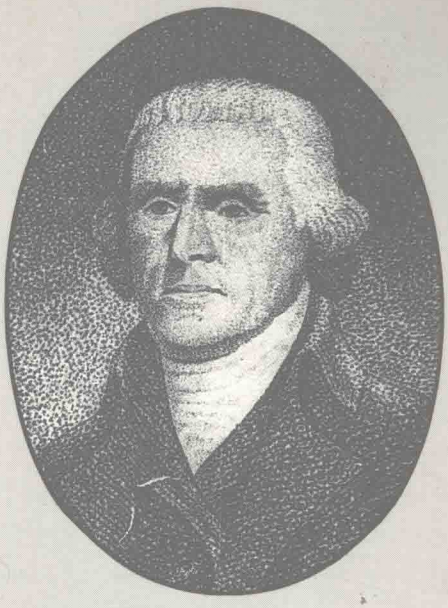
THE WOLF BY THE EARS



Thomas Jefferson and SLAVERY

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The Wolf by the Ears

To the memory of my late friend Pieter Geyl, the eminent Dutch historian, who said that history is an endless debate, and who delighted in "Debates with Historians" as the spice of historical writing.

"We have the wolf by the ears; and we can neither hold him, nor safely let him go. Justice is in one scale, and self-preservation in the other."

Thomas Jefferson, 1820

Preface

INEVITABLY, A BOOK DEALING with Thomas Jefferson and slavery must address itself to certain questions which do not admit of an easy, simple, or final answer. In view of Jefferson's abhorrence of slavery, which he called a "blot" and a "stain" upon America, why did he remain a slaveowner all his life and fail to direct that his slaves be freed after his death? Why did Jefferson not play a more forceful role in the antislavery movement inspired by the Enlightenment and the American Revolution? To what extent was the Declaration of Independence intended to serve as a charter of freedom to the slaves? What induced him to couple the emancipation of the slaves (a development which, he said, he wished above all else) with the removal of the black population from the United States "beyond the reach of mixture"? Why did he insist upon measuring the intelligence of illiterate, hopelessly disadvantaged black slaves by criteria applicable to free white Americans? Why, in 1819–1821, during the Missouri controversy, did Jefferson advocate the diffusion of slavery over the entire national domain under the guise of a positive good for both the slaves and for white Americans?

With the publication in 1974 of Fawn Brodie's *Thomas Jefferson: An Intimate History,* a further question has been imposed upon his biographer: did Jefferson, in defiance of his professed principles and precepts, make the mulatto slave girl Sally Hemings his paramour, and did she conceive by him children who were reared at Monticello as slaves under the promise that they would be freed when they reached adulthood? Jefferson himself denied this sensational allegation, and the "Sally Hemings story" had, in fact, long been dismissed as a mere political canard until it was revived, refurbished, and given the gloss of verisimilitude by Ms. Brodie.

To answer these and other questions raised by Jefferson's career, it has been necessary to explore the workings of his mind and the cast of his character, insofar as that is possible at the distance of almost two hundred years, and to examine critically his political philosophy; for Jefferson was

a scientist and a philosopher as well as a politician and a man of action—a combination of diverse talents supported by a fund of knowledge that has rarely graced the presidency of the United States. In this general scrutiny, Jefferson's personality could not be left out of account. For example, his confidence in a benign futurity—which sustained his conviction that slavery, along with other social evils, would ultimately yield to the combined power of right reason and a divinely implanted moral sense—colored his views of all the great events of his lifetime. Yet Jefferson was also given to brief moments of pessimism in which the darker side of human nature—especially greed and avarice, which at an early age he singled out as the great enemies of his particular version of the American Dream—seemed to him to be gaining ascendancy. His countrymen, he feared, might delay the work of emancipation until the slaves, despairing of attaining freedom by waiting for the philanthropic impulses of their masters to overcome the baser side of human nature, would strike incontinently for freedom. Jefferson's single most significant contribution as an opponent of slavery was the repeated warning to his countrymen of the catastrophic consequences certain to follow upon a failure to put slavery in the course of extinguishment.

