"THE POLITICAL PHILOSOPHY OF THOMAS JEFFERSON"

by

Lennox Slater - Kinghorn, Hons. B.A. (S.A.)

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INTRODUCTION

Thomas Jefferson's importance in American history is not only due to his having been President but also to the part he played in Revolutionary Times, not as a soldier or war Governor, but as the author of the famous Declaration of Independence. In this, other works and in his actions he was largely guided by certain fixed principles, yet, in the words of the historian Beard: "Jefferson never wrote anything approaching a treatise on government or political science, and his philosophy of politics, must, therefore, be sought among his letters and public papers. In many ways this must be an unsatisfactory method of procedure, for these scattered documents were written for varying purposes and directed to particular circumstances, so that there are among them many contradictions, both real and apparent." [1)]

Our aim is thus to investigate Jefferson's main thought and to produce a statement of the political principles that guided him. As his philosophy was to a great extent a reflection of contemporary American thought it will be necessary to mention some of those stirring events in which he played a part. Some details of his life will not be out of place not only because the influences on his philosophy will thereby be revealed, but also because actions often speak louder than words; what he did will reveal his thought.

By such a study we will gain a better insight into the philosophy of the Declaration, which is without doubt one of the greatest documentary claims for freedom in the world. It is at any rate so regarded in America. This, however, is not the only importance of our study.

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1) "The Economic Origins of Jeffersonian Democracy" p. 415.

Jefferson was the first great leader of the Republican Party, (now the Democratic Party), and it will be of interest to any student of American politics to have the principles which first guided that party set out.

Much has already been written on Thomas Jefferson, his life as War Governor of Virginia, his experiences as United States Ambassador to France, and his successes and failings as third President. Such works have, however, been largely of a historical nature in which his political philosophy was an incidental, if mentioned at all. I have been able to discover no work in which his philosophy was the dominant consideration. This is, perhaps, because of his important role on the stage of American History where his acts overshadowed his thoughts. Hofstadter has even gone so far as to say, "He never attempted a systematic book of political theory - which was well, because he had no system." 2)

The problem in discovering the political philosophy of Thomas Jefferson is excellently summarised by Beard in the passage quoted above. Yet his philosophy can only be discovered and set out by a study of his public papers and those private letters which contained references to and comments upon his political thought and the events of his time. Unlike Locke, he wrote no Treatises of Government and so the main threads of thought contained in his "Notes on Virginia, Summary View, and Declaration of Independence," must form our main sources. These can be supplemented by the statutes he prepared, His Inaugural Messages, his Annual Messages to Congress and his other papers.

To understand the man and his revolutionary philosophy, it is perhaps essential to know something of the times in

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2) "The American Political Tradition" p. 23.

which he lived and of his own life. In many respects these form the background to his philosophy which is a reflection of his times. A brief account of the main events and currents in America from the Peace of Paris till the end of Jefferson's second term as president will thus be given.

CHAPTER I

THE HISTORICAL BACKGROUND

In 1763, by the Peace of Paris, England was supreme in North America east of the Mississippi River. Besides Canada in the North, and the West Indian Islands, she controlled thirteen colonies on the east coast of America. These thirteen colonies were divided into three main groups owing to agricultural differences.

From Maryland southward it had become clear that profit lay only in raising one staple crop while in the north owing to different soil and climate, many crops could be planted. The result of this was that great landed estates tended to develop especially in the south. Slavery and large estates develop a sense of mastery and leadership in the owners and in such colonies as South Carolina, Virginia and Maryland the upper classes tended to be the landed gentry. In these colonies the staple crop was tobacco.

Falling between the Southern and Northern colonies was a middle group consisting of Pennsylvania, New Jersey and New York. Here there were less slaves, tobacco fields and large estates. Farms were smaller and the beginnings of manufacture, especially of iron, were apparent.

The Northern, or New England colonies such as Massachusetts, New Hampshire, Connecticut and Rhode Island suffered from the handicaps of poorer soil and harsher weather. When it became clear that farming would be unprofitable, many turned to overseas trade, one of the most profitable branches of which was the importation of slaves for use in the West Indies and the Southern colonies. Possessing no rich natural resources but fish, the colonists in the north had to depend largely on profit from their commercial undertakings.

Yet in spite of these three main groupings of the colonies, the main economic activity tended to be farming. According to the census of 1800, the United States contained about 5,300,000 persons of whom about a fifth were slaves. There were about four and a half million free whites of whom under a million were adult males. For the most part the land was still untamed with strips of cultivated land between the forests. More than two thirds of the people were within fifty miles of the coast and at least nine colonists out of ten dug their living from the soil, even in commercial New England.

The small farmer, whose numbers formed the majority of colonists, held a typical farm of from a hundred to two hundred acres. There was no crop rotation and the system of fallow fields prevailed. The farm was essentially a family unit and the farmer was closely tied to his family, all of whom had to be industrious. Labour was difficult to procure and so practically all the work was done by the farmer and his sons. In emergency even the womenfolk helped in the fields. Such a farmstead was largely self-sufficing, an example being that most of the clothing was made by the people themselves. A spinning wheel and hand-loom were to be found in every home while even dying was done with native barks. These small farmers, substantial and energetic though perhaps poor, were the backbone of all the colonies.

Social distinctions depended largely upon wealth and the Upper classes of the north were the successful merchants and traders while those in the south were the owners of large estates and plantations.

In every colony the government consisted of a governor, his council and an assembly representing the freemen. The Assembly had full right to impose taxes and vote laws and,

though its laws could be vetoed by the Governor or the Crown, it possessed the actual political power in the colony concerned. By supervising the expenditure and threatening to withhold the governor's salary, many assemblies had expanded their political powers to a great extent. In two colonies, Rhode Island and Connecticut, the governor was even chosen by the freemen but in the others either by the Crown or the hereditary proprietor to whom the charter of the colony had been granted.

In reality there was no effective imperial control. Although the Crown seemed to have large powers such as those to establish provinces or annul laws, nearly all colonial officials except the customs officers were dependent upon the assemblies which controlled their salaries. Till 1763 the powers of the assemblies had developed till the colonies were practically republican in character.

The difference between the colonies and England was farther accentuated by religion. The great majority of colonists were dissenters, Congregational, Presbyterian, Reformed, Baptists or members of other sects while in England the controlling social classes accepted the established church as part of the Constitution. In colonies like Pennsylvania complete religious freedom was enjoyed.

The colonists seemed to have a dual loyalty, one conventional and traditional to the Crown and the other to their actual homes, the colonies. This local patriotism was evidenced by the persistent struggle against the governors, the representatives of English authority.

External affairs were solely under English control and centred chiefly round trade. The traditional British policy was mercantilism which aimed at protecting the British ship-owner, manufacturer and wheat-farmer against

competition. All commerce was reserved for British ships and had to take place through British channels. All foreign vessels were thus excluded from trading with the colonies, and all trade to the colonies except through British ports was excluded. At times, however, these restrictions were modified so that, for example, the Carolinas were allowed to ship rice to any place in Southern Europe. Some aspects of the mercantile system were resented by the colonists who wished, for example, to purchase Spanish, Portuguese and French wines and brandies directly without the trade going through an English middleman. The colonists especially resented the prohibition of their selling barrel-staves, fish and food to the British and French West Indies in return for sugar and molasses which were made into rum and in turn used in the African slave trade. It must be noted, however, that the various prohibitions were often ignored by the colonists who indulged in smuggling.

Intercolonial affairs were also under the control of the British government, although it allowed a large amount of freedom to the colonists to engage in inter-colonial commerce. The need for defense against the Indians and the numerous colonial wars waged by Britain against Spain and France tended to draw the colonies together. As early as 1643 the New England colonies had formed a confederation for mutual safety. In 1684 Virginia, Massachusetts and New York held a conference to discuss questions of mutual interest.

War and the need for common defense played the most important part in drawing the colonies together. The French colonies in the north and those of Spain in the south were close to the British colonies. Every time a general war had broken out in Europe, the colonies had

been concerned. Though some of the colonies did not always take part in these wars, in the Seven Years' War the struggle had been general against the Indian Allies of the French on the frontiers. Even before this war, delegates from Maryland, Pennsylvania, New York and all the New England colonies had met in 1754 at Albany to set up a confederation for mutual defense. Though the confederation did not come into being, it showed that the colonists had a deep understanding of inter-colonial affairs.

As has been seen, prior to the Seven Years' War, the policy of England towards the colonies was governed by mercantilism. The colonies had admitted England's right to regulate trade in spite of the continual evasions of English regulations. During the war, Massachusetts, Connecticut and New York had furnished about three fourths of the American troops raised. As the colonies had thus not co-operated with the mother country in this respect, after the war the British Ministry under Grenville believed that, as the colonies would not voluntarily defend themselves, British troops should be sent to the colonies. Taxes should then be imposed on the colonists to defray the costs of such operations. This policy led to the War of Independence.

The first taxation which caused unrest was the Sugar Act of 1764 which taxed imported molasses at threepence per gallon and also levied light taxes on articles like sugar, indigo, wines, coffee, linens and calico. Though the taxes were small, the preamble of the act stated that the money raised was to be used to defray "the expenses of defending, protecting and securing the colonies." The Act was thus not a measure for the regulation of trade but a revenue measure which the colonists regarded as interference with their virtual rights of self-government.

As such, it resulted in a controversy as to whether the British Parliament could tax the colonies or not. The antagonism to the act was exemplified in the pamphlet "The Rights of the Colonists Asserted and Proved" by James Otis. He contended that Americans were not represented in Parliament and thus could not be taxed by that body.

Fuel was added to the colonial fire when in 1765 the Stamp Act was passed by which revenue stamps were to be affixed to a variety of legal documents, bills of sale, licences, newspapers, and even playing cards. While the Sugar Act had been objected to by the commercial classes and consumers, the Stamp Act was a burden on the most vocal classes; namely the clergy, lawyers and journalists. Thus the opposition to the Stamp Act was even more loud than that to the Sugar Act had been. At the suggestion of the Assembly of Massachusetts, a Stamp Act Congress was held to which nine colonies sent delegates. This Congress adopted a number of resolutions stressing the arguments of Otis which were then sent to the British Parliament.

In 1766 the Ministry of Grenville was succeeded by that of Rockingham who was not at all adverse to discrediting the work of his predecessor. Thus the Stamp Act was repealed. Yet this repeal was accompanied by the emphatic Declaratory Act which affirmed the absolute supremacy of Parliament over the colonies in every respect whatsoever.

In the midst of the American rejoicing over the repeal of the obnoxious Stamp Act another change of Ministry took place. Pitt, sympathetic to the colonists, became premier. But, as he was too ill at that time to play an important role, virtual control passed into the hands of Charles Townshend, Chancellor of the Exchequer. Many Americans had asserted that Britain could tax the colonies externally

but not internally, and, in accordance with this contention, Parliament in 1767 levied duties on tea, glass, red and white lead, paper and painters' colours. Again it was the preamble of the act which caused trouble for it stated that the act aimed at 'the support of civil government, in such provinces as it shall be found necessary.'

The effects of the Townshend Act are best summed up by Professor Smith: "Every political leader in the colonies - nay, every voter, - saw that the Townshend Duties, while in form 'external', were pure revenue measures, unconnected with the Acts of Trade, and intended to strike at colonial independence in a vital point. If Great Britain undertook henceforward to pay the salaries of royal officials, one of the principal sources of power would be taken away from the Assemblies. Instantly the distinction of 'external' and 'internal' taxation was abandoned, and from end to end of the Atlantic Seaboard a cry went up that the duties were an insidious attack on the liberties of the Americans, an outrageous taking of their property without their consent, and a wanton interference with their governments. ..... While no general congress was summoned, the legislatures of the colonies adopted elaborate resolutions, pamphleteers issued a stream of denunciations, and, most important of all, a concerted effort was made to break down the Acts by abstaining from any importations, not only of the taxed commodities but..... of any British products. [1)]

The result of all this was that "Legislative remonstrance, colonial boycotts, and declining trade soon made the British Ministry aware of the ominous nature of the colonial temper. In 1769 Parliament repealed all the obnoxious duties except the tax on tea, with the

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1) "Wars Between England and America." P. 41.

result that colonial boycotts for the most part collapsed. By 1770 the crisis precipitated by the Townshend Acts was at an end." 2)

The period from 1770 to 1773 was one of relative calm, but, in the latter year, the British Government, hoping to help the East India Company which was on the verge of bankruptcy, allowed the Company to transport tea direct from the East to the American colonies, and so gave it a virtual monopoly of the tea carrying trade. Though tea would become cheaper in America, the monopoly was a great blow to the merchants of the colonies. Some Company ships were forced to return without off-loading their tea and the climax took place when some people of Boston threw £20,000 worth of tea into the harbour.

In 1774 retribution followed quickly in the form of five acts which were to be known in America as the Intolerable Acts. The first closed the port of Boston till restitution be made to the East India Company; the second revoked the Charter of Massachusetts so that the Assembly would in future be appointed and not elected while the governor was given the power to appoint the judges; the third provided for the trial of alleged felonies by Crown officials in the course of their duties in England or another colony; while the fourth permitted the quartering of royal troops upon the inhabitants of a town. The fifth act was not a punitive one, but, as it extended religious liberty to the Catholics of Quebec, it was regarded by the radicals as an attempt to impose Catholicism upon the Protestants of America.

Thereupon the Assembly of Massachusetts, under the leadership of Samuel Adams, decided that a continental

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2) Kelly, A.H. & Harbison, W.A.: "The American Constitution," p. 77.

congress was necessary to recover the rights of the colonies and to restore harmony with the British Parliament. It chose delegates for such a congress and was followed by the other colonies. When the Congress met in September 1774 it adopted a number of resolutions stating what it considered were the rights of the colonies and the infringements of these rights by the British Parliament. A boycott was also resorted to and local committees of safety and inspection were set up to enforce the boycott. Provision was made for a farther congress in May 1775, if required.

In the meantime the British officials set about enforcing obedience to British authority. As part of this, General Gage, Governor of Massachusetts, sent a small force to Lexington and Concord in April 1775 to seize some military supplies supposed to be in the neighbourhood. A small number of militiamen met them at Lexington and a skirmish took place.

When the second congress met at Philadelphia it prepared for war by appointing Washington Commander of the American Forces, by resolving to raise money and supplies and by seeking support from several European countries.

The resolves of the Second Congress were met in Great Britain by a proclamation denouncing the Americans as rebels and ordering all British military and civil agents to suppress the insurrection and punish the leaders. The hopes which many Americans had had of reconciliation with Britain now faded and the desire for independence was strengthened by Thomas Paine's attack in his pamphlet "Common Sense" on the King and the British constitution. The colonists who still clung to George III fled with the British officials from the wrath to come. Congress advised the colonies to assume the powers of independent

states by forming governments of their own and on 2nd July, 1776 approved a resolution by Richard Henry Lee of Virginia in favour of independence. Shortly after this, it accepted, with a few alterations, a formal Declaration of Independence which had been drawn up by Thomas Jefferson in a Committee consisting of himself, Benjamin Franklin, John Adams, Roger Sherman and Robert Livingston.

