particularly pronounced when the subject is race. For example, in one of the best known studies of Jefferson and civil liberties, Leonard Levy graciously chooses to overlook “the strain of racism in Jefferson’s thought,” for, after all, he was a product of his time.<sup>1</sup> Similarly, Fawn Brodie allowed that Jefferson must have suffered “a tormenting surge of anguish” over “the enormous difference between his theoretical ideal society and his daily life.”<sup>2</sup>

1. Leonard Levy, *Jefferson and Civil Liberties: The Darker Side* (Cambridge, Mass.: Belknap Press of Harvard University Press, 1963), p. xi.

2. Fawn Brodie, *Thomas Jefferson: An Intimate History* (New York: Norton, 1974), p. 15. For some other treatments of Jefferson’s views on race that range from above average to the best available, see Herbert J. Storing, “Slavery and

What is largely missing from these and similar accounts is a willingness to give proper credence to the way in which Jefferson wanted some fundamental subjects to be thought about and discussed. Accordingly, my major objective in this article is to examine Jefferson's views on race relations with the care appropriate to the ideas of a statesman who would seem to have given considerable thought to the political and moral implications of this important subject.

The care with which Jefferson chose the proper time, place, and manner to speak is evident in his 1826 reply to a request for his views on slavery and race relations. He contended that this subject

is one on which I do not permit myself to express an opinion, but when time, place, and occasion may give it some favorable effect. A good cause is often injured more by ill-timed efforts of its friends than by the arguments of its enemies. Persuasion, perseverance, and patience are the best advocates on questions depending on the will of others. The revolution in public opinion which this cause requires, is not to be expected in a day, or perhaps in an age; but time, which outlives all things, will outlive this evil also.<sup>3</sup>

Jefferson prefaced this reply by pointedly remarking that his "sentiments have been forty years before the public." This would seem to direct attention to the *Notes On the State of Virginia*, which was published forty years earlier in 1786.<sup>4</sup> In a sense, the *Notes* is Jefferson's Aris-

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the Moral Foundations of the American Republic," in Robert H. Horwitz, ed., *Moral Foundations of the American Republic*, 2nd ed. (Charlottesville, Virginia: University Press of Virginia, 1979), pp. 214–233; Carl L. Becker, *The Declaration of Independence: A Study in the History of Political Ideas* (New York: Knopf, 1951); Winthrop D. Jordan, *White Over Black: American Attitudes Toward the Negro, 1550–1812* (Chapel Hill: University of North Carolina Press, 1968); Daniel Boorstin, *The Lost World of Thomas Jefferson* (New York: Holt, 1948); and Robert Ginsberg, ed., *A Casebook on the Declaration of Independence* (New York: Crowell, 1967).

3. Jefferson to James Heaton, May 20, 1826; *The Life of Thomas Jefferson*, ed. Henry Randall (New York: Derby and Jackson, 1858), III, 539.

4. The work's treatment of race relations initially made Jefferson reluctant to have it published and distributed to other than "estimable" characters. In 1785 Jefferson explained his reservations in a private letter: "The strictures on slavery and on the constitution of Virginia . . . I do not wish to have made public, at least till I know whether their publication would do most harm or good. It is possible that in my own country these strictures might produce an irritation which would indispose the people towards the two great objects I have in view, that is the emancipation of their slaves, and the settlement of their constitution on a firmer and more permanent basis." Jefferson to Chastellux, June 7, 1785. *The Papers of*

totalitarian reflection on the physical and moral qualities that would be needed to produce a good regime in America. It is, however, when examined in relation to the Declaration of Independence—Jefferson's other, more famous public effort at influencing his fellow men—that the *Notes*' teaching becomes more readily understandable. Since the Declaration's concern with men's "rights" fundamentally influenced the course of race relations in America, it is the proper starting point of any inquiry into whether Jefferson's later stands were consistent with the universal principles it enumerated.

### I. The Declaration of Independence

The Declaration, which rightfully stands as *the* political document by Jefferson,<sup>5</sup> has a preamble familiar to every American. In 274 carefully chosen words, it sets forth a memorable statement identifying four "self-evident truths" intended to have universal application to all men in all times. Although their universality has been denied at times in our past,<sup>6</sup> substantial support for the contention that they were to apply to all men in all times can be adduced by carefully examining such things as the relationship of the document to the philosophical tradition

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*Thomas Jefferson*, ed. J. P. Boyd (Princeton: Princeton Univ. Press, 1953), viii, 184. Hereafter, references to this collection will be cited as *Papers*. Also see John Chester Miller, *The Wolf By the Ears: Thomas Jefferson and Slavery* (New York: The Free Press, 1977), pp. 38–39; and *Notes On the State of Virginia*, ed. William Peden (New York: Norton, 1972), p. xvii. All future references to the *Notes* will be to this edition. Unless additional explanatory material accompanies them, these subsequent references will be cited parenthetically within the text.

5. In drafting the Declaration, Jefferson's task was to produce a work embodying "the harmonizing sentiments of the day." The Declaration cannot therefore be strictly equated with Jefferson's own political thoughts. However, it can serve as a standard for comparison with both the one book he authored and, with certain understandable limitations, his subsequent political actions. For a discussion of some of these relationships, see Harvey C. Mansfield, Jr., ed., *Thomas Jefferson: Selected Writings* (Arlington Heights, Ill.: AHM Corp., 1979), p. vii–xlii.