This analysis of Jefferson's antislavery views and the actions to which they gave rise, the subject matter of *The Wolf by the Ears,* is necessarily episodic; while chronology has been generally observed, it was not possible to weld this disparate material into the form of a biographical narrative. Deliberately, I have dealt only with such aspects of Jefferson's personality, conduct, and ideas which impinge upon the subject of slavery; I have reserved for a later book a more comprehensive and well-rounded portrait of Jefferson and a more definitive assessment of his contributions to American democracy. The present volume is presented as an addendum to the endless debate which revolves around the paradox that the author of the Declaration of Independence was one of the largest slaveholders of his time.

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Slavery and the Declaration of Independence

THOMAS JEFFERSON WAS INTIMATELY associated with slavery from the cradle to the grave. His first memory was of being carried on a pillow by a slave; and a slave carpenter made the coffin in which he was buried at Monticello. The labor of black slaves made possible Jefferson's cultivation of the arts; the building of Monticello and the Virginia State Capitol, his principal architectural monuments; the acquisition of the books which made his library one of the largest private libraries in the United States (and which eventually formed the nucleus of the Library of Congress); the accumulation of choice wines and the fine food prepared by a French chef, both of which made dinner at the President's House a notable event in the lives of congressmen; and the leisure which he devoted to science, philosophy, and politics. Even Jefferson's salaries as Secretary of State, Vice-President and President were indirectly paid in large part by slaves: their labor provided the tobacco, cotton, and sugar, the export of which stimulated Northern shipping, manufacture, banking, and insurance and enabled the United States to make remittances for imported manufactured goods and to attract the foreign investment capital vital to the agricultural, industrial, and commercial development of the Republic. Next to land, slaves constituted the largest property interest in the country, far larger than manufacturing and shipping combined. Truly, one of the main pillars of the world of Thomas Jefferson was black slavery.

This pillar Jefferson was resolved to destroy. As he saw it, the eradication of slavery was to be the crowning achievement of the American Revolution; that revolution could not be considered complete, he insisted, until this ugly scar, a vestige of the colonial period, had been removed. Compared with many of his fellow patriots, Jefferson was a radical revolutionary: revolutions, he said, were not made with rose water, and the purpose of a revolution was not to dispense sweetness and

light but to effect needed changes in the existing social, political, and economic structure. He never supposed that the American Revolution consisted merely of the severance of the political ties that united the colonies to Great Britain or that it was an effort to maintain liberties already enjoyed in full plenitude by Americans. Among other things, Jefferson proposed to destroy in Virginia the last vestiges of "artificial aristocracy" based upon wealth and family connections and to bring to the fore the talents and virtues that lay submerged and fallow in the lower strata of society. Even though he was born into the aristocracy, Jefferson put his hope of a new order in "the plebeian interest." Without the abolition of slavery, Jefferson realized that the attainment of a society based upon freedom and equality of opportunity would forever elude the American people.

Although nineteen "Negars" had been brought to Virginia as early as 1619 by Dutch traders, the black population had increased slowly during the seventeenth century. By 1700, there were only between six thousand and ten thousand black slaves in the Old Dominion; but thereafter, partly as a result of the curtailment of the flow of white immigrants, most of whom came as indentured servants, and also because the Indians, despite the best efforts of the whites, failed to make satisfactory slaves, large numbers of Africans were imported to work the plantations of Tidewater Virginia and, later, of the Piedmont. By 1776, Virginia contained more than two hundred thousand blacks, over half the entire colored population of the United States.[1]

As a result, slaves were ubiquitous in the society in which Jefferson was reared and in which he came to his majority. Especially in the privileged circles of society in which Jefferson moved, it was difficult to find anyone who did not own slaves. His father was a slaveowner from whom Thomas inherited both land and slaves; all the Randolphs, to whom he was related through his mother, held slaves; and when he went to Williamsburg in 1760 to attend the College of William and Mary he took with him a personal slave, "Jupiter," whom he later made his coachman. Jefferson's wife's dowry consisted of 132 slaves and many thousands of acres of land. Like other Virginia patricians, he reckoned his wealth principally in slaves and land. By the time he wrote the Declaration of Independence he had become, by inheritance, purchase, and marriage, one of the principal slaveowners and one of the wealthiest men in Virginia.