Already in 1775, Franklin had proposed a 'league of friendship' of the thirteen colonies but Congress had declined to act on it. Together with his resolution on independence, Congress had accepted another by Lee that a committee be set up to draft a constitution for the 'United Colonies.' After months of debate on the draft drawn up by the Committee, the Articles of Confederation were submitted to the states by Congress in July 1777 and all the states except Maryland ratified them within the next two years.

According to the articles, each state delegation had but one vote in Congress which was given the powers to make war and peace, to enter into treaties and alliances, to coin money, to regulate Indian affairs, to send and receive ambassadors and to set up a post office. Taxation and the regulation of commerce were withheld from Congress which was thus forced to rely upon a system of state appropriations. There was no provision for an executive authority which was consequently vested in a series of committees erected to deal with various problems as they arose. To remedy this lack of executive authority, Congress in 1781 created Departments of Foreign Affairs, War, Marine and Treasury, each under a permanent secretary.

Another weak feature of the Articles of Confederation was the lack of a federal judiciary. The central 'government' enjoyed but four types of jurisdiction, the

first being in cases of dispute between states should a party to such a dispute appeal to Congress. In a like manner cases arising out of private land title controversies involving grants from two or more states could be settled. The other two types of court were to try piracy and felony on the high seas and to determine final appeals in prize cases.

The votes of nine of the thirteen states were required to enact any legislation while the Articles themselves could be amended only by a unanimous vote of all the states.

In the meantime the war which started with the 'shot heard around the world' in the skirmish at Lexington in 1775 was proceeding. The ordinary details of the military campaigns, the victory of the Americans at Saratoga, the entry of France and Spain into the war, the American reverses and their culminating victory at Yorktown are well known. They are mere details in the development of the United States. In the meantime Congress had appointed Franklin, John Jay and Adams as American Commissioners to Europe and they undertook the task of coming to terms with England. At last the war was over and won, with peace coming in 1783.

The Confederation which had been formed chiefly to wage the war was soon doomed because of its inherent weaknesses, the main one being its impotency to levy taxes. During the war, the American army had gone chronically unpaid and between 1778 and 1783 the Confederacy had to borrow several millions of dollars from the French and Dutch. By 1780 Congress had issued some forty million dollars in paper money which was ultimately virtually repudiated.

Impotence in the regulation of interstate commerce

made it almost impossible for Congress to negotiate commercial treaties so that Britain was able to close the West Indies to American trade without fear of being discriminated against by all the states. Within the Confederation itself, some states carried on trade wars against one another while Congress stood by, unable to interfere. In spite of the monetary power having been granted to the Confederation, several states interfered in monetary matters such as fixing the price of paper currency.

As early as 1780, Alexander Hamilton had suggested a stronger union of the states and he had been supported by Thomas Paine. Only in 1786, however, did most Americans realise that the Confederacy was a political failure, destined for extinction. The treasury was empty and the country was in the depths of a commercial and agricultural depression. At the same time many recognised that all danger to the states was not yet past for France and Spain still had their eyes on the new world.

In 1785 Maryland proposed to Virginia a general commercial convention and the Assembly of the latter suggested that all the states be invited to send delegates. As a result, a Convention met in Annapolis in 1786 but only five states sent delegates. Hamilton and James Madison used the opportunity to issue a call for a new convention which met in Philadelphia the following year.

Of the seventy-four men named by the different state legislatures as delegates, only fifty-five appeared at Philadelphia. Foremost was George Washington who became the presiding officer. Other prominent Americans present were James Madison; James Wilson and Goeverneur Morris from Pennsylvania; Alexander Hamilton from New York; Oliver Ellsworth, Samuel Johnson and Roger Sherman from

Connecticut; Elbridge Gerry from Massachusetts; Charles Pinckney from South Carolina; and Luther Martin from Maryland.

The delegates had been instructed to amend the old Articles of Confederation but immediately set about drawing up a new constitution. After weeks of debate, during which many plans were proposed for different aspects of a constitution, the majority of those who had originally arrived to attend the Convention accepted the final draft and adjourned. Congress then submitted the Constitution for ratification to the States.

Ratification of the Constitution was not easy and its supporters came to be called 'Federalists' because they were in favour of a strong federal government. Their opponents were dubbed 'Anti-Federalists', a title of no great honour as it implied they were opponents of a national union.

Various criticisms were made of the Constitution. The absence of a Bill of Rights was one ground but it was countered by the Federalists in using the promise of a Bill of Rights as a bargaining point to ensure ratification. The fear was expressed that the meaning of such clauses such as that empowering the central government to do what was "necessary and proper" for the Union could be expanded to cover fields which the states considered their own. It was between October 1787 and July 1788 that Madison, Hamilton and Jay wrote their eighty-five articles analysing the constitution in order to gain ratification. These articles came to be known as "The Federalist Papers."

Success in the struggle for adoption was not assured till June 1788. In seven states, Delaware, New Jersey, Georgia, Connecticut, Maryland, Pennsylvania and South Carolina ratification was accepted by large majorities; in

four others, Virginia, Massachusetts, New York and New Hampshire by narrow majorities while two states, North Carolina and Rhode Island, at first refused to ratify. In their fight for ratification, the Federalists had the advantage of a positive program and were able to draw a terrifying picture of the possible results of rejection.

The new government was not superior to the state governments. All had their own share of sovereignty and each was supreme in its own field. The system was essentially a federal one with the central government having power over the borrowing of money on the credit of the United States, the regulation of commerce with foreign nations and Indian tribes and among the several states, coinage and weights and measures, post offices, patents, the institution of courts inferior to the Supreme Court and the definition and punishment of offences on the high seas and against the Law of Nations. Farther powers included the declaration of war, the raising and support of military and naval forces and other military matters. To carry out its policies in regard to these matters the Central government was given full powers to pass laws and to impose uniform taxes throughout the United States. An amendment in 1791 stated explicitly that other powers are reserved to the states or the people.

Montesquieu's principle of the separation of powers was also applied in the constitution. The Legislature was to consist of two houses, the Senate and the House of Representatives. In the Senate the federal principle was applied in that each state had two representatives chosen by the state legislature. A third of the Senators must retire every two years.

The House of Representatives is elected by the people for two years. The number of Representatives from each

state depends directly upon the voting population of that state.

Legislation can originate in either house but financial bills must come from the Lower. All laws have to be approved by the President but his veto on legislation can be overridden by a two-thirds majority in the Legislature. To choose the president, each state, in such manner as its legislature might direct, had to appoint a number of electors equal to its number of members in the central government. These electors were then to meet in their various states and vote by ballot for the two men they thought most fit to be president. The ballots were to be sent to the President of the Senate, opened in front of both Houses, and counted. The person with the greatest number of votes should be president if such number be a majority of the whole number of electors. If this did not happen, the House of Representatives, voting as states, would chose the President from the five highest on the list. Who ever obtained the second highest number of votes would be the vice-president. All executive power is vested in the President who, on the advice of two-thirds of the Senate, can also make a number of appointments to certain federal offices. The President holds office for four years.

The Judicial power is vested in the Supreme Court and other inferior courts established from time to time by Congress. Its jurisdiction extends to all cases arising under the Constitution and laws made in accordance with it, to cases affecting public officials, to maritime and admiralty cases, to controversies in which the United States should be a party and to interstate controversies. Judges of the Supreme Court hold office during good behaviour and are appointed by the President on the advice of two-thirds

of the Senate.

In 1788, after eleven states had ratified the Constitution, the old Confederation fixed the dates for the elections of the President and the different representatives, and appointed 4th March, 1789 as the day for the inauguration of the new government. George Washington became President with John Adams as his vice-president. The greater parts of both houses were men who had supported ratification of the constitution.

Among the first statutes of Congress were those providing for the establishment of three executive departments - the State, Treasury and War Departments. The Judiciary Act of 1789, among other matters, also provided for an Attorney-General whose chief duty is to prosecute cases for the United States before the Supreme Court. Other urgent business was the debate on a number of amendments introduced by Madison. After long debate in both houses during which alterations and eliminations were made to Madison's proposals, the amendments were submitted for ratification to the states. These ten early amendments, today known as the Bill of Rights, gave formal recognition to certain traditionally accepted rights such as freedom of religion and of the press and the right to a fair trial by jury in an accused's own district.

Washington's first Cabinet consisted of Thomas Jefferson as Secretary of State, Alexander Hamilton in charge of the Treasury, Henry Knox in charge of the War Department and Edmund Randolph as Attorney-General. Hamilton immediately set about placing the chaotic finances of the young republic on a sounder footing than had been the case under the Confederation. He recommended that the National Government refund the outstanding Confederation debt at face value, assume and refund the unpaid debts contracted

by the different states during the war, enact a protective tariff law and charter a national bank to assist in handling the government's monetary and financial problems. These financial measures of Hamilton were directly responsible for the birth of political parties in America.

Under imperial rule, there had been no real political parties in the colonies. The growing trouble with England, however, had caused a division between the Whigs or Revolutionaries and the Tories or Royalists who had supported imperial policy. During the war, many of the latter fled to Canada while those few that remained as open Royalists found their possessions confiscated by the new state governments, in spite of an undertaking to the contrary in the peace treaty. The division caused by imperial policy was thus not lasting, at least in America itself.

It must be borne in mind that, under the old Confederation which had been formed by the states chiefly to carry on the war against England, there had been a great deal of economic instability when the war had ended. The result had been the growth of arguments in favour of a strong central government to regulate economic matters. Proposers of such a government came to be called Federalists and were supported by Washington himself who saw danger from France and Spain. There were, however, counter-arguments from those who remembered the strong British government's attempts to dominate the colonies and were as a result against a central government that was too strong.

From the very purpose of the Annapolis Convention, and the subsequent Philadelphia Convention, it was inevitable that the majority of delegates were friends of commerce. Few real radicals like Jefferson, Patrick Henry or Samuel Adams were present and the prevalent feeling, uttered by

men like Morris, Ames and Pinckney, was distrust of the common man. The indirect election of the President under the Constitution is evidence of this feeling. At the same time there was a feeling among some delegates that the new government which was to be set up should not be too strong and that too many rights of the states should not be given up. Two of the prominent upholders of the rights of the states were Luther Martin of Maryland and John Dickinson of Delaware. The latter, for example, feared that his small state would be swamped by a national government. Another delegate, Elbridge Gerry, refused to sign the final draft of the Constitution on the grounds that the new government would have too much irresponsible authority.

In the debates over ratification the Federalists dubbed their opponents the "Anti-Federalists," a title that was a slur as it implied they were opponents of national union. The Anti-Federalists such as Patrick Henry and Luther Martin repeatedly expressed the fear that in one way or another the new government would destroy the sovereignty and even the autonomy of the states. The tendency for two groups to develop in American political affairs was thus already present. To prevent the possible growth of political parties which he detested, Washington had appointed two centralisers, Knox and Hamilton, and two champions of the rights of the states, Jefferson and Randolph, to his cabinet.

Hamilton's measures for the assumption of state debts and their payment by taxation were objected to by the champions of the rights of the states. This was because two-thirds of the debts were owed by the industrial north and as they were to be paid by taxes on the whole population, it meant that the agricultural south would pay the debts of the north. Thus the division which was tending

to develop on the grounds of the rights of the states was complicated by the variance of the economy of the different states. Many, like Jefferson, also objected to Hamilton's measures because speculators and secondary purchasers had, prior to assumption, bought up state stocks at prices far below their face value, so that the policy of paying out such stock at face value would be unfair to the original holders.

Objections were also raised to the taxes Hamilton proposed to impose. Lee of Virginia, for example, objected to a duty on unwrought steel as this commodity was essentially necessary to agricultural improvements. He reasoned that not enough steel could be fabricated at that time in any part of the United States and so the tax would operate as an oppressive though indirect one upon agriculture.

Thus it came about that there were two main cross-currents in practical American politics after the adoption of the Constitution. On the one side were the Federalists who believed in a strong central government and distrusted the people; on the other their opponents who trusted the people and believed that the powers of the central government should be restricted. The division was very vague for it some-times coincided with the division of commercial and agrarian interests, and some-times with regional divisions. Yet the tendency was for the division to be between north and south for, though all the states were largely agrarian those in the south were more so than those in the north.

The establishment of the National Bank caused the birth of the political parties which had been but vague before. Jefferson, who was against all concentration of power, advised Washington against signing the bill as he regarded it as too wide an interpretation of the Constit-

ution. The Anti-Federalists felt that the bill was a justification of their fears that the central government would expand its powers till the states were mere minor organs of local government. Though Jefferson was supported by Madison, Washington accepted Hamilton's view that the Bank was necessary and implied under the Constitution. What awoke Jefferson's anger later was the fact that Hamilton's chief supporters in Congress became directors of the Bank, and that the Bank was chiefly in the interests of industries and commerce in the north and less so of the agrarians of the south.

The split between Hamilton and Jefferson was inevitable for the former's policy aimed at a sharp stimulation of capitalism - banking, commerce, and manufactures; while the latter's philosophy was partly based upon an agricultural society. Washington made continual efforts to reconcile the two but Jefferson was too disappointed in Hamilton's policies. In 1791 he and Madison undertook a "botanical" expedition up the Hudson River in the course of which they undertook the organisation of the Anti-Federalists.

At the end of 1793 Jefferson resigned from Washington's Cabinet and in this he was soon followed by Hamilton. Yet, before his resignation, Jefferson was to become opposed to Hamilton because of foreign policy also. In 1793 news of the execution of Louis XVI arrived and Hamilton feared the spread of disorder in America similar to that which had occured in France. On the other hand, Jefferson feared English customs such as privilege and remembered French aid during the War of Independence. When Washington sent Jay to negotiate a treaty with England in 1794, the small concessions gained and the large concessions given added ammunition to Jefferson's criticism of the Administration's foreign policy.

There was no serious attempt by the Republicans, as Jefferson's party came to be called, to contest the presidential election of 1792 as Jefferson himself had persuaded Washington to seek re-election. When the Federalists or Administration Party was bereft of Washington's fame and reputation, however, it sank within a few years.

When Jefferson resigned from the Cabinet in 1793, he devoted much of his time to political organisation. He entered into correspondence with many of his prominent supporters throughout the Union such as Sam Adams of Massachusetts, John Langdon of New Hampshire, Mathew Lyon of Vermont, George Clinton of New York, Dallas of Pennsylvania, Mercer of Maryland, John Taylor of Virginia, Jones of North Carolina and James Jackson of Georgia. These men were prominent in their states and did much to consolidate support for their leader, such as encouragement to the "Democratic Clubs" which were springing up as a result of the policies of Hamilton. Madison and Henry Lee farthermore, employed Philip Freneau to publish the "National Gazette" in support of Jeffersonianism at Philadelphia.