6. Perhaps the most infamous instance of this is found in the opinion Chief Justice Taney wrote in *Dred Scott v. Sandford*. "In the opinion of the court, the legislation and histories of the times, and the language used in the Declaration of Independence, show, that neither the class of persons who had been imported as slaves, nor their descendants, whether they had become free or not, were then acknowledged as a part of the people, nor intended to be included in the general words used in that memorable instrument." *Dred Scott v. Sandford*, 19 How. 407 (1857).

from which it is derived, the history of its composition, and the sentiments of the era in which it was written.<sup>7</sup>

The Declaration begins by speaking about a people “dissolv[ing] the political bands” and assuming “among the powers of the earth, the separate and equal station to which the Laws of Nature and of Nature’s God entitle them.” Among the key terms in the opening statement, the one referring to the Laws of Nature and of Nature’s God obviously speaks of a state of nature—that imagined prepolitical time when men were free to conduct their affairs solely in accordance with their perceptions of their own best interests. In such a condition there are no man-made laws denoting distinctions (such as that between masters and slaves) among men.<sup>8</sup>

The Declaration’s first and second self-evident truths (“that all men are created equal” and “that they are endowed by their Creator with certain unalienable Rights”) appear to be derived from the state of nature. The first truth may then be taken to mean that all men are equal in the state of nature, and that inequalities among men, therefore, must have been imposed upon them sometime after they had left that state and entered into a political arrangement with other men. The second truth means that men, as men, are entitled to certain basic, natural, or “unalienable” rights which cannot be surrendered to or abrogated by other equals. It is possible that one man, such as a slave, as a consequence of his involuntary subjection to his master, may be prevented from exercising his right to “Liberty” or to “the pursuit of Happiness.” How long he is unable to exercise such rights depends upon how long his subjection lasts.<sup>9</sup> But his inability to exercise such rights in no way affects his entitlement to them.

The third self-evident truth (“That to secure these rights, Governments are instituted among Men”) has particular relevance to the exercise of unalienable rights. The very choice of the word “secure” suggests that the exercise of these rights may be problematic or uncertain.

7. For example, see Herbert J. Storing, “Slavery and the Moral Foundations of the American Republic,” in *Moral Foundations of the American Republic*, pp. 214–233; Mansfield, ed., *Thomas Jefferson: Selected Writings*, pp. vii–xv; Martin Diamond, “The Declaration and the Constitution: Liberty, Democracy, and the Founders,” *The Public Interest* 41 (1975): 39–55; and Carl L. Becker, *The Declaration of Independence*.

8. Evidence of Jefferson’s familiarity with Locke and his idea of the state of nature is provided by Charles B. Sanford’s *Thomas Jefferson and His Library* (Hamden, Connecticut: Archon Press, 1977), p. 121.

9. Locke, *Two Treatises of Government*, ed. Thomas I. Cook (New York: Hafner, 1947), p. 133, para. 24.

In the case of the black slaves in America, for the Founders to have attempted to “secure” the exercise of their unalienable right to “Liberty” would have meant, practically speaking, that the rights of no man, black or white, could have been secured, for white prejudice, economic factors, and fear would have caused the whites to reject any political arrangement containing such a provision.<sup>10</sup>

A portion of the original version of the Declaration is important to our understanding of Jefferson’s views on the black race. In what he referred to as “the original paper,” and what is commonly known as the Rough Draft of the Declaration, one finds his intended public condemnation of slavery eloquently expressed in a long paragraph unaltered by Franklin and Adams or by the compromises of the Continental Congress.<sup>11</sup> It is placed as the eighteenth and last abuse of power charged against King George III. The indictments appear to be arrayed in an ascending order of gravity such that the last one, being the most serious, delivers a coup de grace.

[The King] 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

10. Jefferson was acutely conscious of this political reality and always attempted to move only as fast as public opinion could follow. “What is practicable must control what is pure theory . . . we cannot always do what is absolutely best. . . . We see the wisdom of Solon’s remark, that no more good can be attempted than the nation can bear . . . it is practise alone which can correct and conform them (the plans of statesmen) to the active current of affairs.” Quoted in Miller, *The Wolf By the Ears: Thomas Jefferson and Slavery*, p. 40.

11. A sense of Jefferson’s views on the excision of this part of “the original paper” is found in a private letter written in 1818. “When the Declaration of Independence was under the consideration of Congress, there were two or three unlucky expressions in it which gave offence to some members. . . . Severe strictures on the conduct of the British King, in negating our repeated repeals of the law which permitted the importation of slaves, were disapproved by some Southern gentlemen, whose reflections were not yet matured to the full abhorrence of that traffic. Altho’ the offensive expressions were immediately yielded, these gentlemen continued their depredations on other parts of the instrument. I was sitting by Dr. Franklin who perceived that I was not insensible to these mutilations.” Jefferson to Robert Walsh, December 4, 1818; reprinted in Ginsberg, ed., *A Casebook on the Declaration of Independence*, p. 30.

every legislative attempt to prohibit or to restrain this execrable commerce {determining to keep open a market where MEN should be bought & sold:} and that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which *he* has deprived them, by murdering the people upon whom *he* has obtruded them: thus paying off former crimes committed against the *liberties* of one people, with crimes which he urges them to commit against the *lives* of another.<sup>12</sup>

Admittedly, this indictment contains a degree of political rhetoric, particularly in its attempt to lay the blame for the inception and continuation of slavery solely at the door of King George III. However, it is noteworthy that Jefferson explicitly refers to the black slaves as “MEN”—a fact he emphasizes by placing the word in capitals. By so doing, he seems to repudiate those who have argued that the Declaration did not apply to blacks because it never envisioned them as part of “mankind.” While some of Jefferson’s statements in the *Notes* suggest that he may have believed there were gradations among the races of men, he never disputed their shared humanness and, hence, their equal possession of unalienable rights (*Notes*, pp. 47, 63, and 143).