Jefferson's perception of slavery was determined by several ambivalent circumstances: he was a planter-slaveowner, a Virginian whose strongest allegiance, when the test came, was to his state and section, and withal a man of the eighteenth century Enlightenment. This circumstance created in Jefferson's mind an ambiguity and a dissonance which he never succeeded in resolving to his own satisfaction. While Jefferson regarded

slavery as a "hideous evil," the bane of American society, and wholly irreconcilable with his ideal of "republican virtue," he was never able wholly to cast aside the prejudices and the fears which he had absorbed from his surroundings toward people of color; he did not free himself from dependence upon slave labor; and, in the end, he made the expansion of slavery into the territories a constitutional right, and a *conditio sine qua non* of the South's adherence to the Union.

If Jefferson as a Virginia planter was caught inextricably in the toils of slavery, as a man of the Enlightenment he knew the institution to be antithetical to the ideals by which he lived. The Enlightenment of the eighteenth century has been well characterized by Sir Isaiah Berlin, the English philosopher and historian of ideas, as the best and most hopeful episode in the history of mankind. To the men of the Enlightenment, their age was like the dawn of a new day of humanism, rationality, scientific methodology, and religious toleration after a long night of superstition, intolerance, and misery. During the preceding century, Europe had fallen prey to visionaries, rabid dogmatists, and religious "enthusiasts," with the result that it had been devastated by religious wars. From the havoc wrought by unbridled religious zeal, European thinkers turned their attention in the eighteenth century to the problems confronting man upon this earth rather than in the next world and to utilitarianism rather than metaphysical speculation. Man—his psychology his physical characteristics, his political and social institutions, and his place in the universe—became the principal theme of the age. The eighteenth century discovered a new world in which man figured as a free, independent individual and in which his worth and dignity, rather than his depravity and proneness to sin, were regarded as his dominant characteristics. From the idea of a rational benevolent Creator, the men of the eighteenth century Enlightenment proceeded to the idea of rational, benevolent man, the finest work of the author Nature and the center of all created things.[2]

It was assumed by these eighteenth century minds—and they made some very bold assumptions based upon their faith in an orderly, rational, and comprehensible universe—that the creative intelligence of man, working in harmony with the designs of Nature, was capable of creating a social order in which oppression, want, and misery would be replaced by freedom, happiness, and contentment. If man's potential was assumed to be without limit, then all things were possible once the restraints he had himself imposed upon his nature—and, above all, upon his reasoning powers—had been removed. Then, for the first time since man left the state of Nature, he would be free to function according to his ability and thereby to attain the stature intended for him by a benevolent Creator. The quintessence of wisdom, as the men of the Enlightenment conceived it, was to bring the existing social, political, and economic order into

conformity with the plans of a benign Creator who wished well to mankind.

Without exception, the men of the Enlightenment condemned slavery as a vestige of barbarism, an offense against the moral law, and a flagrant violation of the rights of man derived from the Creator. It was agreed that all men received from Nature, by virtue of their common humanity, an absolute right to the fruit of their labor and to the freedom of their persons of which they could not lawfully be deprived. Where human rights were concerned, the Enlightenment studiously ignored skin coloration.

As a student at the College of William and Mary, Jefferson was introduced to Enlightenment ideas by his mentors: Dr. William Small, a professor at the college; Edmund Pendleton and George Wythe, two of the leading lawyers of the province; and Lord Francis Fauquier, the Royal Governor of Virginia. The direction given Jefferson's thinking by these men was reinforced by his wide reading in history, philosophy, and the classics; he found in Stoic philosophy and in Cicero and Seneca conclusive evidence that many Enlightenment ideas had pedigrees that could be traced to classical Greece and Rome. At a relatively early age (when he wrote the Declaration of Independence he was thirty-three) Jefferson became one of the principal exponents of the ideals and attitudes of the Enlightenment in the American colonies and subsequently in the new American Republic. But Jefferson was never content merely to expound ideas: he conceived of the United States as the proving ground where Enlightenment ideas were to demonstrate that they could serve as the basis for a rational and morally perfected political and social order.