In 1796 Jefferson was chosen by the Republicans to run for President against John Adams, even though he himself would have preferred Madison to have been his party's candidate. The result of the election was a victory for Adams, but in accordance with the provisions of the Constitution at that time, Jefferson, who received the second highest number of electoral votes, became Vice-President. As Vice-President, he was really unable to shine because he belonged to a party in opposition. Before taking office as Chairman of the Senate, however, he compiled a manual of parliamentary practice to guide him as presiding officer and this was long to remain the standard for American legislative

bodies.

Jefferson and the President himself were in favour of neutrality with the rest of the world. The French Minister, Talleyrand, however, refused to treat with the American Ambassadors unless bribed and showed a lofty disregard of the Americans Pinckney, Gerry and Marshall whom Adams had sent to France. "At once the country went wild. Feeling against France rose to a frantic pitch, and the peace party was as downcast as the Federalists were jubilant. The blow was a heavy one but Jefferson kept his head. War meant for him the danger of entangling us again with Europe; victory for the feared Federalists; victory for the North-east against the South, as party lines had become largely sectional; and meant also armies and debts and all that might strengthen the Federalists in what he considered their designs to change the form of government." 3)

As part of the reaction against France, Congress denounced the old treaties with that country. Expenditure of more than a million dollars for forts, arms and ammunition was authorised. The navy was increased and the raising of an army of 10,000 men was authorised. The Officer-in-Command of this new army was to be General Washington, but, as he was an old man at this time, Hamilton, the Second-in-Command, virtually became the Commanding Officer.

To raise revenue for these extra expenses a tax was levied on houses, lands and slaves in July 1798. To this the Jeffersonians objected as the taxes were unfair to the agrarian interests. In the same year the Alien and Sedition Acts were passed which made criticism of the Government or its agents seditious.

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3) Adams, J.T.: "The Living Jefferson." P. 281.

It was the application by the Federalist Government of the Sedition Act that was to turn more and more voters to the Republican Party. The Act was applied, not to punish real sedition, but to still criticism, and was especially aimed at Republican editors and leaders. Among the prominent Republicans persecuted in this way were Mathew Lyon, the Rev. J.C. Ogden, Anthony Haswell of the Vermont Gazette, Thomas Adams of the Independent Chronicle, Jedekiah Peck, J.T. Callender and Thomas Cooper.

At this stage a follower of Jefferson, Logan, visited France of his own accord and returned to report that France did not want war and was willing to receive an American Delegation with full honours. In the meantime, President Adams received official word from Murray, the United States Minister to Holland, confirming the unofficial advice of Logan. Adams now insisted on renewing diplomatic relations with France in spite of Federalist opposition and this led to a break-up of his cabinet. This, together with the application of the Sedition Act, was to count heavily against the Federalists in the election of 1800.

When he came into power in 1801 Jefferson made an announcement which revealed his essentially democratic outlook. He refused to allow any distinction which would separate him from his fellow-citizens and announced that, at any time, he was prepared to receive any-one. All should be treated equally with no artificial rules of precedence. It must be noted that this informality led to trouble when applied in inviting the British Ambassador Merry and the French Ambassador Pichou to a function at the same time when their countries were at war.

Like Washington, Jefferson was President for two terms. During the first he was highly successful in taking armed action in 1801 against the Bey of Tripoli

and obtaining better terms for America than enjoyed by any other nation. The outstanding event of the first term was the incorporation into the United States of the Louisiana Territory in 1803 by purchase from Napoleon. It was during this term, too, that Chief Justice Marshall, in the case of Madison v. Marbury, seized the right for the Judiciary of judging the constitutionality of acts by the other departments of government.[4)]

The chief matter to which Jefferson and his government had to attend during his second term was foreign affairs. After Trafalgar, the merchant shipping of the United States flourished for by 1805 the whole supply of European sugar was carried by American ships. As part of her efforts to subdue Napoleon from 1805 onwards England enforced a policy of rigid naval search for contraband cargoes, and impressment into British service of American sailors also took place. Jefferson believed that American trade was so necessary to the prosperity of England that for the sake of retaining it that country would make concessions. A Non-Importation Act, excluding certain British goods, was passed and Madison was sent to England to obtain concessions. However, his mission proved a failure.

The climax was reached over the matter of impressment. In 1807 the British ship Leopard seized three Englishmen from the USS Chesapeake which, unprepared for defence, had to submit. American anger at this attack on a state ship was such that Jefferson could easily have led Congress into hostile action, but he clung to peace and ordered all British men-of-war from American ports. A general embargo, prohibiting the departure of American

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4) Bemis, S.: "John Quincy Adams & the Foundations of American Foreign Policy." P. 140.

ships to foreign ports was passed in December 1807, for he believed that the cessation of American commerce would force Britain to abandon her oppressive measures. The embargo was a complete failure and brought great hardship on the Americans themselves and in March 1809 the Act was repealed by Congress. Jefferson thus left the Presidency under the shadow of failure.

One writer on the history of American foreign policy states that in its essentials the foreign policies of Washington, Adams and Jefferson were the same. This early American policy amounted to "honest friendship with all nations - entangling alliances with none." 5) This isolationist trend is quite clear from the wish of Adams to avoid war with France and that of Jefferson to prevent hostilities with Britain. An embargo, however, was essential if there was to be honest friendship; the Chesapeake episode could not go unpunished.

During Jefferson's presidency, a number of important constitutional developments took place. In the first place, in February 1801 the expiring Federalist-dominated Congress enacted a Judiciary Act creating new district and circuit courts. In the closing days of his term, President Adams appointed Federalists to all the offices created under the Act, John Marshall becoming Chief Justice of the Supreme Court. In a case arising out of the midnight appointments of President Adams, the Chief Justice laid down the principle that a law repugnant to the Constitution is void and that the courts and all other departments of state are bound by the Constitution. In this way, the principle was introduced in America that the Supreme Court can judge the constitutionality of any act.

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5) Jefferson, T.: "1st Inaugural Address, 4/3/1801." From "The Life and Selected Writings of Thomas Jefferson," Edited by Koch, A. & Peden, W. Hereinafter this volume will be referred to as K&P.

The second development of the Constitution was an amendment arising from Jefferson's election. More Republican than Federalist electors had been chosen in 1800, but each Republican elector had cast one vote for Jefferson and one for his running mate, Aaron Burr. The election was thus a draw and was thrown into the House of Representatives which then was largely Federalist. The United States was thus treated to the spectacle of a Republican President's being chosen by a Federalist House. After prolonged balloting Thomas Jefferson was elected to the Presidency but the episode led to an immediate demand for an amendment to the Constitution to require electors to cast one set of ballots for the President and a second distinct set for the Vice-President. This demand was met by the twelfth amendment in 1804 so that in effect the part played by political parties under the Constitution was recognised.

Newspapers for the distribution of knowledge and ideas multiplied during this era of American history. In 1810 there were over three hundred and fifty newspapers published in the United States. As the party division into Federalists and Republicans deepened, so did most of these newspapers become intensely partisan. New magazines also made their appearance, the most substantial of which were the "Columbian Magazine" of 1786 and the later "North American Review" of 1815.

The leaders of the revolutionary generation were thoroughly united on the advancement of popular education and science. Both Jefferson and Washington in their annual addresses stressed the importance of education. During this period, many of the states made the beginnings of state universities or colleges.

Immediately after the political revolution against

England, an industrial revolution started taking place. Science made progress and many inventions were discovered. John Fitch's steamboat was successfully demonstrated on the Delaware River in 1787, Samuel Slater put a spinning mill into operation in Rhode Island in 1791 and Eli Whitney's cotton gin was patented in 1793. A cast-iron moldboard for ploughs was introduced in 1797, in 1802 Oliver Evans completed a high pressure steam engine and in 1807 Robert Fulton's steamboat made a successful trip from New York City to Albany and back.

After the industrial revolution got under way, the role of manufacturers was magnified in American society. Hand-labour shops were developed into factories and new mills like that of Slater were built with the financial aid of merchants who had capital to invest. In 1807 there were fifteen cotton mills but four years later there were eighty-seven. By 1810 the value of goods manufactured in the United States had reached 125 million dollars. The Jeffersonian period was thus that during which America started to be an industrial power in the world.

Together with the economic development was the growth of large cities. In 1790 only Boston, New York, Philadelphia, Baltimore and Charleston had more than 8,000 inhabitants. In 1820 thirteen towns had this population and many people moved from the country to the new towns. Many immigrants were coming to America from crowded Europe.

The Revolutionary period of American History, which can be regarded as starting with the Peace of Paris and ending about 1826 with Jefferson's death was thus one of progress from monarchical to republican government, accompanied by like progress in thought and industry. Jefferson's death can well be regarded as the end of an era for in 1825 the last of the Presidents who had been

revolutionary leaders, James Monroe, left office. The period was ended.

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CHAPTER II

THE BIOGRAPHICAL BACKGROUND

Thomas Jefferson was born in Albemarle County in Virginia on 13th April 1743, at Shadwell, the most important of the tobacco plantations owned by his father. His father was Peter Jefferson, a self-made man who had been a local magistrate, and who, by the age of twenty-three had been a colonel in the Militia of Virginia. His mother was Jane Randolph, who came from one of the leading and most distinguished Virginia families. The future president was thus a member of one of the most respected families of the colony and he had an assured social position.

Though he himself was not too well educated, Peter Jefferson believed in a good education for his children. Thus at the age of nine the young Thomas was sent to board with the Rev. William Douglass who ran a Latin School. Here he was to study French, Latin and Greek. Jefferson himself did not appear to think too highly of this teacher nor did he seem to have learned much.

When the boy was fourteen years old, his father died, Malone has the following to say about Peter Jefferson: "Upon the face of the record, his chief legacy to Thomas was an established position in society and the means to maintain it, but for that alone he would never have been honoured in his son's memory as he was. Thomas Jefferson did not set much store on inherited privilege. He may have imbibed certain democratic attitudes from his father, for the Colonel had associated with crude men on the frontier and in the wilderness, and the tradition is that he understood and valued them. This surveyor of boundaries may have been critical of the group within which he had established himself more firmly than any of his ancestors had done. His son, in thoughtful maturity,

was not at all displeased by memories of his indifference to social trappings." 6)

Peter Jefferson had appointed a friend, Mr. John Hervey, guardian to his son with instructions that the boy receive a good classical education. Accordingly in 1758 Thomas began to attend a small school under the Rev. James Maury and he remained here for the next two years. Other pupils included Dabney Carr and James Madison, who were also to play leading roles in American affairs.

"From his first notable teacher, Jefferson gained none of his characteristic political principles or religious ideas. He was indebted to him, however, more than to any other man, for his training in the classics. After two years in this school he was able to read Greek and Roman authors in the original." 7)

At the age of seventeen Jefferson wrote to Mr. John Hervey expressing his wish to attend the College of William and Mary at the colonial capital Williamsburg. Though by modern standards Williamsburg was small, consisting of about two hundred houses, it was the scene of considerable political and social activity and it was here that Jefferson undoubtedly heard many of the ideas that were later to bring him into prominence.

"Williamsburg, from its birth, was politically patrician, socially festive, and economically stable. Virginia was acclaimed as being 'the happy retreat of true Britons and true Churchmen' .... Yet underneath this festivity, serious matters were afoot. Bred in a long tradition of self-government, the Virginia planters were becoming increasingly restive. Great landholders with grants that ran into millions of acres were in no mood to

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6) Malone, D.: "Jefferson the Virginian." P. 33.
7) Ibidem. P. 40.

play second fiddle indefinitely to the British Parliament or to their dictatorial representatives over here. Loyalty to the Crown, affinity with the old country, yes. But subservience to taxes imposed from abroad - no gentle sirs." 8)

At William and Mary Jefferson was singularly fortunate in his tutor. He was an able Scottish professor, Dr. Small, who was to have great influence on the life of his pupil. Dr. Small was professor not only of Mathematics but also of Philosophy and during Jefferson's attendance at the College he also gave regular lectures on Ethics and Rhetoric. Small took a great interest in Jefferson and introduced him to George Wythe, a lawyer, and to Governor Fauquier. The young student was soon admitted to the circle of their intimates.

In 1762, through the influence of Small, Jefferson began to study law under George Wythe. At first he was employed in looking up cases for the lawyer and later he also attended sessions of the General Court. Under Wythe's direction he studied the works of Coke and other parts of the "Institutes of the Lawes of England," and began to keep commonplace books on different cases. In 1767 he was admitted to the Bar and he continued to practise law for seven years.

The influence of his experiences in Williamsburg was to be very important. "The leading men whom Jefferson met at Williamsburg were also of a different type... from those he would have met in northern towns. They were agrarians, not business men; deeply versed in law and government, which were their chief occupations other than the running

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8) Bowie, B.M.: "Williamsburg; - Its College and Cinderella City," National Geographic Magazine, October, 1954. P. 454.

of their plantations; steeped in classical literature; most of them disliking and distrusting an industrial and commercial society ..... He found a society peculiarly fitted not only for self-government among all classes except the lowest (slave), but an agrarian civilisation in which government could be reduced to a minimum. As a colony Virginia had no foreign relations, unless those with the Mother Country could be so considered..... At home that government would be best which should maintain order, enforce justice, keep taxes low, and enact as few laws restricting the freedom of the individual citizen or of the local political unit as might be." 9)

In 1769 Jefferson entered public life when he was elected to the Virginia House of Burgesses as Member for Albemarle County. Here he was one of a liberal group and unsuccessfully proposed a bill for the emancipation of slaves.

In the meantime, Jefferson's house at Shadwell had burnt down with the loss of his library and collected papers in 1770. In the same year he built himself a new home for which he himself had drawn up the plans, nearby at Monticello where he was to live after he married a young widow Martha Wayles Skelton. When his wife's father died in 1773 her portion of the estate was such that it doubled the ease of their circumstances.

As has been noted, Jefferson was elected a member of the Virginia Legislature in 1769 when the death of Governor Fauquier necessitated an election. Routine legislative affairs, however, were soon to be lost sight of as the crisis with England approached. When the Virginia Assembly expressed sympathy with the opposition

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9) Adams, J.T.: Op. Cit. P. 34.

of the Massachusetts Assembly towards the Townshend Duties the new Governor, Berkely, dissolved it. Jefferson was re-elected when the new elections took place.

Elections again took place in 1774 when Berkely died and was succeeded by John Murray (Lord Dunmore) as Governor. At this stage the first Congress of Philadelphia was meeting and Jefferson wrote the proposed instructions for the delegates of Virginia, namely "A Summary View of the Rights of British America."

"Jefferson's first important political paper caused him to appear as a champion of freedom and self-government who would yield little or nothing to the exigencies of the moment. That is, he would yield practically nothing to the far-distant Mother-Country. To his brethren on the American Continent, on the other hand, he was quite prepared to make concessions." 10)

At the following Congress of Philadelphia Jefferson was a member of the Virginia Delegation. Here he became a member of the Committee which was to decide on the necessity of taking up arms against Britain. Later he was appointed with Benjamin Franklin, John Adams, Roger Sherman and Robbert Livingstone to draw up a Declaration of Independence. In his Autobiography Jefferson states that he was asked to draw up the document which, after a few deletions was accepted by Congress.