## II. Notes on the State of Virginia

Despite its title, the *Notes* is not confined to a treatment of Virginia alone; it encompasses the whole of the American republic. The inspiration for the work apparently came from Francois Marbois, whose twenty-two “Queries” concerning Virginia were transmitted to Jefferson in 1780.<sup>13</sup> *Notes On the State of Virginia* is Jefferson’s response. He divides and reorders Marbois’s original twenty-two queries so that they are made to number twenty-three. They fall roughly into the following six categories: natural advantages (I–VII), inhabitants (VIII–XI), government (XII–XVI), citizen opinion (XVII–XVIII), economics (XIX–XXII), and history (XXIII).<sup>14</sup> There is a progressive linkage of the queries, with each

12. Becker, p. 147. The bracketed portion, and its slightly altered interlinear restatement enclosed in braces two lines later, would seem to indicate Jefferson’s concern for the most effective placement of these key words. The committee version of this whole section, as well as the ill-fated version which was sent on to Congress, can be found on pp. 166–167 and 180–181, respectively.

13. *Papers*, iv, 166–167.

14. A simpler division finds the first eleven queries concerned with the natural environment and the last eleven with the political/cultural environment. The twelfth and central query (“Counties and Towns”) is then seen to serve as the transition from nature to convention. See Mansfield, ed., *Thomas Jefferson*, p. xvii.

one building or dependent upon those which preceded it. For example, the discussion of "Population" in Query VIII only proceeds after the prerequisites for human habitation—natural resources, food, and climate—have been considered. Then in Query IX, after having discussed such things as the population's ratio of whites to blacks (eleven to ten), Jefferson turns to a discussion of "Military Force." The implication—if it has not already been made clear by the mention of "insurrection" and of the fact that the white populace is "entirely disarmed" in parts (*Notes*, p. 88)—is obvious: there is a real and justifiable fear of a slave rebellion.

The discussion of religion—a subject having a decided influence on the character of citizens—and of "religious slavery" (*Notes*, p. 159) leads logically to a consideration of "Manners" (Q. xviii). After indicating how both manners and industry are corrupted by that great evil, slavery, Jefferson turns to "Manufactures" (Q. xix). The treatment of the corruptions of a commercial nation then naturally proceeds to "Subjects of Commerce" (Q. xx). This in turn leads to an inquiry into the indispensable requirements of commerce, "Weights, Measures, and Money" (Q. xxi). A discussion of "Public Revenues and Expenses" (Q. xxii) follows easily from that of commerce, for the latter is the necessary foundation of the public treasury.

An indication of the complexity and interrelationship of the various queries having been provided, those which specifically treat the subject of race relations may now be addressed. These are primarily the ones concerned with "Productions Mineral, Vegetable and Animal" (Q. vi), "Population" (Q. viii), "Aborigines" (Q. xi), "Laws" (Q. xiv), and "Manners" (Q. xviii).

### *Red and White Men*

Any examination of Jefferson's views on red-white relations in the *Notes* would be incomplete without some reference to his quarrel with Count de Buffon, a noted French naturalist. Buffon contended that all living things in the New World—animal or vegetable—were inferior to their counterparts in the Old World. A large part of his argument related to the New World's allegedly unsuitable climate and soil, but it also had as a lesser target the animals (including men) and plants transported to the New World from the Old. Buffon's attack may explain some of Jefferson's decidedly different treatments of the reds and blacks. Since the Indians were native to the New World, Jefferson may have felt under some compulsion to rescue them from the stigma of Buffon's charges.

Jefferson contends that circumstances in the New World are equivalent, if not superior, to those in the Old. Thus, each race has the op-

portunity to become, or at least approach, all that it is capable of being. Exceptions should be viewed as resulting from man-made circumstances that imposed obstacles to a race's achievement of its full potential. An obvious example would be the enslavement of one race of men by another. Jefferson mentions the detrimental effects of enslavement on natural attributes in a manuscript notation describing the subjugation of South American Indians (*Notes*, pp. 273, n. 83 and 276, n. 104). Another example of a man-made obstacle would be the meeting and inevitable clash between two races at differing levels of civilization. Jefferson describes how the Indians, "in the first instant of their connection with us" (*Notes*, p. 54), destroyed the wild game upon which they subsisted in order to have furs to trade for the more advanced weapons and tools of the white man. As a consequence, the red civilization, instead of improving by contact with the white, declined.<sup>15</sup>

Jefferson's desire to vindicate the red men did not prevent him from admitting that they were less civilized than the transplanted Europeans. Indeed, he does not hesitate to characterize the Indians as a "barbarous people" (*Notes*, p. 60). If white civilization could have affected the red race more favorably, one of the advantages might have been the eradication of the latter's forced inequality between the sexes. It would have taught the red man to "subdue the selfish passions, and to respect those rights in others which we value in ourselves" (*Notes*, p. 60).