Among those ideas, Jefferson always included the Enlightenment's uncompromising rejection of slavery. Even while asserting the rights of white colonists against the British government, he did not forget the rights of the slaves—a position which set him apart from most of his contemporaries. When he was elected to the Virginia House of Burgesses in 1769, one of his first acts was to attempt to make the manumission of slaves easier for owners. For half a century, manumission had been permitted only with the consent of the governor and council; Jefferson sought to give every slaveowner the right to free his slaves if he so desired.

Characteristically, Jefferson chose to work through others to effect this reform. One of the more revealing stories told of his boyhood is the account of how, when a pupil at a plantation school taught by the Reverend Mr. Douglas, Jefferson decided that some changes in the curriculum were needed. Instead of going directly to Mr. Douglas, young Thomas persuaded one of his fellow students to go in his place. For his temerity, the hapless accomplice was roundly rebuked by the clergyman-pedagogue while Jefferson himself remained undetected and unscathed.

Jefferson, one of the great managers of men, began his career as a manager of children.

In 1769, his boyhood aversion to personal confrontations having hardened into a settled habit, he induced his cousin Richard Bland, a longtime member of the House of Burgesses, to introduce a bill facilitating manumission—Jefferson's role being confined to that of seconding the motion. Bland, a respected defender of colonial rights against Great Britain, found himself "treated with the grossest indecorum" and denounced as an enemy of the province. Because of his youth and inexperience (he was twenty-six years old) Jefferson escaped most of the censure so liberally bestowed upon Richard Bland.[3]

As a lawyer (he was admitted to the Virginia bar in 1769), Jefferson took several cases dealing with slavery. In 1770, he drew up without charge a brief in support of the claim of the grandson of a mulatto woman and a black slave who was suing for his freedom. Jefferson had a weak case; for while the law was specific in providing that the child of a white woman and a black slave father was to go free after serving until the age of thirty years as a slave, it made no exception in the case of the children or grandchildren of a mulatto woman. In contrast to Latin America, no mulatto class existed in Virginia or, indeed, in any British colony: a mulatto was a "black" or a "Negro" and, unless his or her mother were white, a slave for life. No one was free in colonial Virginia merely by virtue of the possession of white genes: to be valid they had to be derived specifically from the maternal side. The law declared that any person with one-eighth African "blood" was a mulatto; it was not possible to "pass" into the white community until all obvious physical traces of African ancestry had disappeared.[4]

In 1770, with the facts against his client, Jefferson had no choice but to try to move the case beyond the law of Virginia which, in these matters, was usually strictly interpreted. He did so by asserting that "under the law of nature, all men are born free, and every one comes into the world with a right to his own person, which includes the liberty of moving and using it at his own will." Unless this natural right to freedom were recognized, Jefferson declared, the status of the mulatto grandmother would be transmitted not merely to her grandchild but to her latest posterity.[5]

Among Jefferson's friends, the idea of the natural equality and freedom of man occasioned no sense of shock; in this particular, both Christians and Enlightenment rationalists agreed in holding that all men had been created free and equal. Edmund Pendleton, George Wythe (although he served as counsel for the defendant in this case), and George Mason did not take exception to the proposition boldly advanced by Jefferson. But as Jefferson was quickly given to understand, the idea of the natural

equality and freedom of man was not to be applied to blacks or mulattoes in a Virginia courtroom. The judge dismissed the case not, however, because Jefferson had appealed to a higher law but because he had failed to prove that his client was the descendant of a free woman and was therefore entitled to freedom.