"The literary excellence of the Declaration is best attested by the fact that it has stood the test of time. It became the most popular state paper of the American Republic not merely because it was the first, but also because to most people it has seemed the best..... So far as form is concerned, the continuing appeal of the Declaration lies in the fact that it is clear and simple

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10) Malone, D.: Op. Cit. P. 190.

and that, for all its careful craftsmanship and consummate grace, it was not so highly polished as to lose its edge."[11]

In October 1776 Jefferson was back in Virginia as a member of the new House of Delegates which had succeeded the old House of Burgesses. Here, he with Pendleton, Wythe, Mason and Thomas Lee were appointed as a committee for the general revision of the state laws. A number of bills were drawn up and Jefferson was mainly responsible for those dealing with crime and punishment, citizenship, religion and education.

The Bill of Citizenship extended the vote to all male immigrants who gave proof of their intent to settle in Virginia and was passed only after he became governor. His Bill on Crime and Punishment was rejected mainly because it mitigated penalties in advance of public opinion, an example being that capital punishment was to apply only to treason and murder. Jefferson regarded religion as a private matter, and so his Bill on Religion provided for religious toleration. Like his Citizenship Bill this too was only passed after he became Governor. The Bills on Education, providing for a state-sponsored system of universal education and the establishment of a public library at Richmond were also defeated on grounds of expense.

In 1779, at the age of thirty-six, Jefferson was elected Governor of Virginia. It is noteworthy that in his Autobiography he devotes one paragraph to his work on education at this time and one to the rest of his experiences as Governor. "Being elected also one of the Visitors of William and Mary College, a self-electing body, I effected, during my residence in Williamsburg that year, a change in the organisation of that instit-

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11) Ibid. P. 223.

ution, by abolishing the Grammar School, and the two professorships of Divinity and Oriental Languages, and substituting a professorship of Law and Police, one of Anatomy, Medicine and Chemistry, and one of Modern Languages; and the Charter confining us to six professorships, we added the Law of Nature and Nations, and the Fine Arts to the duties of the Moral Professor, and Natural History to those of the professor of Mathematics and Natural Philosophy." 12)

The brief attention given by Jefferson in his Autobiography to his governorship no doubt arose because it was a period of frustration. During the war he was faced with the problems of raising supplies, and by invasions of Virginia first by the traitor Benedict Arnold and then by Tarleton. At the end of his second year, Jefferson resigned the Governorship and was succeeded by General Nelson.

He now virtually retired to Monticello where he wrote his "Notes on Virginia" in answer to queries on the state sent to him by one of his correspondents, a Frenchman named Marbois. At this stage his wife died.

In June 1783 Jefferson was again a delegate for Virginia at Philadelphia and his chief work now was his proposal and plans for a decimal system of coinage. While he was at Philadelphia, one of the American Commissioners, Jay, returned from Europe and proposed that Jefferson replace him. This proposal was accepted by Congress.

When Jefferson left for France his political philosophy had already been formed and formulated in such works as the "Notes on Virginia, Summary View, and The Declaration of Independence," and in the different bills for which he had been responsible. The remainder of his

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12) Jefferson, T.: "Autobiography." (K&P. P. 52)

public life did not see any great modification of these thoughts. "He came back without a single major idea which he had not taken with him when he sailed from Boston..... What France did do for him in the realm of political thought was to deepen and intensify the conclusions he had already reached, particularly on such matters as the burden on a people of monarchy and privilege, the value of self-government, the necessity of preparing the people by education and otherwise for the task, and the belief, from which he never wavered, that so far from democracy and self-government being possible every-where, they were at that time possible only in America, and even there only under the conditions which he was trying to conserve, foster and improve." 13)

After five years in France, during which time the American Constitution had been drawn up, Jefferson returned to America with the idea of having a holiday, but on landing in November 1789 he was met with the news that he had been named as Secretary of State by President Washington.

From 1879 to 1809 Jefferson was, for the most part, active in the political affairs of the central government. During this period of thirty years he was Secretary of State, first real organiser of an American political party, and Vice-President. His political career culminated in his two terms as president.

In March 1809 Jefferson arrived at Monticello where he now devoted all his time to his private interests. He supervised work on the estate and again entered into a large correspondence. When Washington was destroyed by the English he sold his great library to the government for half its value and in 1816 he turned over the

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13) Adams, J.T.: Op. Cit. P. 174.

management of his affairs to his grandson Thomas Jefferson Randolph. In 1814 he had been appointed a trustee of the yet unorganised "Albemarle Academy" and he devoted the rest of his active life to the work which culminated in the founding of the University of Virginia in 1819. Seven years later, on the 50th anniversary of the Declaration of Independence, he died.

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CHAPTER III

THE PROBABLE SOURCES OF JEFFERSON'S POLITICAL PHILOSOPHY

a) The theories of John Locke and other Philosophers.

The object to the Declaration of Independence was "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 harmonizing the sentiments of the day, whether expressed in conversation, in letters, printed essays, or in the elementary books of public right, as Aristotle, Cicero, Locke." [14]

It thus appears that the sources of the Declaration, and of Jefferson's political views, were two-fold. In the first place, his political philosophy was a reflection of contemporary American thought, and, in the second, it was an adaptation of Locke's Contract Theory and the theories of other philosophers. Jefferson's opinion of Locke is seen in the fact that he recommended his works to the notice of John Garland Jefferson in his study of law, [15] and in his statement: "Locke's little book on

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14) Jefferson: "To Henry Lee, 8/5/1825." (K&P. P. 719)
15) Jefferson: "To J.G. Jefferson, 11/6/1790." (K&P. P. 499)

Government, is perfect as far as it goes." [16] Locke assumes the foremost place in Jefferson's political interest for the latter farther states: "The room being hung around with a collection of the portraits of remarkable men, among them were those of Bacon, Newton and Locke, Hamilton asked me who they were. I told him they were my trinity of the three greatest men the world had ever produced." [17]

It would thus not be out of place to briefly consider the main points of Locke's philosophy.

Like Hobbes and others before him, Locke adopts the conception of a state of nature. In his natural state man enjoys certain natural rights which are life and health, liberty and property. [18] These rights are recognised and respected by man in his state of nature. [19] It is to protect these rights from dangers both from within and without the community that the political society is formed. All the individuals contract with each other to unite and form the political society. The only right which is given up on the formation of the political society is that of determining what are offences against the Law of Nature and of punishing such violations. [20]

There are two corollaries to the contract. In the first place, the will of the majority will in future bind the minority, and, secondly, each individual has agreed to help carry out the decisions of the political authority. [21]

The institutions through which the ends of political society are attained, are created by the society itself and are what is commonly called the government. [22] Government is responsible for the fixing of general rules

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16) Jefferson: "To Thomas M. Randolph, 30/5/1790." (K&P. P. 497)
17) Jefferson: "To Dr. Benjamin Rush, 16/1/1811." (K&P. P.690)
18) du Plessis, L.J.: "Die Moderne Staat." P. 55.
19) Dunning, W.A.: "Political Theories from Luther to Montesquieu." P. 347. Hereinafter this work will be referred to as "Luther to Montesquieu."

applicable uniformly to all the members of the society and so legislation is its primary and fundamental function. 23) The secondary function, just as important, is the executive side which is responsible for enforcing the laws by penalties.

The Legislative is supreme and, according to where this power is deposited, Locke distinguishes the forms of government. If the community itself retains the legislative powers the government is a democracy. If these powers are placed under a few select men, it is an oligarchy; and, if they fall in the hands of a single individual, the government is a monarchy. 24)

Though the Legislative branch of government is supreme, its supremacy is not absolute. It must rule according to the Laws of Nature and its power is limited to the rights given up by the individuals when, through their contract, they formed the political society. 25)

Behind the Legislature stands the people which is the final and highest embodiment of power. The people has delegated its power to the Legislature, but it retains the right at all times to over-rule the Legislature if that body does any-thing against the liberty and property of the subject. The government may be dissolved, but the society, with its supreme power, remains intact. Locke is not clear when this will happen, but it seems that nothing less than a majority of the people can take this decisive step to replace or reconstitute the government. Such a decisive step only occurs when injustice and oppression

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20) Ibid. P. 349.
21) Ibid. P. 351.
22) Ibid. P. 353.
23) Ibid. P. 354.
24) Ibid. P. 355.
25) Ibid. P. 360.

have gone very far. [26]

Besides the principles of Locke, fragments of the theories of other political thinkers also appear scattered through Jefferson's writings. Though these are not taken over in toto, they are some-times mentioned or adapted to suit Jefferson's needs. Thus, for example, even Hobbes's idea of matter and motion being the ultimate phenomena [27] are found echoed by Jefferson without any elaboration thereof. [28]

Jefferson, in adapting the idea of the law of Nature from Locke, stressed its constancy. [29] This idea of the constancy of Natural Law too is not original and is found in the philosophies of Plato, the Stoics and Cicero, [30] and also Grotius. [31]

Another element of Jefferson's philosophy is the degeneration of the state from the ideal form through germs of corruption that exist in it. [32] This might have originated from similar, though not identical, theories of Plato, [33] Polybius, [34] or Cicero. [35] All three believed the state could degenerate.

Plato's belief in three progressive stages of education [36] is given a democratic adaptation by Jefferson

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26) Dunning, W.A.: "Political Theories from Rousseau to Spencer." Pp. 361-363. Hereinafter this work will be referred to as "Rousseau to Spencer."
27) Dunning, W.A.: "Luther to Montesquieu." P. 266.
28) Jefferson: "To John Adams, 11/4/1823." (K&P. P. 705).
29) Jefferson: "Report of a plan to invite foreign officers in the British Service to desert. 27/8/1776." From Volume I of the "Papers of Thomas Jefferson," edited by J.Boyd. Hereinafter Boyd's editions will be referred to as Boyd I, Boyd II, etc.
30) Dunning, W.A.: "Political Theories, Ancient and Mediaeval." P. 122. Hereinafter this work will be referred to as "Ancient and Mediaeval."
31) Dunning, W.A.: "Luther to Montesquieu." P. 165.
32) Jefferson: "To Edward Carrington, 27/5/1788." (Boyd XIII, P. 262.)
33) Dunning, W.A.: "Ancient and Mediaeval." P. 33.
34) Ibid. P. 115.
35) Ibid. P. 120.
36) Ibid. Pp. 28-32.

who also envisaged a system of state education with three stages, aiming to serve the interests of the state. [37] In educational views Jefferson also seems akin to the French Physiocrats who believed that education should be maintained by the state so that citizens should never lose sight of the unvarying laws of the social order. [38] His aim, however, is that education should serve to keep alive the 'vestal flame' of republicanism. [39]

A more obvious debt to the Physiocrats is in economic matters. As one writer points out, their agrarian doctrines seemed to fit American conditions perfectly. Some of the Physiocrats believed that wealth is produced only by agriculture and the extractive industries while manufacture and commerce exist solely to exploit these. [40] As the real addition of wealth is the excess of agricultural products over the cost of production, real statecraft should aim at keeping manufactures and commerce at a minimum because they are sterile occupations whose expansion impoverishes agriculture and the extractive industries. [41] Though not seeming to accept this theory as a whole, Jefferson also believed that agriculture was more important than manufacture and commerce and that it should be promoted. [42] As the Physiocrats taught the doctrine of 'laissez faire, laissez passer,' [43] so Jefferson too accepted that government to be correct should not interfere except to prevent its citizens from injuring each other. [44]

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37) Jefferson: "Notes on Virginia." (K&P. P. 262).
38) Dunning, W.A.: "Rousseau to Spencer." P. 62.
39) Jefferson: "To James Madison, 17/2/1826." (K&P. P. 726).
40) Maxey, C.: "Political Philosophies." P. 426.
41) Loc. Cit.
42) Jefferson: "Notes on Virginia, Query XIX." (K&P. P. 279).
43) Dunning, W.A.: "Rousseau to Spencer," P. 62.
44) Jefferson: "1st Inaugural Address, 4/3/1801." (K&P. P. 323).

Laski also states that Jefferson was also influenced by Montesquieu. [45] Though he rejected the idea that small states alone are fitted to be republics, [46] Jefferson accepted that despotism consists of a concentration of the three powers of government, [47] and good government of a separation of the executive, legislative, and judicial powers into different hands. [48] Montesquieu too, stressed that each of these three powers be exercised by a different organ to insure political liberty to the citizen. [49]

It is strange to note, however, that in spite of his high regard for the French people, his friendship with men like de la Fayette, and his stay in France as Commissioner, Jefferson did not seem to have been influenced to any great extent by Rousseau. One writer states that this is due to his philosophy having already been formed before he came into contact with French ideas, and that France merely confirmed the views he already held. [50] This seems logical in view of previous historical events. Till the Peace of Paris in 1763 England was definitely the mother-country of the colonies and the French were the enemies. Rousseau's important works appeared between 1750 and 1762, [51] and the Seven Years War and its aftermath probably prevented any great influence by Rousseau on American thought. On the other hand, Montesquieu's "Spirit of the Laws" was published in 1748 [52] so that there was time for his influence to be felt during the Colonial Wars.

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45) Laski, H.: "The American Democracy." P. 397.
46) Jefferson: "To d'Ivernois, 6/2/1795." (K&P. P. 531).
47) Jefferson: "Notes on Virginia, Query XIII." (K&P. P. 237).
48) Jefferson: "To John Adams, 28/9/1787." (Boyd XII, P. 189).
49) Dunning, W.A.: "Luther to Montesquieu." P. 413.
50) Adams, J.T.: Op. Cit. P. 174.
51) Dunning, W.A.: "Rousseau to Spencer." P. 2.
52) Dunning, W.A.: "Luther to Montesquieu." P. 393.