This comparison of the barbarous red man to the civilized white leads Jefferson into a brief discussion of why the Indians are not by nature physically inferior to the other races (*Notes*, pp. 60–61). The focus then shifts from the observable activities and appearances of the body to the much more elusive qualities of the mind as he attempts to demonstrate that, under conducive circumstances, red men exhibit admirable intellectual abilities. The demonstration involves a discussion of the way in which Indians govern themselves and, most importantly, an extensive examination of a remarkable speech by a superior red man.

Jefferson notes that the reason for the Indians' lack of government as white men know it is that they live in a society "the principles [of which] forbid . . . all compulsion" (*Notes*, p. 62). Rather than relying on a combination of force and persuasion, they emphasize the latter in conjunction with "personal influence." "Eminence in oratory" is therefore prized, for by it men can be led to do their duty.<sup>16</sup>

15. Compare this conclusion of Jefferson's with the similar one of Tocqueville in *Democracy in America*, ed. J. P. Mayer, trans. George Lawrence (Garden City, New York: Anchor Books, 1969), pp. 318 and 321.

16. *Notes*, p. 93.

Jefferson advances the example of Chief Logan of the Mingo tribe as further evidence of the red race's intellectual ability. That he attached considerable importance to this example is clear from the space he devotes to it. Including the appendices Jefferson subsequently added to the *Notes*,<sup>17</sup> nearly one-eighth of that work is in some manner concerned with the tragedies and superior merit of Logan. The singular fame of this man rests primarily upon the remarkable oratorical ability he exhibited in a proud capitulation speech delivered at the conclusion of a minor war between the Indians and whites (*Notes*, p. 63). Jefferson, in his desire to have this speech properly appreciated by his readers—and, in particular, by Buffon<sup>18</sup>—makes the somewhat exaggerative claim that “I may challenge the whole orations of Demosthenes and Cicero, and of any more eminent orator, if Europe has furnished more eminent, to produce a single passage, superior to the speech of Logan” (*Notes*, p. 62). Jefferson's general argument is that, even though circumstances were not very favorable to the Mingo tribe, Logan rose to the occasion and gave evidence of an unusual intellect. Accordingly, he is used as an illustration of the red race's equality with the white race in intellectual matters.<sup>19</sup>

One final point about Jefferson's treatment of red-white relations deserves to be mentioned, namely, his views on miscegenation. Insofar as it relates to the reds Jefferson does not explicitly discuss this subject in the *Notes*. However, since he apparently held contradictory views about the desirability or permissibility of miscegenation between reds and whites on the one hand, and between blacks and whites on the other, it is worthy of brief examination.<sup>20</sup>

In a private letter to Baron Humboldt, Jefferson expresses the following sentiments:

You know, my friend, the benevolent plan we were pursuing here for the happiness of the aboriginal inhabitants in our vicinities. We

17. There are, of course, reasons for questioning the propriety of including these appendices with the text. The four addenda to the body of the *Notes* were meticulously added by Jefferson to his private copy of the Stockdale edition between 1787 and the early 1800's. As previously mentioned, Jefferson's intention was to bolster perceived weak points in preparation for bringing out a revised edition of the work. He reluctantly abandoned this project in 1814. See Peden, ed., *Notes*, pp. xix–xxi, especially n. 34.

18. Jefferson specifically states that he is using Logan's speech to contradict Buffon. *Notes*, pp. 227 and 230.

19. Jefferson's treatment of this exceptional red man should be contrasted with his denigration of two exceptional blacks, Whately and Sancho. See *Notes*, p. 140.

20. For Jefferson's views on black-white intermarriage, see Bill No. 86, in *Papers*, II, 556–558.

spared nothing to keep them at peace with one another. To teach them agriculture and the rudiments of the most necessary arts, and to encourage industry by establishing among them separate property. In this way they would have been enabled to subsist and multiply on a moderate scale of landed possession. *They would have mixed their blood with ours, and been amalgamated and identified with us within no distant period of time.*<sup>21</sup>

To permit the reds (who had consistently resisted basic elements of Western civilization such as private ownership of property)<sup>22</sup> to mingle with the whites, while vigorously rejecting any similar intermingling with the blacks (who had, within the limits of their condition, just as consistently attempted to adopt Western civilization) seems, at the very least, to be unreasonable. There are at least two possible explanations for the different treatment. One involves the matter of numbers. At the time Jefferson wrote to Humboldt, there were approximately one hundred thousand reds remaining in the United States, compared with more than seven hundred and fifty thousand blacks.<sup>23</sup> Absorbing the reds into white society may then have appeared as more feasible than absorbing the blacks. There is also the matter of the different degrees of prejudice the whites felt towards the reds and the blacks. While there certainly was prejudice against the Indians, it is possible that it was less deep or intense than that felt against the blacks. One must remember that presumptions about such things as the natural inferiority of the blacks were heavily reinforced by the fact of their vivid civil inferiority within the American republic. In addition to every stigma they might share with the reds, the blacks always carried the additional one of being readily identifiable as the whites' slaves.<sup>24</sup>

### *Black and White Men*

Jefferson's first comprehensive treatment of black-white relations in the *Notes* occurs in the query on "Population." It is here that he expresses concern over "the rate at which we have increased." The "we" in this

21. Jefferson to Humboldt, December 6, 1813. *The Life of Thomas Jefferson*, III, 386 (emphasis added).

22. See Ralph Lerner, "Reds and Whites: Rights and Wrong," in P. B. Kurland, ed., *Supreme Court Review* (Chicago: University of Chicago Press, 1971), pp. 201–240.