In 1770, Jefferson had not contended that the slaves held in Virginia had the right to instant, unqualified freedom because they had been born free. The law of Virginia described slaves as chattel property; as such, they could be bought, sold, mortgaged, seized for debt, and devised by will. Jefferson recognized that the emancipation of the slaves waited upon the voluntary act of their owners or upon the will of the majority as expressed in statute law. Until and unless either of these conditions was fulfilled, the legal status of slaves could not be changed—as Jefferson himself implicitly recognized when in 1769 he advertised for the return of a slave who had stolen a horse and run away.[6]

Abortive as this case of 1770 proved to be, it revealed Jefferson's propensity for relating human rights to the laws of nature. In the struggle for American freedom against Great Britain, Jefferson habitually rationalized American rights by reference to the laws of nature which, his English adversaries complained, always worked in favor of Americans—leaving the only possible conclusion that the Great Lawgiver himself must be an American.

In 1772, Jefferson was appointed by the court as counsel to a mulatto suing for freedom, an assignment which suggests that he was acquiring a reputation as a defender of the rights of mulattoes. But his client died before judgment could be rendered, and two years later Jefferson abandoned the practice of law in order to devote himself to the management of his estate and to the cause of American freedom. Only on one occasion thereafter did he briefly espouse the cause of mulattoes and of free blacks. The American Revolution, while it enhanced his determination to abolish slavery, marked the end of his efforts to advance the cause of black freedom without simultaneously providing for the removal of the blacks themselves from the territory of the United States.

Jefferson delivered his first attack in print upon slavery in 1774, when he published a pamphlet entitled *A Summary View of the Rights of British America.* Intended to serve as a policy guide to the Virginia House of Burgesses in its controversy with the British government, *A Summary View* took the radical ground that Americans owed no allegiance whatever to the British Parliament, a position not assumed by the Continental Congress until 1775. Although Jefferson's handiwork was rejected by the House of Burgesses, it helped create a favorable opinion of his literary ability and called attention to his advanced views in the matter of colonial

rights. Had it not been for the publication of *A Summary View,* it is unlikely that Jefferson would have been designated in June 1776 to write the Declaration of Independence.

In the *Summary View,* Jefferson assailed slavery where it was most vulnerable: the traffic in human beings by which slaves were transported from Africa to the slave barracoons of the New World. Perhaps nowhere in the world were the rights of man by which the Enlightenment set inestimable store more flagrantly violated than on the Middle Passage between Africa and the western hemisphere. Since 1671, when the Royal African Company was founded with King Charles II and James, Duke of York, among the principal stockholders, British and American slave-traders had carried over a million black Africans across the Atlantic.

Yet Jefferson was not content merely to deplore this evil: he converted it into an indictment of the British government and, specifically, of King George III. Jefferson declared that the abolition of slavery was "the great object of desire in these colonies" and that the American people had been thwarted in this objective by the king, thereby proving the existence not only of a "deliberate, systematical plan of reducing us to slavery" but of an equally sinister plan of compelling Americans who asked to be free of the "detestable" institution of slavery to keep in servitude men, women, and children of another race.

Jefferson based this arraignment of the British monarch upon the fact that many colonial assemblies had imposed duties—in some instances virtually prohibitive—upon the importation of African slaves. Most of these acts of the colonial legislatures, especially those which seriously impeded the traffic in slaves, had been disallowed by the Royal Privy Council on the ground that they interfered with the free flow of "a considerable article of British commerce." On the strength of these abortive attempts by the colonial legislatures to tax the importation of slaves, Jefferson laid it down as an incontestable truth that the American people had set their hearts upon abolishing slavery and that they had been prevented from accomplishing that objective by the malice, greed, and inhumanity of George III.

In his draft of the Declaration of Independence, Jefferson amplified the charge that the King was responsible for the perpetuation of slavery and the slave trade. Among the twenty-seven crimes and misdemeanors of which the Declaration accused the British monarch, none was more important in Jefferson's opinion than George III's complicity in foisting slavery upon the American people. And he deliberately presented this charge as the concluding article of his indictment of George III, obviously intending that it should serve as the capstone of his catalogue of royal misdeeds. On the subject of slavery, Jefferson could not restrain his righteous indignation against his late sovereign. By negating the salutary laws against the slave trade enacted by the colonial assemblies, Jefferson