It must be noted that many other writers like Wilhelm von Humboldt were in Jefferson's time expounding philosophies very similar to his own. This, however, does not mean that he was indebted to them although he probably approved of much of their writings. Thus he admired Thomas Paine's revolutionary political writings, and entered into correspondence with him. 53) While Secretary of State, he expressed the wish that certain Americans, obviously the Federalists, should heed Paine's lessons and he ended by encouraging him in his work as a most "sincere votary" and "ardent well-wisher." 54)

Dr. Richard Price who had defended the cause of American Independence in Great Britain was also held in "esteem and respect" by Jefferson. 55) He agreed with Price especially that religion be based on reason and also corresponded with him. 56)

In 1770 de Lolme stressed that liberty consists of the individual being allowed to enjoy the products of his industry and that the laws should treat all alike. Blackstone's "Commentaries" had appeared in 1765 and contained the idea that the Natural Law is that "man should pursue his own true and substantial happiness." Beccaria paid attention to penal reform in his "Crimes and Punishments" in 1764. 57) The thoughts of these men resemble those of Jefferson who praised them by recommending that their works be studied. 58)

That Jefferson had read widely in the field of law and politics is borne out by the following passage: "In political economy, I think Smith's Wealth of Nations the

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53) Jefferson: "To Thomas Paine, 11/7/1789." (K&P. P. 478).
54) Jefferson: "To Thomas Paine, 19/6/1792." (K&P. P. 516).
55) Jefferson: "To Dr. Price, 7/8/1785." (K&P. P. 369).
56) Jefferson: "To Dr. Price, 8/1/1789." (K&P. P. 453).
57) Dunning, W.A.: "Rousseau to Spencer," Pp. 71-77.
58) Jefferson: "To Thomas M. Randolph, 30/5/1790." (K&P. P. 496).
"To John G. Jefferson, 11/6/1790." (K&P. P. 497).

best book extant; in the science of government, Montesquieu's Spirit of Laws is generally recommended. It contains, indeed, a great number of political truths; but also an equal number of heresies so that the reader must be constantly on his guard..... Burgh's Political Disquisitions are good also, especially after reading De Lolme. Several of Hume's Political Essays are good. There are some excellent books of theory written by Turgot and the economists of France."[59]

Other works which Jefferson recommended are those of Coke, Vaughan, Salkeld, Strange, Burrow, Hale, Dalrymple, Sayer, Verey, Blackstone, Molley, Vattel and Voltaire.[60] If Jefferson recommended such authors, it is probable that he thought highly of their works. The probability then also exists that they influenced his thought and helped in its development.

b) American Political Thought before the Revolution.

It is no wonder that the philosophy of Locke, with its claim of an inherent right for a people to rid themselves of an unpopular government, should have seized the imagination of the Americans in the heat generated by the Sugar, Stamp and Townshend Acts. Dissatisfaction was rife and any philosophy which admitted the supreme power of the people would be popular among those inclined to revolt. Perhaps he was generalising, but Jefferson's statement on the Declaration, "The Sentiments were of all America,[61] contained more than an element of truth.

"When Jefferson put the doctrine of natural rights into the imperishable words of the Declaration of

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59) Jefferson: "To Thomas M. Randolph, 30/5/1790." (K&P. P. 496.)

60) Jefferson: "To John G. Jefferson, 11/6/1790." (K&P. P. 497.)

61) Jefferson: "To Joseph Delaplaine, 12/4/1817." (K&P. P. 680.)

Independence, it was already familiar to Americans through the writings of well-known leaders and pamphleteers.[62] Jefferson's work in this respect may be regarded as a mere climax to the thought and arguments that had already taken place.

One of the difficulties in tabulating American political thought prior to the Revolution is that it was not always logical.[63] Another was that there was no really systematic presentation of political theory during this time.[64]

The argument at first seems to have been largely of a constitutional nature involving the legal relations between the colonies and the home government.[65] "It was asserted that the colonists owed their allegiance, not to Parliament, but to the King. From him they had received their Charters, and to him, and not to Parliament, they were accountable. Britain and the colonies, it was said, are distinct states, as were England and Scotland before the Union, they are bound together only by their common allegiance to a common king."[66] Parliament had thus no right to levy taxes on the colonies or to legislate for them in any way.

The line of reasoning was that according to the Charters the colonists were entitled to all the rights and privileges of native-born Englishmen.[67] Even Governor Stephen Hopkins of Rhode Island observed in a pamphlet that one of these rights was immunity from

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62) Curti, M.: "The Growth of American Thought." P. 119.
63) Dunning, W.A.: "Rousseau to Spencer." P. 97.
64) Merriam, E.: "History of American Political Theories." P. 38.
65) Ibidem. P. 42.
66) Loc. Cit.
67) Ibid. P. 44.

taxation without the consent of elected representatives.[68]

Abstract doctrines on "natural rights" were also appearing. The American leaders such as Dickinson, Hamilton and John Adams, [69] declared that there were such natural rights which antedated the existence of government and so were superior. These natural rights were regarded as the basis of political rights. Thus even if the actions of the British Parliament were perhaps legal they were still contrary to the inherent rights of man. [70] The First Continental Congress in 1774 adopted as resolutions that the colonists were entitled to life, liberty and property and to all other rights of subjects in England itself. [71]

This attitude was well stated at the time of the Stamp Act when Governor Thomas Hutchinson of Massachusetts reported that "the prevailing reason at this time, is that the Act of Parliament is against the Magna Charta, and the natural rights of Englishmen, and therefore, according to Lord Coke, null and void." [72] On these grounds a county court in Virginia even went so far as to declare the Stamp Act unconstitutional. [73]

Related to the theory of natural rights, was the doctrine that the people were the basis of all political power. "Since all men are born with the same natural rights, and inasmuch as all legitimate government must be based upon the consent of these individuals, it is evident that the great mass of the people are the foundation of the state..... The inherent and inalienable sovereignty of the people was therefore assumed as a political

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68) Kelly, A.H. & Harbison W.A.: Op. Cit. P. 69.
69) Merriam, E.: Op. Cit. P. 48.
70) Ibidem. P. 47.
71) Kelly A.H. & Harbison W.A.: Op. Cit. P. 84.
72) Agar, H.: "The United States." P. 6.
73) Loc. Cit.

principle of incontestable validity." [74]

Thomas Paine's famous pamphlet of January 1776, "Common Sense", was based upon this argument. He went farther in a bitter attack upon the monarchy for not promoting what he considered the main function of government, namely the protection of freedom and security. [75]

With the passage of the Intolerable Acts and the growth of popular resentment against Britain, it was inevitable that references should be made to Locke's theory of the people's right to revolt. Even in the pulpit ministers like the Rev. Jonathan Mayhew referred to this doctrine and the two revolutions that had taken place in England herself. [76] This doctrine was also used by Thomas Paine and was soon to find an echo in some of the state constitutions. Thus that of New Hampshire declared that the teaching of non-resistance was "slavish, absurd and destructive of the good and happiness of mankind," [77] while in Pennsylvania it was laid down that "the community hath an indubitable, inalienable and indefeasible right to alter, reform or abolish government in such manner as shall by that community be judged most conducive to the common weal." [78] A similar provision was contained in the Constitution of Delaware also. [79]

All the main points of Locke's political thought; the doctrine of inalienable natural rights, the contract theory of the state, the absolute sovereignty of the people and the right of revolution against evil and unpopular governments; were thus being uttered in America before the outbreak of the Revolution. Locke's theories were being applied by the colonists in their many

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74) Merriam, E.: Op. Cit. P. 54.
75) Kelly, A.H. & Harbison, W.A.: Op. Cit. P. 86.
76) Merriam, E.: Op. Cit. P. 55.
77) Merriam, E.: Ibidem. P. 57.
78) Loc. Cit.
79) Loc. Cit.

arguments against subservience to the British Parliament.

This, however, does not mean that Locke was the sole source of American thought in the struggle against Britain, nor that there was no opposition from loyalist sources, not only to Locke's theories but to all revolutionary philosophy. Such opposition is exemplified in the Rev. Jonathan Boucher, a clergyman in Virginia and Maryland from 1759 to 1775, who took a firm stand against Locke's doctrines and farther pointed out that the first rebel was Lucifer. 80)

Had Jefferson never consulted Locke's works himself, it is still highly probable that his philosophy of the state would have been what it was; for, as he himself admitted, it was based on those ideas circulating in America and accepted by many American leaders. And those ideas, to a large extent may be regarded as the practical application of Locke's philosophy to the arguments of the times.

That Jefferson came into contact with these ideas is borne out by his large circle of correspondents. He exchanged views with many prominent Americans of his day such as John and Samuel Adams, John Page, Peter Carr, James Madison, John Jay, John Dickinson and many others.

References (Other than those already mentioned):

1. Carpenter, W.S.: "The Development of American Political Thought."
2. Catlin, G.: "A History of the Political Philosophers."
3. Commager, H.S.: "Living Ideas of America."
4. de Grazia, A.: "The Elements of Political Science."
5. Mudge, E.T.: "The Social Philosophy of John Taylor of Caroline."
6. Rossiter, C.: "Seedtime of the Republic."

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80) Ibidem. P. 67.

CHAPTER IV

JEFFERSON'S POLITICAL THEORY

a) Natural Law.

As already observed in Chapter I, Jefferson wrote no treatise on government and his political philosophy must thus be sought in his public papers and private letters. As a result of this many gaps will seem to appear. Some parts of his philosophy are explained fully, others are merely hinted at, while yet others are stated without details. Farthermore, as his thoughts are found scattered in his papers there is little logical or chronological sequence.

A start to Jefferson's philosophy can be found in his views on the universe. Jefferson believed that a study of all the aspects of the universe: the movements of heavenly bodies, the structure of the earth itself and of all animal and vegetable life and their relationships with one another, could lead one to but one belief, and that a belief in the existence of but one God, the "Fabricator", "Preserver and Regulator" of all things. 81)

This scriptural view of God as the Origin of all, is repeated often. God is referred to as the Creator of Men, 82) "Lord both of body and mind, 83) "the Author of our nature, 84) and "God Almighty....of his creation." 85) Dr. A. Kuyper states that terms like those in the Declaration where God is referred to as the "Supreme Judge" seem to show the influence of Calvinism on American thought. 86)

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81) Jefferson: "To John Adams, 11/4/1823." (K&P. P. 705.)
82) Jefferson: "Declaration of Independence." (K&P. P. 22)
83) Jefferson: "Act for Religious Freedom." (Boyd II, P. 545.)
84) Jefferson: "To General Assembly of North Caroline, (K&P. P. 345.)
85) Jefferson: "To Isaac Zane, 26/2/1778." (Boyd II, P. 175.)
86) [redacted]: "Het Calvinisme - Zes Stone-Lezingen." P. 78.

God has thus created man and has placed him in a world which is also the object of His creation. He has, however, not created the state or civil society for it is man himself who enters into government. [87]

Many contemporary American thinkers such as Samuel Cooke and James Otis believed that men living in society without government or any common superior exemplified a state of nature. [88] That this view was also shared by Jefferson can be seen from the following passage: "Shall these governments be dissolved, ... and their people reduced to a state of nature, at the imperious breath of a body of men whom they never saw?" [89]

Thomas Hobbes believed that such a state must inevitably, because of each man's striving to attain his own ends, be one of unceasing strife. [90] This idea is at the outset rejected by Jefferson who, in referring to the growth of public debt and taxation which may follow, states: "Then begins, indeed, the bellum omnium in omnia, which some philosophers observing to be so general in this world, have mistaken it for the natural, instead of the abusive state of man." [91]

John Locke, whom Jefferson so obviously admired, [92] also believed that the state of nature is not one in which men live in brutish, reciprocal hostility, and that it is not a lawless state. [93] Jefferson agreed with this for he was convinced that those societies such as the American Indians which live without government enjoy in their general mass infinitely more happiness than

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87) Jefferson: "To d'Ivernois, 6/2/1795." (K&P. P. 532.)
88) Rossiter, C.: Op. Cit. Pp. 363-364.)
89) Jefferson: "Summary View, 1774." (K&P. P. 300.)
90) Dunning, W.A.: "Luther to Montesquieu." P. 269.
91) Jefferson: "To Samuel Kercheval, 12/7/1816." (K&P. P. 674.)
92) Jefferson: "To Dr. Benjamin Rush, 16/1/1811. (K&P. P. 609)
93) Dunning, W.A.: "Luther to Montesquieu." P. 345.

those under governments. [94] As one author has pointed out, American Indian society represented to Jefferson "idyllic perfection." [95] What offences there may occur in such a society are punished by contempt or exclusion from the society,and, though this species of coercion may seem to be imperfect, crimes are rare. [96]

The happiness and orderliness of the natural state are, according to Locke, due to the law of nature under which the reason and equality of men play the fundamental roles. [97] In America the idea of a law of nature as a restriction on all human activity was accepted by such men as the Rev. Williams of Hartford and James Otis who looked on it as divine in origin. [98] This view was accepted both by Samuel Adams and Thomas Jefferson who regarded the law of nature as so constant that it could not even be altered by its Creator, God Himself. [99] The constancy of the law of nature in Jefferson's opinion is shown in his reference to "principles which being derived from the unalterable laws of God and Nature cannot be superseded by any human authority or engagement." [100] Grotius also believed the law of nature to be immutable. [101]

Rossiter states that the idea of a law of nature received four basic applications in America: firstly, it was regarded as a set of moral standards governing private conduct; secondly it was an abstract justice to which the laws of man should conform; thirdly, it represented the demarcation of the proper sphere of

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94) Jefferson: "To Edward Carrington, 16/1/1787." (Boyd XII, P. 49.)
95) Hendrick, B.: Op. Cit. P. 113.
96) Jefferson: "Notes on Virginia, Query XI." (K&P. P. 220.)
97) Dunning, W.A.: "Luther to Montesquieu." P. 346.
98) Rossiter, C.: Op. Cit. P. 336.
99) Ibidem. P. 367.
100) Jefferson: "Report of a plan to invite foreign officers in the British Service to desert 27/8/1776."
101) Dunning, W.A.: "Luther to Montesquieu." P. 165.

political authority; and lastly it was the source of natural rights. [102] The latter view was that of Jefferson who, in listing the Colonists' grievances against the British Parliament referred to "rights as derived from the laws of nature." [103] These natural rights are universal and not confined to any body or group of men for Jefferson states they are "The rights which God..... has given equally and independently to all." [104]

What these natural rights actually were in American minds is difficult to state for, as Rossiter points out, they were given a meaning to suit practical purposes. [105] Even Jefferson was more concerned with action and the reasons for action than with finding a creed, [106] and so his views on the nature of natural rights were often expressed to suit the needs of the moment. As Becker points out, the Colonists could not have based their claims on the legal grounds of being British subjects and so they had to fall back on the natural rights of man. [107] To fit different claims of the times it seems as if Jefferson had to view natural rights very widely. However, if we consider what Jefferson at different times stated to be specific natural rights it will be found that they are linked.