23. Lerner, p. 229.

24. A related but different aspect of the visual identification of blacks has to do with the fact that the red race is more easily confused with the white than is the black. In general, the red skin is not as red as the black skin is black.

case seems to refer to “free males above 16 years of age, and slaves above that age of both sexes” (*Notes*, p. 82). A principal reason for this concern is to be found in the whites’ fear of slave uprisings. Those free males above sixteen years of age would be the mainstay of any white militia confronting black rebels.<sup>25</sup>

In addition to this fear of actual revolts, Jefferson worries over the importation of “foreigners” with political ideas that are incompatible with those which animate the American republic.

They will bring with them the principles of the governments they leave, imbibed in their early youth; or, if able to throw them off, it will be in exchange for an unbounded licentiousness, passing, as is usual, from one extreme to another. It would be a miracle were they to stop precisely at the point of temperate liberty. These principles, with their language, they will transmit to their children. In proportion to their numbers, they will share with us the legislation. They will infuse into it their spirit, warp and bias its direction, and render it a heterogeneous, incoherent, distracted mass. (*Notes*, pp. 84–85.)

This concern with “foreigners” has obvious reference to white immigrants coming to the shores of America, but quite clearly it is also relevant to the importation of black slaves—a matter laden with dire overtones. If there is reason to fear the principles and intemperance of white immigrants, how much more reason would there not be to fear similar traits in black men and women forcefully brought to America’s shores? What is to be expected from people whose native political principles may be unfavorable to republican government, and who, once in America, are subjected to a form of rule—slavery—which represents a denial of every principle that the republic stands for? Could the republic realistically expect anything but the most unbounded licentiousness and “intemperate liberty” from such men and women, or from their children, if ever they were freed and “came to share with us the legislation?” Would they not be very likely to “infuse into it their spirit, warp and bias its direction, and render it a heterogeneous, incoherent, distracted mass?” The responses to these questions can be none other than a series of emphatic affirmations.

Jefferson would restrict the admission of foreigners (black and white)

25. That the whites’ fears were at least partially justified can be seen in an examination of the number of minor slave revolts which actually occurred. See Miller, pp. 126–129, and Herbert Aptheker, *American Negro Slave Revolts* (New York: International Publications, 1943).

into the United States and rely on the natural increase of Americans. This approach, however, was not without its own drawbacks, for under “the mild treatment our slaves experience, and their wholesome, though coarse, food, this blot in our country increases as fast, or faster, than the whites” (*Notes*, p. 87). The barring of foreigners—particularly black foreigners—would not then solve the problems posed by the presence of the white and black races in America. Therefore, Jefferson, who was persistent in advocating that the importation of slaves should be prohibited and that the existing American slaves should be emancipated,<sup>26</sup> was equally persistent in urging that the freed blacks should be removed to a place where they would be beyond all possibility of participating in the American republic (*Notes*, p. 138).

Jefferson next addresses the subject of race relations in the query on “Laws.” He did not consider the blacks to be anything but men; as such, they were in possession of all the natural rights of men.<sup>27</sup> However, their exercise of some of these rights was impeded by laws designed to ensure the whites’ dominance over them. Thus, in a clash between positive or conventional rights (for example, the right of a white master to the fruits of the labor of his black slave) and natural rights, the latter—as far the blacks were concerned—assumed a secondary importance. The immediate source of this discrepancy was therefore the laws—in particular, the laws of the slave states. The blacks’ enslavement was being maintained not by nature but by convention. From this perspective, Jefferson’s selection of “Laws” as the forum in which to discuss race relations is singularly appropriate; more so because he is advocating a revision of the laws which deny the black man the second most cherished natural right of all: his right to liberty (*Notes*, pp. 137–138).

An examination of the “Laws” may appropriately begin by focusing on the organization of the query’s subject matter, which is divided in the following general manner: “courts and justices” (pp. 130–132) and “laws” (pp. 132–149). In turn, the section on “laws” is evenly subdivided into “variations from the British model” (pp. 133–136) and the author’s “plan for the revisal of the laws” (pp. 136–149). One interesting point about these latter subdivisions is that in both of them the subjects of slavery and race relations assume positions of prominence—in the first case by means of placement and in the second by means of the

26. For example, see Bill No. 51 in *Papers*, II, 470–473. Jefferson hoped that such a prohibition would “in some measure stop the increase of this great political and moral evil, while the minds of our citizens may be ripening for a complete emancipation of human nature” (*Notes*, p. 87).

27. See Storing, “Slavery and the Moral Foundations of the American Republic,” pp. 214–233.

extent of treatment.<sup>28</sup> This latter treatment is, in fact, the fullest and most candid statement on race relations to be found either in the *Notes* or in any other public expression on the subject made by Jefferson. It is, therefore, deserving of careful examination.

Jefferson recognizes the tension between “the many laws” which, having been established during the monarchy, are only relative to and consistent with that form of government and the laws that are relative to and consistent with republicanism (*Notes*, pp. 136–137). Having stated this as his reason for wanting to revise the laws of Virginia, Jefferson then proceeds to list the proposed “remarkable alterations” to those laws. There are seven alterations, the first six of which are presented in one sentence each. However, his justification for the seventh revision, which concerns “emancipating all slaves born after passing the act” (*Notes*, p. 137), covers nearly twelve pages. Jefferson admits that the bill (No. 51) as presented to the legislature did not provide for a general emancipation.<sup>29</sup> But he adds that he and/or others had intended to offer an amendment that would have required such a general emancipation.

Jefferson then goes on to list briefly the provisions of the intended amendment, which were primarily concerned with the preparation of the emancipated slaves for expatriation. Basically, these call for the training of young male and female blacks in useful arts, after which they would be provisioned, armed,<sup>30</sup> and transported to a free and independent

28. In his discussion of “variations from the British model,” Jefferson treats eleven different subjects in fourteen paragraphs. The central subject is “slavery” (pp. 134–135). In discussing various subjects under his “plan for revisal of the laws,” Jefferson devotes the greatest amount of space (six pages, comprising nearly 30 percent of the total length of Query xiv) to the treatment of race relations (pp. 137–143).

29. For the version of the bill actually passed by the legislature, see *Papers*, II, 470–473. As Jefferson himself later admitted in his “Autobiography,” the actual bill was much more in accord with what “the public mind would . . . bear” than the general emancipation amendment would have been (*Papers*, II, 472).

30. The provision for the arming of expatriated blacks, while certainly practical, should be contrasted with the great fear Jefferson had of permitting domestic blacks, whether freemen or slaves, to acquire arms or familiarity with arms. Bill No. 51 expressly forbids slaves to keep arms. In a communication to the Virginia House of Delegates on May 10, 1781, Jefferson states that slaves “are by the laws excluded from the Militia and wisely as to the Part of a Souldiers Duty which consists in the Exercise of Arms” (*Papers*, v, 627). The most important part of a “Souldiers Duty” concerns the very reason he is armed: a soldier is trained to kill and to do so on command. The presence of a large number of trained black soldiers—particularly disbanded black soldiers—was rightfully feared. Such men could be capable of more than pity for their still enslaved brethren.

homeland of their own. Despite Jefferson's apprehensions regarding the unwholesome influence of foreigners, his plan for the emancipation and expatriation of the blacks involved the importation of "an equal number of white inhabitants." One explanation may be that the dangers in this project were outweighed by the disadvantages of permitting freed blacks—with their undoubted hostility toward the regime of their former masters—to remain.

Jefferson concedes that it would be difficult to remove the blacks and replace them with white immigrants. His response to this concern occupies eleven pages and takes the form of three categories of objections to the blacks' continued presence. The first category is concerned with "political" impediments and can be broken-down into five subdivisions:

- 1) deep-rooted prejudices entertained by the whites;
- 2) ten thousand recollections, by the blacks, of the injuries they have sustained;
- 3) new provocations;<sup>31</sup>
- 4) the real distinctions which nature has made; and
- 5) many other circumstances. (*Notes*, p. 138)

Two other categories of objections—"physical" and "moral"—are closely related to the first in that they tend to constitute the sources of the political objections. (For instance, much of the whites' prejudice against the blacks arises from the fact that the blacks are physically different, most particularly in the matter of skin coloration.) In his discussion of the physical and moral objections, Jefferson is trying to assess whether these objections constitute appropriate political grounds for excluding the blacks from America. In other words, political arguments for separating the races may be based on the ground that the fundamental differences between them would bring about the political community's eventual decline.

While he believed that the physical objections to blacks were serious, Jefferson contended that the moral ones could be refuted rather easily. In response to those who claimed that blacks were morally inferior to whites, he stated that, where such inferiority existed, it was not a result of the blacks' nature, but rather of their condition:

The man, in whose favour no laws of property exist, probably feels himself less bound to respect those made in favour of others. When

31. Given the dislikes—even hatreds—engendered by the first two political objections, the possibility of "new provocations" could be readily imagined. As a consequence, this objection may be central not only in terms of its placement, but also in terms of its importance as one of the major problems of future race relations.

arguing for ourselves, we lay it down as a fundamental, that laws, to be just, must give a reciprocation of right: that, without this, they are mere arbitrary rules of conduct, founded in force, and not in conscience.<sup>32</sup>

In the course of claiming for the blacks a moral equality with the whites, Jefferson asserts that the blacks have been forcibly, and wrongfully, enslaved and, thus, denied the one thing that is most basically “one’s own”—one’s body. The right which a man has to his body (and to the fruits of its labor)<sup>33</sup> has been usurped by other men. Such usurpation, says Jefferson, violates “religious precepts,” and he implies that it is also contrary to nature.

In turning to the physical objections to the blacks, one finds a number of interesting observations, some of them the product of Jefferson’s naturalistic approach and others of his thoughtful consideration of the political consequences of a black-white American republic. He identifies sixteen distinctions between blacks and whites. These can be grouped into three broad categories: physical appearance, passions, and intellect. Of the seven physical distinctions, the first three (“colour,” “figure,” and “hair”), which are primarily concerned with beauty, appear to be the most important. Being “fixed in nature” (*Notes*, p. 138), they represent the obvious differences which distinguish the black from the white and which, accordingly, may be responsible for much of the whites’ prejudice. Furthermore, the first and perhaps most significant of these distinctions, “colour,” is the basis of a less obvious but perhaps very crucial difference between the races, namely, that the black man does not visibly display his emotions, particularly shame.

Are not the fine mixtures of red and white, the expressions of every passion by greater or less suffusions of colour in the one, preferable to that eternal monotony, which reigns in the countenances, that immoveable veil of black which covers all the emotions of the other race?<sup>34</sup>

Jefferson then proceeds to a brief discussion of the “passions” without overtly acknowledging a transition. He begins by lauding the blacks for being “at least as brave, and more adventuresome” than the whites.