Jefferson's draft of the Declaration of Independence read as follows: "We hold these truths to be self evident: that all men are created equal; that they are endowed by

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102) Rossiter, C.: Op. Cit. Pp. 368-369.
103) Jefferson: "Summary View, 1774." (K&P. P. 310.)
104) Loc. Cit.
105) Op. Cit. P. 375.
106) Beloff, M.: Op. Cit. P. 250.
107) Op. Cit. P. 21.

their Creator with inherent and inalienable rights; that among these are life, liberty, and the pursuit of happiness." [108]

The very wording of the Declaration shows that Life, Liberty and the Pursuit of Happiness are but part of man's natural rights. As has been noted, these rights are given equally to all men. [109] Jefferson laid great stress on the equal rights of all men and regretted that, while his fellow Americans had fought for their own rights, they were unwilling to recognise the equal rights of their slaves. [110] All members of a society must be treated equally. [111] The great stress placed by Jefferson on the right of equality which is continued after the formation of a political society can be seen in his attempts as President to introduce informality and equality even into diplomatic functions, a move which much annoyed the British Minister. [112] It is also revealed in his opposition to a grant of allowances to members of the Virginia General Assembly in 1778 without consultation with the people for he reasoned that "It being inconsistent with the principles of civil liberty, and contrary to the natural rights of the other members of the society, that any body of men therein should have authority to enlarge their own powers, prerogatives or emoluments without restraint, the General Assembly cannot at their own will increase the allowance." [113] Yet it must be stressed that this equality does not extend to

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108) Jefferson: "Declaration of Independence." (K&P. P. 23)
109) Jefferson: "Summary View, 1774." (K&P. P. 310.)
110) Jefferson: "To J.N. Demeunier, 26/6/1786." (Boyd X, P. 63.)
111) Jefferson: "To Skinker and Garrard, 14/4/1781." (Boyd V, P. 451.)
112) Bemis, S.: Op. Cit. P. 273.
113) Jefferson: "Bill to give members of the General Assembly an adequate allowance. 12/12/1778." (Boyd II, P. 231.)

talent or ability but only to rights enjoyed for Jefferson perceived that "There is a natural aristocracy among men. The grounds of this are virtue and talents."[114]

The first item of Locke's trinity, "Life," receives the same position in Jefferson's philosophy. In the Declaration it is "endowed" by the Creator while in other places Jefferson states it is "given" by God.[115] The means to maintain life are also important and every man has a natural right to use the earth and its products for "The earth is given as a common stock for men to labour and live on."[116]

A corollary to the natural right to life is the right of self-defence and self-preservation. While refusing to condone any suggestion of using the Indians against the British in the War for Independence, Jefferson states however that if the Indians were attacked by the British they would have a "natural right to punish the aggressors" and defend themselves.[117] To stress the right of self-preservation Jefferson quotes the example of a ship in need of provisions which if refused a supply by another ship can take a supply by force for "The laws of necessity, of self-preservation..... ..... are of higher obligation."[118]

Closely linked with life is Liberty for "The God who gave us life, gave us liberty at the same time; the hand of force may destroy, but cannot disjoin them."[119] The

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114) Jefferson: "To John Adams, 28/10/1813." (K&P. P. 632.)
115) Jefferson: "Summary View, 1774." (K&P. P. 311.)
116) Jefferson: "To James Madison, 28/10/1785." (Boyd VIII, P. 682.)
117) Jefferson: "To George Rogers Clarke, 29/1/1780." (Boyd III, P. 276.)
"To Jean Babtiste Ducoyne, 1/6/1781." (Boyd IV, P. 61.)
118) Jefferson: "To J.B. Colvin, 20/9/1810." (K&P. P. 606)
119) Jefferson: "Summary View, 1774." (K&P. P. 311.)

importance placed by Jefferson on the natural right to liberty is seen in his efforts on behalf of religious freedom, [120] his belief in freedom of speech and of the press, [121] his hate of standing armies which lead to the enslavement of a people, [122] his desire for the emancipation of the slaves, [123] and even his wish for a free, agricultural people. [124]

"Every man and every body of men on earth, possesses the right of self-government. They receive it with their being from the hand of nature..... ..... They retain it as a natural right and may exercise it in what form they please." [125] After life itself, liberty and self-government are without doubt man's most important natural rights; they are "most valuable to man." [126] Like Rousseau, Jefferson believed it a "palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favored few booted and spurred ready to ride them." [127]

There are, however, limits to the rights of liberty and self-government which are possibly imposed by the right of equality. Though it is clear that Jefferson believed in man's freedom to act in his own interests such actions must not be harmful to others. This is clear from his attitude to commercial activities which he believed harmful for "No man can have a natural right to enter on a calling by which it is at least ten to one he will ruin many better men than himself." [128] The

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120) Jefferson: "To. Mr. A. Donald. 7/2/1788." (K&P.P. 442.)
121) Jefferson: 1st Inaugural Address 4/3/1801. (K&P. P. 324.)
122) Jefferson: "Summary View. 1774." (K&P. P. 309.)
123) Jefferson: "To Edward Coles, 25/8/1814." (K&P. P. 461.)
124) Jefferson: "To John Jay, 23/8/1785." (K&P. P. 377)
125) Jefferson: "Opinion on Transference of Seat of Govt. 15/7/1790." (K&P. P. 316.)
126) Jefferson: "To John Adams, 21/11/1812." (K&P. P. 615.)
127) Jefferson: "To Roger Weightman, 24/6/1826."(K&P.P. 729)
128) Jefferson: "To Nathaniel Tracy, 17/8/1785." (Boyd VIII, P. 309.)

belief that man's freedom must not harm others is also seen in his views that the practice of religion must not disturb others, [129] and that the exercise of freedom and speech should be limited by a law of libel. [130]

It is interesting to note that Jefferson differed from his master Locke in regard to the third item of Locke's great trinity of natural rights, namely 'property.' This he discarded in favour of the 'pursuit of happiness.' He denied that the origin of any kind of property is derived from nature for property belongs equally to men in common while stable ownership comes late in the progress of society and is the gift of social law. [131] Locke believed property was a natural right, [132] and Rousseau that it was the starting point of civil society with all its attendant evils. [133] On the other hand, Jefferson was more optimistic and saw in the development of property the development of order and stability. [134]

By making 'the pursuit of happiness' the third of his trinity of natural rights, Jefferson seems akin to Hobbes who believed men strove after happiness by attaining their ends. [135] Becker, [136] Maxey, [137] and Hendrick [138] are of the opinion that he thus introduced a note of humanitarianism into politics and the duty of government. The pursuit of happiness was perhaps inevitable as a natural right for Jefferson because as Oliver points out he believed in humanity without reservations. [139] This is borne out by such facts as his belief in universal education [140] and his anxiety over the comfort

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129) Jefferson: "To James Madison, 31/7/1788." (K&P. P.451.)
130) Jefferson: 2nd Inaugural Address, 4/3/1805. (K&P. P. 343.)
131) Jefferson: "To Isaac Mc Pherson 13/8/1813."(K&P. P.629.)
132) Du Plessis, L.J.: Op. Cit. P. 55.
133) Dunning, W.A.: "From Rousseau to Spencer." P. 10.
134) Jefferson: "To the Cherokee Chiefs, 10/1/1806." (K&P. P. 578.)
135) Dunning, W.A.: "From Luther to Montesquieu." P. 267.
136) Op. Cit. P.255.
137) Op. Cit. P. 414.

even of his slaves. [141]

How man is to pursue his happiness is not said but it seems to be linked with the liberty and self-government of man. The listing under twenty-seven heads of the grievances of the Colonists against George III may possibly be taken as negative evidence of the nature of man's happiness and how it is to be obtained. Negative evidence, however, is not always satisfactory and so it is better to link it with the exercise of self-government of man by himself according to which he acts in his own interests provided that he does not harm others. [142]

Scattered through Jefferson's writings such as the "Summary View" are claims of certain rights having their origins in the law of nature. This is because Jefferson and the other Colonists were often more concerned with specific liberties than with original ones in the state of nature. [143] The exercise of such liberties may perhaps be relevant to the pursuit of happiness. They include the natural rights of freedom of conscience, [144] migration from one place or country to another, [145] the right of one party to force others to carry out agreements, [146] freedom of speech and sentiment, [147] and even the exercise of a free trade with all parts of the world. [148] As Rossiter points out,

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138) Op. Cit. P. 115.
139) Op. Cit. P. 246.
140) Jefferson: Bill for more general diffusion of knowledge. (Boyd II, P. 526.)
141) Jefferson: "To Francis Eppes, 30/7/1788." (Boyd XI, P. 540.)
142) Jefferson: "To Nathaniel Tracy, 17/8/1785." (Boyd VIII, P. 309.)
143) Rossiter, C.: Op. Cit. P. 378.
144) Jefferson: "To Edward Dowse, 19/4/1803." From "The Basic Writings of Thomas Jefferson," edited by P.S. Foner, P. 659. Hereinafter this work will be referred to as Foner.
145) Jefferson: "Summary View, 1774." (K&P. P. 293.)
146) Jefferson: "To Edmund Randolph, 3/8/1787." (Boyd XI, P. 672.)
147) Jefferson: "Summary View, 1774." (K&P. P. 310.)
148) Loc. Cit.

these rights were claimed as having their origin in natural law by many other prominent Colonists such as Wilson, Lee, Iredell, Mayhew and Dickinson, [149] In claiming such rights Jefferson was giving expression to widely held views which without doubt played a part in the wording of the Declaration that Life, Liberty, and the Pursuit of Happiness are among the inherent rights of mankind. Even the terms 'liberty' and 'pursuit of happiness' can possibly be so widely interpreted as to include any specific claim to some or other right.

Locke believed that the state of nature was a peaceful one because its members are conscious of and have respect for the law of nature. [150] In this respect he is closely followed by Jefferson who had great faith "in the natural integrity and discretion of the people, [151] and also in their good sense. [152] This natural good sense and power to reason seem to be universal for Jefferson believed that human nature is the same on every side of the ocean. [153]

There are moral duties which exist between individuals in the state of nature and which accompany them into a state of society. [154] This code of morals has been implanted in man as part of his nature and govern him both in his individual and associated actions. [155] The moral sense of right and wrong is as innate in the

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149) Rossiter, C.: Op. Cit. Pp. 375-380.
150) Dunning, W.A.: "Luther to Montesquieu." P. 347.
151) Jefferson: "To John Melish, 13/1/1813." (K&P. P. 620)
152) Jefferson: "To Edward Carrington, 16/1/1787." (Boyd XI, P. 49.)
153) Jefferson: "Notes on Virginia, Query XIII." (K&P. P. 238.)
154) Jefferson: "Opinion on Renunciation of French Treaties, 28/4/1793." (K&P. P. 317.)
155) Jefferson: "To the General Assembly of North Caroline, 10/1/1808." (K&P. P. 345.)

character of man as the sense of tasting and feeling is in his physical being. 156)

Jefferson makes this clear in his advice to a youth on a course of reading and study where he has the following to say about moral philosophy: "I think it lost time to attend lectures in this branch. He who made us would have been a pitiful bungler if He had made the rules of our moral conduct a matter of science. For one man of science, there are thousands who are not. What would have become of them? Man was destined for society. His morality therefore was to be formed on this object. He was endowed with a sense of right and wrong merely relative to this..... The moral sense, or conscience, is as much part of man as his leg or arm. It is given to all human beings in a stronger or weaker degree, as force of members is given them in a greater or less degree.....State a moral case to a ploughman and a professor. The former will decide it as well, and often better than the latter, because he has not been led astray by artificial rules."157)

Man is thus a rational being because the principles of associated life are written in his head and heart and there he will never read permission to annul his obligations. 158) Mutual respect for the rights of others thus seems to ensure peace in the state of nature.

b) <u>The Development of the Political Society from the State of Nature</u>.

If, as Hendrick has pointed out, the state of nature

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156) Jefferson: "Notes on Virginia, Query XI." (K&P. P. 221)
157) Jefferson: "To Peter Carr, 10/8/1787." (Boyd XII, P. 14.)
158) Jefferson: "Opinion on Renunciation of French Treaties, 28/4/1793." (K&P. P. 317.)

represented 'idyllic perfection' to Jefferson, [159] Jefferson must have had some explanation of how and why man came to find himself in a political society.

It is quite clear from his writings that Jefferson believed this came about primarily through an increase in population. He stated that the American Indians, in order not to submit themselves to any laws, coercive powers or government, had, though multiplying, separated into many little societies. [160] This he believed had happened because great societies cannot exist without government. [161] Though the state of nature is the best, it is inconsistent with any great degree of population.[162] It was the 'stream of overflowing population from other regions' that had endangered the state of nature enjoyed by the Indians and had forced them to change their way of life. [163] Such increase causes material progress for "Numbers produce emulation, and multiply the chances of improvement, and one improvement begets another." [164]

At an early period man engages in hunting as his chief economic activity but he turns to an agricultural type of life. [165] The increase in numbers reduces man to limits too narrow to support a hunter's state, and so he is encouraged to turn to agriculture, domestic arts and enough industry to enable him to maintain his existence. [166] To do this man may use such lands as he finds vacant and his occupancy will give him title to them. [167]

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159) Op. Cit. P. 113.
160) Jefferson: "Notes on Virginia, Query XI." (K&P. P. 220)
161) Loc. At.
162) Jefferson: "To James Madison, 30/1/1787." (K&P. P. 413)
163) Jefferson: "2nd Inaugural Address, 4/3/1805." (K&P. P. 341.)
164) Jefferson: "Notes on Virginia, Query VI." (K&P. P. 213.)
165) Jefferson: "To Ezra Stiles, 1/9/1786." (Boyd X, P. 316.)
166) Jefferson: "2nd Inaugural Address, 4/3/1805," (K&P. P. 341.)
167) Jefferson: "Summary View. 1774." (K&P. P. 309.)

Engagement in agriculture and house-hold manufacture makes man sensible that the earth yields more subsistence with less labour and more certainty than does the forest.[168]

When man has reached this stage, he is ready for the formation of a political society. Jefferson's view is that a man with property will wish it to be inherited by his wife and children, and so it becomes necessary to establish laws for this purpose and to appoint good men as judges to decide contests between men according to the laws set up.[169] It is essentially necessary that those who are members of the same body should be governed by the same laws.[170]

Locke believed that the political society came about by men's mutual contract with one another to constitute a community and to give up their rights of executing the laws of nature to the community so constituted.[171] This was caused directly by the variety in the manner and methods of executing the laws of nature.[172]

A not completely dissimilar reason for forming a political society is advanced by Jefferson. Wicked and dissolute men resign themselves to the dominion of inordinate passions and commit violations upon the lives and liberties of others.[173] Jefferson's argument is that it is to secure natural rights against such violations that civil or political society is instituted.[174]

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168) Jefferson: "5th Annual Message, 3/12/1805." (Foner, P. 368.)
169) Jefferson: "To the Cherokee Chiefs, 10/1/1806." (K&P. P. 578.)
170) Jefferson: "To John Todd, 28/1/1780." (Boyd III, P. 272.)
171) Dunning, W.A.: "Luther to Montesquieu." P. 349.
172) Ibidem. P. 348.
173) Jefferson: "Bill for Proportioning Crimes and Punishments, 1779." (Foner P. 29.)
174) Jefferson: "Declaration of Independence." (K&P. P. 22.)

To use his own words: "The only orthodox object of the institution of government is to secure the greatest degree of happiness possible to the general mass of those associated under it." [175]

As Rossiter points out, an inconsistency in Jeffersonian theory seems to appear at this point. [176] If the rights with which man is endowed are, according to the Declaration, 'inherent and inalienable', then they are already secure and there is no need to institute civil society to 'secure' them. However, as Jefferson remarked, any legislative act against religious freedom is "an infringement of natural right." [177] His view thus seems to be that though natural rights are inalienable they can at times be infringed by 'wicked and dissolute men," [178] and it is to secure these rights against infringement that government is instituted. Though they may be infringed, the rights always remain.