32. *Notes*, p. 142. Compare this with the similar view of Tocqueville, who held that the “Negro has lost even the ownership of his own body and cannot dispose of his own person without committing a sort of larceny” (*Democracy in America*, p. 319).

33. See John Locke, *Two Treatises of Government*, p. 134.

34. *Notes*, p. 138. In a sense, this masking of the black’s emotions is analagous to Plato’s ring of Gyges (*Republic*, 359d–360d), for it permits the “wearer” to remain invisible to his fellow men. The black gives no hint that he is contemplating or has committed unjust or shameful acts; he remains unrevealed to others.

But he qualifies this assessment by remarking that “this may perhaps proceed from a want of forethought, which prevents their seeing a danger till it be present. When present, they do not go through it with more coolness or steadiness than the whites.”<sup>35</sup> Jefferson then observes that the blacks seem to be more ardent and their griefs more transient. These observations lead him to conclude that, “in general, their existence appears to participate more of sensation than reflection” (*Notes*, p. 139). Accordingly, it is at this point that he makes the transition to the distinctions concerned with “intellect.”

Jefferson mentions three grounds of intellectual distinction between the blacks and the whites: “memory,” “reason,” and “imagination.” Only with reference to memory does he consider the black as the white’s equal. He believes the black to be inferior in the use of reason or imagination. In order to illustrate these alleged deficiencies, he interjects an interlude of one and one-half pages in which he discusses the black race’s failure to develop any substantial facility or renown in arts ranging from oratory to poetry (*Notes*, pp. 139–141). He concludes by turning—for only one sentence—to a subject which he evidently regarded with a degree of horror: miscegenation between the blacks and whites. “The improvement of the blacks in body and mind, in the first instance of their mixture with the whites, has been observed by every one, and proves that their inferiority is not the effect merely of their condition of life” (*Notes*, p. 141).

While believing that intermixture would improve the blacks, Jefferson held that it would be bad for the whites. One can see his reservation in two of his proposed revisions of the Virginia laws. “If any white woman shall have a child by a negro or mulatto, she and her child shall depart the commonwealth within one year thereafter. . . . A marriage between a person of free condition and a slave, or between a white person and a negro or between a white person and a mulatto, shall be null.”<sup>36</sup>

Following his brief but striking statement about miscegenation, Jefferson turns to the last period of extensive slavery, namely, the time of

35. *Notes*, p. 139. Compare Jefferson’s treatment of men appearing to be brave because they lack foresight with Aristotle’s treatment of that subject in the *Nicomachean Ethics*, 1116b22–1117a3.

36. *Papers*, II, 471 and 557, respectively. I do not share the view that the prospect of “miscegenation between the two races provided the most compelling reason for [Jefferson’s] insisting upon the evacuation of the black population from the U.S.” (Miller, *The Wolf by the Ears*, p. 62). It was surely a consideration, but there is a serious question as to whether it was the most compelling one in light of Jefferson’s admitted concern with such matters as white prejudice, black remembrances of past injustices, and the consequent likelihood of continued future provocations.

the Roman empire. He observes that the condition of the Roman slaves was “much more deplorable than that of the blacks on the continent of America” (*Notes*, p. 141). Despite such adversity, the Roman slaves “were often their rarest artists. They excelled too in science, insomuch as to be usually employed as tutors to their master’s children” (*Notes*, p. 142). Jefferson contends that their ability to excel under very adverse conditions (and, implicitly, the blacks’ inability to do so) was a consequence of distinctions produced by nature.<sup>37</sup> Furthermore, there is the crucial fact that, because they were white, the Roman slaves were able to do what the blacks in America could not do: intermingle with their masters and, once freed, escape the prejudice and stigma associated with being permanently identifiable as ex-slaves.

In concluding his extended discussion of why the blacks should not be retained and incorporated into the state, Jefferson summarizes the preceding observations, but adds some qualifications to them.

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. It is not against experience to suppose, that different species of the same genus, or varieties of the same species, may possess different qualifications. Will not a lover of natural history then, one who views the gradations in all the races of animals with the eye of philosophy, excuse an effort to keep those in the department of man as distinct as nature has formed them?<sup>38</sup>

37. There are major problems with this comparison of the Roman and American slaves. In particular, many of the Roman slaves, unlike their American counterparts, were more apt to be household-related slaves than laborers in the field. See *The Oxford Classical Dictionary*, ed. N. G. L. Hammond and H. H. Scullard (London: Oxford University Press, 1970), pp. 994–996. Four of the five ancient slaves mentioned by Jefferson in support of his contention were, to a man, exceptional individuals who either received liberal educations at the hands of their masters before being freed (Epictetus and Terence), or were freed and educated by the wisest of men (Phaedron by Socrates), or by one of the most powerful of men (Phaedrus by Emperor Augustus). (It is unclear which Diogenes Jefferson is referring to, so he cannot be examined.) By contrast, the education of most American slaves was commonly ignored (though there certainly were exceptions to this tendency). See Jordan, *White Over Black*, especially pp. 354–356, and 399; and Abraham L. Harris, “Education and the Economic Status of Negroes in the United States,” in Robert A. Goldwin, ed., *100 Years of Emancipation* (Chicago: Rand-McNally, 1964), pp. 129–157.