Catlin states that Jefferson marks an advance upon Locke in discarding any reference to an original social compact and in deriving all just powers of government solely from the consent of the governed. [179] The first part of this statement seems to imply that Jefferson rejected the contract theory and is untrue for, as he stated in regard to the impressment of American sailors by the British: "The first foundations of the social compact would be broken up, were we definitely to refuse to its members the protection of their persons and property

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175) Jefferson: "To F.A. van der Kemp, 22/3/1812." (K&P. P. 618.)
176) Rossiter, C.: Op. Cit. P. 381.
177) Jefferson: "Act for Religious Freedom, 1779." (K&P. P. 313.)
178) Jefferson: "Bill for Proportioning Crimes and Punishments, 1779." (Foner P. 29.)
179) Op. Cit. P. 321.

while in their lawful pursuits. [180] Farthermore, the stress he placed on 'common consent' [181] shows there must be that agreement which precedes the contract.

It is unlikely that Jefferson would have been against the contract theory which was accepted by many other prominent Americans of his time. [182] The colonial charters were viewed as evidence of the contract being the origin of the state. [183] In many frontier settlements of America men had come together spontaneously to organise a form of local government. [184] The Mayflower Compact, by which the adult males of the Mayflower set their hands to a compact to provide a basis for civil government, [185] had caused the Colonists to become accustomed to the idea that government is the result of a compact. [186] The idea of a contract being the basis of government was thus almost traditional in the America of Jefferson's day.

Farther evidence of Jefferson's belief in a contract as the basis of government can be found in his view that a generation may bind itself as long as its majority is in place but that a new generation may change its laws and institutions to suit itself. [187] Because this corporeal globe and everything on it belongs to the living generation, each generation must have the right to choose for itself the form of government it believes most promotive of its own happiness. [188]

It is thus evident that Jefferson accepted a social

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180) Jefferson: "To James Maury, 24/4/1812." (K&P. P. 619.)
181) Jefferson: "Notes on Virginia, Query VIII." (K&P. P. 217.)
182) Rossiter, C.: Op. Cit. Pp. 405-9.
183) Loc. Cit.
184) Morison, S. & Commager, H.: Op. Cit. P. 196.
185) Kelly, A.H. & Harbison, W.A.: Op. Cit. P. 16.
186) Ibidem. P. 45.
187) Jefferson: "To Major John Cartwright, 5/6/1824." (K&P. P. 714.)
188) Jefferson: "To Samuel Kercheval, 12/7/1816." (K&P. P. 674.)

compact as the origin of the political society, but unfortunately he paid little attention to its form and how it took place. He did however state that men have a right to set up a temporary government, to adopt a constitution and laws, and to alter the latter as they saw fit. 189)

The result, however, of the compact is to base government directly upon the consent of the governed for Jefferson explicitly states: "I consider the people who constitute a society as the source of all authority in that nation; as free to transact their common concerns by any agents they think proper; to change these agents individually, or the organisation of them in form or function whenever they please; that all the acts done by these agents under the authority of the nation, are the acts of the nation." 190)

The object of forming a political society was the institution of civil government and so its administration must be conducted by common consent. 191) For this reason, in cases of general interest, the interests of a few individuals should give way to the general good. 192) So too with ideas for though Jefferson was very much against the abandonment of the rotation of the presidency in the American Constitution, he concluded that he must suppose himself wrong when opposed by the majority. 193) Common consent as the basis of civil government thus became the consent of the major part of the members of the society.

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189) Jefferson: "Report on Government of Western Territory, 23/3/1784." (Boyd VI. P. 608.)
190) Jefferson: "Opinion on Renunciation of French Treaties, 28/4/1793." (Foner, P. 31.)
191) Jefferson: "Notes on Virginia, Query VIII." (K&P. P. 217.)
192) Jefferson: "To Benjamin Harrison, 30/10/1779." (Boyd III, P. 129.)
193) Jefferson: "To James Madison, 31/7/1788." (Boyd XIII, P. 442.)

c) Natural Rights under Civil Government.

It must be borne in mind that the object of the institution of government was to secure the greatest degree of happiness possible to the general mass of those associated under it. [194] Thus the only possibly legitimate object of government can be the promotion of the equal rights of man and the happiness of every individual. [195] This Utilitarian view on the aim of government immediately brings forth restrictions on the actions of correct government which are also reminiscent of Jefferson's contemporary Bentham or of his predecessor Hume whose essays Jefferson had read. [196]

The aim of correct government results in restricting its legitimate powers to such acts only as are injurious to others. [197] Man must be restricted so far as to protect himself against the evil passions of his associates and consequently them against his. [198] At the same time government must act positively in the interests of the governed and has no right to do what is against the welfare of its subjects. [199]

The sum of good government is: "A wise and frugal government, which shall restrain men from injuring one another, which shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labor the bread it has earned." [200]

Under such a government, natural rights remain as in the natural state for the purposes of society do not

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194) Jefferson: "To F.A. van der Kemp, 22/3/1812." (K&P. P. 618.)
195) Jefferson: "To A. Coray, 31/10/1823." (K&P. P. 711.)
196) Jefferson: "To Thomas Mann Randolph, 30/5/1790." (K&P. P. 496.)
197) Jefferson: "Notes on Virginia, Query XVII." (K&P. P. 274)
198) Jefferson: "To d'Ivernois, 6/2/1795." (K&P. P. 531.)
199) Jefferson: "To President Washington, 9/9/1792." (K&P. P. 517.)
200) Jefferson: "1st Inaugural Address, 4/3/1801." (K&P. P. 323.)

require a surrender of rights to the civil government.[201] The rights remain because they are derived from the law of nature and are not the gift of government,[202] in the same way as the moral duties which exist between individuals in the state of nature remain and accompany them into the state of society.[203] If such rights are 'inherent and inalienable'[204] they must obviously remain in civil society.

Farthermore, Jefferson's view is that natural rights are made even more secure under government for it is to secure them that government is instituted among men.[205] The great stress placed by Jefferson on the need for a Bill of Rights incorporating such rights as freedom of speech and religion[206] is farther evidence of his belief that society should make natural rights more secure. His work in introducing religious freedom into Virginia[207] was a positive step in his philosophy to secure a natural right under a government. Even his justification of retaliation against British prisoners during the War of Independence for treatment meted out to Americans[208] reflects the view that the happiness of the individual should be secured by civil government. Unfortunately, however, under some forms of government the people are preyed upon like Sheep[209] Jefferson readily recognises that only certain forms "are better calculated than others to protect individuals in the free exercise of their

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201) Jefferson: "To Noah Webster, 4/12/1790." (Foner P. 598)
202) Jefferson: "Summary View, 1774." (K&P. P. 310.)
203) Jefferson: "On renunciation of French Treaties, 28/4/1793." (K&P. P. 317.)
204) Jefferson: "Declaration of Independence." (K&P. P. 23.)
205) Loc. Cit.
206) Jefferson: "To James Madison, 20/12/1787." (K&P. P. 437.)
207) Jefferson: "Bill for Religious Freedom, 1779." (K&P. P. 313.)
208) Jefferson: "Declaration on the British Treatment of Elban Allen, 2/1/1776." (Boyd I, P. 276.)
209) Jefferson: "To Edward Carrington, 16/1/1787." (K&P. P. 412.)

natural rights. [210]

d) The Revolutionary Right of a People.

At all times, from the nature of the institution of civil society, all societies must possess the sovereign powers of legislation. [211] The people delegate these powers to bodies which then alone may exercise them. [212] When, however, such bodies are dissolved, the power reverts to the people who may institute new governmental bodies in whatever way they think fit. [213] This is made quite clear.

"Necessities which dissolve a government, do not convey its authority to an oligarchy or a monarchy. They throw back, into the hands of the people, the powers they had delegated, and leave them as individuals to shift for themselves. A leader may offer, but may not impose himself, nor be imposed on them." [214]

Locke believed that the community perpetually retains the power to save itself from the designs of anybody, even of the legislators, if they are foolish enough to have designs on the liberty or property of the subject. [215] Normally this power is dormant and is only used when injustice and oppression have gone very far. [216]

Jefferson's view was substantially the same. When any form of government becomes destructive of the ends for which society has been formed, it is the right of the people to abolish or change it, and to set up a new government on a foundation of such principles as they consider

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210) Jefferson: "Bill for the more general diffusion of knowledge." (Boyd II, P. 526.)
211) Jefferson: "Summary View, 1774." (K&P. P. 307.)
212) Loc. Cit.
213) Loc. Cit.
214) Jefferson: "Notes on Virginia, Query XIII." (K&P. P. 245.)
215) Dunning, W.A.: "Luther to Montesquieu." P. 361.
216) Ibidem. P. 363.

most likely to bring about their safety and happiness.[217]

The belief that a people had a right to dismiss and punish their rulers was already firmly fixed in Jefferson's mind even at the time when he was yet in favour of conciliation with Great Britain. He approved of the execution of Charles I and the forced abdication of James II for he stated in regard to the House of Stuart that their treasonable crimes against their people had brought upon them 'the exertion of those sacred and sovereign rights of punishment' which are reserved to the people for cases of extreme necessity. [218]

The people's right to revolt is thus explicit. Jefferson farther followed Locke in that he believed the power to be normally dormant and only to be resorted to after a long train of abuses. "Prudence, indeed, will dictate that governments long established should not be changed for light or transient causes, and accordingly all experience hath shown that mankind are more disposed to suffer while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations..... evinces a design to reduce them under absolute despotism, it is their right, it is their duty to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies; and such is now the necessity which constrains them to expunge their former systems of government." [219]

Experience showed Jefferson that it is the case that revolutions only really occur after a people have been suppressed and abused by their governments. He pointed out

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217) Jefferson: "Declaration of Independence." (K&P. P. 22.)
218) Jefferson: "Summary View, 1774." (K&P. P. 295.)
219) Jefferson: "Declaration of Independence." (K&P. P. 22.)

that England was hardly free of insurrections every six years. [220] In France, where the government was still heavier and where there were about three hundred thousand men whose duty it was to crush insurrections, a revolt occurred practically every year. [221] In Turkey, where the government was most despotic, insurrections were the order of the day. [222] According to Jefferson, an insurrection is thus a sign that a government is despotic or has been guilty of despotic acts.

Though they are not always successful, even small insurrections are of great importance. Fear of them is really "the only restraining motive which may hold the hand of a tyrant." [223] He hoped that America should never be twenty years without a small rebellion for to remain quiet under abuses is a lethargy which is the forerunner of death to public liberty. [224] Rulers must be warned that the people possess the right of resistance. [225]

"What signify a few lives lost in a century or two? The tree of liberty must be refreshed from time to time, with the blood of patriots and tyrants. It is its natural manure." [226]

Jefferson liked the idea of a little rebellion now and then for it is like a storm that clears the atmosphere. [227] If the happiness of the people can be secured at the cost of a little tempest or even of a little blood, it will be a satisfactory price to pay. [228] Thus his attitude to the French Revolution was that the French people had every right, after the monstrous abuse

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220) Jefferson: "To James Madison, 20/12/1787." (K&P. P. 440)
221) Loc. Cit.
222) Loc. Cit.
223) Jefferson: "Summary View, 1774." (K&P. P. 300.)
224) Jefferson: "To Colonel Smith, 13/11/1787." (K&P. P. 436.)
225) Loc. Cit.
226) Loc. Cit.
227) Jefferson: "To Abigail Adams, 22/2/1787." (Boyd XI, P. 174.)
228) Jefferson: "To Ezra Stiles, 24/12/1786." (Boyd X, P. 629.)

of power to which they had been subject, to 'dismount their rough-shod riders.' [229]

His whole philosophy in regard to rebellion is summarised in his proposals for a motto both for the Coat of Arms for Virginia [230] and for the Seal of the United States [231] where he suggested "Rebellion to Tyrants is Obedience to God." Thus it seems that one writer on the American Revolution at least is incorrect in stating that it is impossible to discover an important American who wrote in defence of the right of revolution or acclaimed resistance as anything but a necessary and unpleasant evil. [232]

e) Governments of Force.

In a letter to James Madison, Jefferson distinguished three types of societies. [233] The first is the society without government; the second is the type of society with government where the will of each individual has a just influence; and the third is the society with a government of force, a government of 'wolves over sheep' as is found in many republics and most monarchies. [234]

The existence of governments of force at first seems illogical in view of Jefferson's opinion that civil government must be conducted by common consent. [235] Plato stressed that the perfect state was subject to progressive degeneration to tyranny, [236] and Jefferson

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229) Jefferson: "Autobiography." (K&P. P. 88.)
230) Jefferson: "Design for Coat of Arms for Virginia, 1776." (Boyd I, P. 511.)
231) Jefferson: "Report on Seal for the United States, 1776." (Boyd I, P. 497.)
232) Rossiter, C.: Op. Cit. P. 392.
233) Jefferson: "To James Madison, 30/1/1787." (Boyd XII, P. 92.)
234) Loc. Cit.
235) Jefferson: "Notes on Virginia, Query VIII." (K&P. P. 217.)
236) Dunning, W.A.: "Ancient and Mediaeval." P. 33.

also accepts the theory of the degeneration of the state. Degeneration is caused by various factors.