38. *Notes*, p. 143. At the commencement of the earlier interlude, Jefferson had stated that it “will be right to make great allowances for the difference of condition, of education, of conversation, of the sphere in which they move” (*Notes*, p. 139).

Finally, some consideration must be given to the connection between race relations and Jefferson's plan for the education of the republic's citizens. He strives to develop a proper education for the citizenry because he is aware that "the principal foundation of future order will be laid here" (*Notes*, p. 147). Through a proper education, Jefferson hoped to see a cadre of enlightened antislavery men emerge. This intent is clearly evident in a private letter he wrote on August 7, 1785, to an antislavery pamphleteer.<sup>39</sup>

Query XVIII, concerned with "Manners," also reflects Jefferson's emphasis on education—most particularly in regard to the adverse effect slavery has on men.

There must doubtless be an unhappy influence on the manners of our people produced by the existence of slavery among us. The whole commerce between master and slave is a perpetual exercise of the most boisterous passions, the most unremitting despotism on the one part, and degrading submissions on the other. Our children see this, and learn to imitate it; for man is an imitative animal. This quality is the germ of all education in him. From his cradle to his grave he is learning to do what he sees others do. (*Notes*, p. 162)

Jefferson, the man of reason, feared that virtues such as moderation would be difficult to inculcate in a people who constantly had before their eyes a spectacle that encouraged—even required—the most immoderate passions on the part of both master and slave. His concern is not confined to the effects of slavery on morals; he also inveighs against its physical effects on the master.<sup>40</sup> Jefferson's outcry reaches a peak when he invokes the spectre of divine retribution for the great earthly injustice of slavery.

And can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with his wrath? Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep for ever: that considering numbers, nature and natural means only, a revolution of the wheel of fortune, an exchange of situation, is

39. Jefferson to Richard Price, August 7, 1785. *Papers*, VIII, 357.

40. *Notes*, p. 163. This view is also advanced by Tocqueville in *Democracy in America*, pp. 345–363. Both authors were of the opinion that if one wished to dissuade masters from slavery, an effective approach would be to appeal to their self-interest.

among possible events: that it may become probable by supernatural interference! The Almighty has no attribute which can take side with us in such a contest. (*Notes*, p. 163)

Needless to say, Jefferson was not thinking of a wrathful God descending from the heavens. The invocation actually implies that God's assistance in rectifying the injustice is confined to the sphere normally associated with fortune: the predominant forces of change are "numbers, nature and natural means only." Given his previous contentions that the blacks of fighting age are nearly equal in number to their white counterparts, and that the blacks are "at least as brave" as the whites, Jefferson appears to believe that only time and opportunity are necessary for the restoration of the slaves to their state of natural equality. This is more clearly stated in the query's final two sentences. "I think a change already perceptible, since the origin of the present revolution. The spirit of the master is abating, that of the slave rising from the dust, his condition mollifying, the way I hope preparing, under the auspices of heaven, for a total emancipation, and that this is disposed, in the order of events, to be with the consent of the masters, rather than by their extirpation" (*Notes*, p. 163).

The dating of a change in race relations from the "origin of the present revolution" suggests that Thomas Jefferson may have been aware that the ultimate demise of slavery would be owed to the principles of the Declaration of Independence. That document, heedless of color in its bold proclamation that all MEN possessed "unalienable Rights," would be the eventual cause of a startling alteration in the relations between the races—relations which Jefferson, in his writing of the *Notes* seven years after the Declaration, foresaw as fraught with undesirable consequences for both the races and the republic.

### III. Conclusion

It is significant that the Declaration and portions of Jefferson's other writings provided a basis for the thought and actions of subsequent statesmen, most especially Abraham Lincoln. It was Lincoln who unreservedly lauded "the principles of Jefferson," singling out for special acclaim the Declaration's "self-evident truth" that "all men are created equal," which he enshrined as the republic's "central idea."<sup>41</sup> In his public speeches Lincoln made adept use of Jefferson, quoting, for instance,

41. *The Collected Works of Abraham Lincoln*, ed. Roy P. Basler (New Brunswick, New Jersey: Rutgers University Press, 1953), III, p. 376.

the lengthy “fire-bell-in-the-night” passage in which Jefferson had expressed his fears about extending a geographical division of the union between slave and free states.<sup>42</sup> Lincoln also attempted to invoke his revered predecessor to provide the common ground upon which both slaveholding and abolitionist citizens might yet be brought to a lasting compromise.<sup>43</sup> That such a reconciliation between the enslavement of the blacks and the republic’s central idea could not be achieved might indeed have been inevitable. As Lincoln himself implied in the Gettysburg Address, the Civil War was, in many ways, the baptism by fire that the young nation had never really gone through.<sup>44</sup> It solved the long-delayed problem of slavery within the republic, but it did not, because it could not, resolve the larger problem that so vexed Jefferson, namely, that of maintaining the character of a republic whose citizens were so visibly different.

42. *The Collected Works*, II, pp. 128–129.

43. For example, see *The Collected Works*, II, pp. 131 and 409; III, p. 15; and especially V, pp. 370–75. As late as 1858, Lincoln admits that his “first impulse” would be to free the slaves, equip them, and send them to Liberia (on the west coast of Africa). He ultimately discards this plan, not least because it was, from a practical standpoint, impossible: there was neither money nor ships enough to effect such a transfer even if the former slaves were willing to go.

44. *The Collected Works*, VII, pp. 22–23.

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<sup>22</sup> **Reds and Whites: Rights and Wrongs**

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