In a statement on the new constitution for the United States in 1788, Jefferson criticised the re-eligibility of the president because he believed "The natural progress of things is for liberty to yield, and government to gain control."[237] This apparently arises through too much trust in one man and Jefferson expressed dismay at what might happen after Washington was succeeded by one of less upright character.[238] He later expressed the belief that this was what had happened in France where the confidence of the people in Napoleon had "enabled him to kick down their constitution and..... leave them dependent on his will."[239]

Another danger is the frailty of man. Though believing that the greater proportion of men are honest, he had found that the rogues always attempt to settle themselves into places of profit and power.[240] Such 'wicked and dissolute men' infringe the rights of others.[241] Thus the public councils become controlled by factions, are corrupted by bribery and are led astray from the general interests of the people by their own personal interests.[242]

Allowing a government to depart from its principles in even the slightest way also contributes to degeneration. A departure in one instance becomes a precedent for a second, a third and so on till eventually the bulk of the

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237) Jefferson: "To Edward Carrington, 27/5/1788." (Boyd XIII, P. 208.)
238) Loc. Cit.
239) Jefferson: "To Dr. William Bache, 2/2/1800." (K&P. P. 556.)
240) Jefferson: "To Mann Page, 30/8/1795." (K&P. P. 534.)
241) Jefferson: "Bill for Proportioning Crimes and Punishments, 1779." (Foner, P. 29.)
242) Jefferson: "To James Madison, 6/9/1789." (K&P. P. 491.)

society is reduced to "mere automatons of misery." [243] A departure from the decisions of the majority leads to force, "the vital principle and immediate parent of despotism. [244] This he regarded as the course the French Revolution had taken with the rise of Napoleon. [245] George III too had so used force to erect himself as a power superior to the people who had created him. [246]

Even under those forms of governments which are best organised to protect individuals and their natural rights, those who are entrusted with any power can by slow operations pervert the government into tyranny even though they seem to be guarded against degeneracy. [247]

The best ways to prevent such degeneration are public education which will qualify the people to judge the actions and designs of men, and universal franchise which allows all to be part of the ultimate authority. [248] If these two factors are present, government will be safe because to corrupt the majority of the people will exceed any private resources of wealth. [249]

A government of force, or a despotic government, in Jefferson's view, is the concentration into the same hands of the legislative, executive and judicial powers of government. [250] His reply to those who believe that man cannot be trusted with his own government is that then he cannot be trusted to govern others. [251] Angels do not

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243) Jefferson: "To Samuel Kercheval, 12/7/1816." (K&P. P. 674.)
244) Jefferson: "1st Inaugural Address, 4/3/1801." (K&P. P. 324.)
245) Jefferson: "To Baron von Humboldt, 13/6/1817." (K&P. P. 681.)
246) Jefferson: "Summary Views, 1774." (K&P. P. 310.)
247) Jefferson: "Bill for the more general diffusion of knowledge." (Boyd II, P. 526.)
248) Jefferson: "Notes on Virginia, Query XIV." (K&P. P. 265)
249) Loc. Cit.
250) Jefferson: "Notes on Virginia, Query XIII." (K&P. P. 237.)
251) Jefferson: "1st Inaugural Address, 4/3/1801." (K&P. P. 323.)

exist in the form of kings to govern. [252] Hendrik regards even Jefferson's directions for his tombstone as an expression of his hostility towards centralised power.[253] On it he did not wish it to be remembered that he had been governor of Virginia, Ambassador to France, or President of the United States but the Declaration of Independence, his work for religious freedom and his work in founding the University of Virginia were to be mentioned. [254]

Such governments are too energetic and their peoples have no freedom owing to "the bayonet constantly held at the breast of every citizen." [255] Under them the people are divided into two classes, one of which preys on the other as wolves do on sheep. [256] This is especially true of monarchical government for his observations in Europe brought Jefferson to the belief that all the evils existing in Europe could be traced to one or other king.[257] He continually sneered at kingly governments which were willing to sacrifice their subjects for their own pride.[258] Through pampering and in-breeding for generations the kings of Europe had become a race of fools, mere animals without minds; and this would be the fate of any hereditary government after a few generations. [259] The whole key to kingly government is the "spirit of rapine and hostility of princes towards their subjects." [260]

Writing from Paris in 1786 Jefferson fully stated his opinion on aristocratic and monarchical governments. "If

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252) Loc. Cit.
253) Hendrik, B.: Op. Cit. P. 114.
254) Jefferson: "Directions for Tombstone." (K&P. Frontispiece.)
255) Jefferson: "Answer to 1st Queries, 24/1/1786." (Boyd X, P. 20.)
256) Jefferson: "To Edward Carrington, 16/1/1787." (K&P. P. 412.)
257) Jefferson: "To George Washington, 2/5/1788." (Boyd XIII, P. 128.)
258) Jefferson: "To John Rutledge, 6/8/1787." (Boyd XI, P.701)
259) Jefferson: "To Governor Langdon, 5/3/1810." (K&P. P. 603)
260) Jefferson: "Petition of Mace Freeland, 1782." (Boyd VI, P. 155.)

any-body thinks that kings, nobles, or priests are good conservators of the public happiness, send him here. It is the best school in the universe to cure him of that folly. He will see here, with his own eyes, that these descriptions of men are an abandoned confederacy against the happiness of the mass of the people. The omnipotence of their effect cannot be better proved, than in this country particularly, where, notwithstanding the finest soil upon earth, the finest climate under heaven, and a people of the most benevolent, the most gay and amiable character of which the human form is susceptible; where such a people, I say, surrounded by so many blessings from nature, are loaded with misery, by kings, nobles, and priests, and by them alone." 261)

The crimes of George III such as taxing the colonists without their consent, inciting the Indians against the Whites, bringing slaves into America, depriving the Colonists of trial by jury in certain instances and the keeping of standing armies are all evidence of the danger of strong government. 262)

Not only his words, but his actions also show Jefferson's hate of energetic or kingly governments. The liking of John Adams for titles and Washington's royal-like speeches to Congress had led him to be suspicious of the Federalist leaders as monarchists at heart. 263) The open break came with Hamilton's bill for a national bank which Jefferson regarded as too great a concentration of power. 264) From this point on he set about organising the opposition of the Anti-Federalists. 265)

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261) Jefferson: "To Mr Wythe, 13/8/1786." (K&P. P. 394.)
262) Jefferson: "Declaration of Independence." (K&P. P. 23.)
263) Hendrick, B.: Op. Cit. P. 118.
264) Rae, J.B. & Mahoney, T.A.: P. 131.
265) Ibidem. P. 132.

The hate is also reflected in his attitude to protocol which he looked on as "so much monarchial falderal, ill befitting the chief magistrate of a real republic." 266) The view has even been expressed that his desire for an agricultural population and opposition to a mercantile class arose through a belief that the concentration of wealth threatened the democratic idea as wealth and government could become interchangeable terms. 267)

It is quite clear that Jefferson's view of monarchical and aristocratic government was that they tended to be too energetic. He was not against them as such, for at one time he even expressed great approval of the character and habits of the French king. 268) His complaint against them was obviously that the happiness of the great mass of people was ignored. This he did not want to see in his America.

f) General Principles of the Ideal Political Society.

As has already been noted, Jefferson believed that the only orthodox object for the institution of government is to secure the greatest happiness possible for the mass of the people associated under it. 269) Government is instituted to secure the natural rights of man. 270) Because of these aims of government, Jefferson stated certain general principles upon which government had to be based, if it was not to be one of force which is a mere degeneration from the ideal political society.

It has been seen that Jefferson was against any government of force for he refused to believe that man is

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266) Bemis, S.: Op. Cit. P. 273.
267) Laski, H.: Op. Cit. P. 744.
268) Baldwin, L.: Op. Cit. P. 318.
269) Jefferson: "To F.A. van der Kemp, 22/3/1812." (K&P. P. 618.)
270) Jefferson: "Declaration of Independence." (K&P. P. 22.)

to be governed by a rod. [271] Government should leave men free to carry out their own pursuits but should prevent them from injuring each other. [272] He expressed the wish that America should never have an energetic government which the people could feel. [273] It is thus most essential that government should be governed chiefly by principles of moderation and justice which will endear it to its citizens. [274]

The type of state under which the mass of mankind enjoys a precious degree of liberty and happiness is one where the will of every-one has a just influence. [275] As an individual man exercises his right of self-government but in a society the law of the majority is the natural law. [276] As the individuals in society must harmonise as much as possible in common matters, the administration of that society must be conducted by common consent. [277] Absolute acquiescence in the decisions of the majority is thus the vital principle of a free government. [278] The 'Lex majoris partis' is founded in common right, [279] and "is the fundamental law of every society of individuals of equal rights; to consider the will of the society announced by a majority of a single vote, as sacred as if unanimous, is the first of all lessons in importance." [280] For this reason Jefferson applauded the calling of the States-

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271) Jefferson: "To John Dickinson, 6/3/1801." (K&P. P. 561.)
272) Jefferson: "First Inaugural Address, 4/3/1801." (K&P. P. 323.)
273) Jefferson: "To Francis Hopkinson, 8/5/1788." (Boyd XIII, P. 145.)
274) Jefferson: "Petition of Mace Freeland, 1782." (Boyd VI, P. 115.)
275) Jefferson: "To James Madison, 30/1/1787." (K&P. P. 413.)
276) Jefferson: "Opinion on transference of seat of Government, 15/7/1790." (K&P. P. 316.)
277) Jefferson: "Notes on Virginia, Query VIII." (K&P. P. 217.)
278) Jefferson: "1st Inaugural Address, 4/3/1801." (K&P. P. 324.)
279) Jefferson: "Notes on Virginia, Query XIII." (K&P. P. 243.)
280) Jefferson: "To Baron Alexander von Humboldt, 13/6/1817." (K&P. P. 681.)

General in France as it would ripen the public mind to the necessity of substituting the collected wisdom of the whole nation in the place of a single will. 281)

The individual must not trample on laws made by common consent and must make his due contribution to carrying out the will of the majority. 282) The interests of individuals must give way to the general good. 283) Jefferson in this case was willing to practise what he preached and, though against the re-eligibility of the president, admitted himself wrong because he was opposed by the majority. 284)

However, the individuals who are in the minority possess their equal rights which must be respected by the majority. 285) "Though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable; ..... the minority possess their equal rights, which equal laws must protect, and to violate which would be oppression." 286) Jefferson's efforts to promote religious freedom was a conscious attempt to implement his theories on the rights of the minority. In their broader aspects these theories seem similar to those later accepted by John Stuart Mill who perceived the danger of the minority's being exposed to the unjust domination of the numerical majority. 287) Jefferson's solution to the rights' of the minority being infringed was possibly his insistence in his philosophy of a Bill of Rights. 288)

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281) Jefferson: "To John Jay, 20/8/1788." (Boyd XIII, P. 530.)
282) Jefferson: "To Garret van Meter, 24/4/1781." (Boyd V, P. 556.)
283) Jefferson: "To Benjamin Harrison, 30/10/1779." (Boyd III, P. 129.)
284) Jefferson: "To James Madison, 31/7/1788." (Boyd XIII, P. 442.)
285) Jefferson: "To Dr. William Bache, 2/2/1800." (K&P. P. 556.)
286) Jefferson: "1st Inaugural Address, 4/3/1801." (K&P. P. 322.)
287) Dunning, W.A.:"Rousseau to Spencer." (P. 241.)
288) Jefferson: "To Edward Carrington, 27/5/1788." (Boyd XIII, P. 208.)

Jefferson's belief in the law of the majority was inevitable in view of his other belief that man can be trusted with the government of himself.[289] The people are the only safe and honest depositories of public rights.[290] He expressed great confidence in the good sense [291] and "in the natural integrity and discretion of the people, and in the safety and extent to which they might trust themselves with a control over their government." [292] The people of any country are the only safe guardians of their own rights, [293] and unless they retain control these rights will be perverted to their own oppression. [294]

Though the people of the political society are thus sovereign, the question arises how their will is to be carried out. Jefferson's solution was representative government.

"The whole body of the nation is the sovereign legislative judiciary and executive power for itself. The inconvenience of meeting to exercise these powers in person, and their inaptitude to exercise them, induce them to appoint special organs to declare their legislative will, to judge and to execute it." [295]

Jefferson believed that the only device by which the equal rights of every individual could be secured was for every man of ripe years and sane mind who contributed in any way to the support of his country to help choose representatives to govern. [296] The people retain the

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289) Jefferson: "1st Inaugural Address, 4/3/1801." (K&P. P. 323.)
290) Jefferson: "To A. Coray, 31/10/1823." (K&P. P. 711.)
291) Jefferson: "To Edward Carrington, 16/1/1787." (Boyd XI, P. 49.)
292) Jefferson: "To John Mellish, 13/1/1813." (K&P. P. 620.)
293) Jefferson: "To John Wyche, 19/5/1809." (K&P. P. 597.)
294) Jefferson: "To F.A. van der Kemp, 22/3/1812." (K&P. P. 618.)
295) Jefferson: "To Edmund Randolph, 18/8/1799." (K&P. P. 550.)
296) Jefferson: "To A. Coray, 31/10/1823." (K&P. P. 711.)

right to change these agents or representatives individually or even the organisation of them in form or function whenever they wish. [297] While the bodies of agents chosen by the people exist, they alone may exercise the powers of the society which have been delegated to them.[298] All acts done by the agents under the authority of the people must be considered as the acts of the people and are obligatory to the people. [299] If the representative bodies are dissolved through any cause, the sovereign power immediately reverts to the people who can exercise it in any way they think proper. [300] Such a system of representative government, responsible at short periods of election, is in Jefferson's view that which produces the greatest sum of happiness for the people. [301]

Behind the representative body, however, stands the people as the final embodiment of power. When the agents have lost the confidence of their constituents, have bartered away their rights, or have assumed for themselves powers which the people never put into their hands, it is dangerous for them to continue in office and they can consequently be dissolved. [302] Dishonest agents must be removed from any office they hold. [303]

The franchise for the election of representatives should be very wide. Jefferson believed that the government of Great Britain was corrupt merely because but one man in ten had the right to vote for members of parliament. [304] Corruption would have been prevented by

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297) Jefferson: "Opinion on Renunciation of French Treaties, 28/4/1793." (K&P. P. 317.)
298) Jefferson: "Summary View, 1774." (K&P. P. 307.)
299) Jefferson: "Opinion on French Treaties, 28/4/1793." (K&P. P. 317.)
300) Jefferson: "Summary View, 1774." (K&P. P. 307.)
301) Jefferson: "To North Carolina General Assembly, 10/1/1808." (K&P. P. 346.)
302) Jefferson: "Summary View, 1774." (K&P. P. 306.)
303) Jefferson: "To Samuel Adams, 29/3/1801." (K&P. P. 564.)
304) Jefferson: "Notes on Virginia, Query XIV." (K&P.P266.)

an extension of the franchise.[305] The Colonists too would have been reduced to slavery if they had admitted the right of a mere 160,000 English electors to give law to the four millions of Americans.[306] Thus Jefferson also opposed the British wish that future Virginian counties should agree to receive no representation because representatives must be chosen as widely as possible.[307]

Jefferson did not enter into any wide discussion on the classification of states as did other philosophers like Aristotle. His main division seemed to be into governments of force and republics. The latter was to him the ideal political society and he defined it as follows: "Were I to assign to this term a precise and definite idea, I would say, purely and simply, it means a government by its citizens in mass, acting directly and personally, according to rules established by the majority; and that every other government is more or less republican, in proportion as it has in its composition more or less of this ingredient of the direct actions of the citizens... .....The first shade from this pure element, which, like that of pure vital air, cannot sustain life of itself, would be where the powers of the government, being divided, should be exercised each by representatives chosen either pro hac vice, or for such short terms as should render secure the duty of expressing the will of their constituents. This I consider as the nearest approach to a pure republic, which is practicable on a large scale of country or population.. ..... The farther the departure from direct and constant control by

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305) Loc. Cit.
306) Jefferson: "Summary View, 1774." (K&P. P. 300.)
307) Loc. Cit. (K&P. P. 305.)

the citizens, the less has the government of the ingredient of republicanism." 308)

The Republican form of government is the best for it is the only form that is not constantly at open or secret war with the rights of mankind. 309) Jefferson refutes the 'brilliant fallacies' of Montesquieu and other political writers that small states alone are fitted to be republics for the smaller the societies, the more violent and convulsive will be their schisms. 310) Farthermore, if a country is large, it has larger resources of life which will make its republican structure even more secure. 311) Thus he hailed the acquisition of Louisiana, for a federal republic cannot be limited. 312)

Not only is the ideal state a republic but it is also built on the federative principle. "The way to have good and safe government, is not to trust it all to one, but to divide it among the many, distributing to every-one exactly the functions he is competent to. Let the National Government be entrusted with the defence of the nation, and its foreign and federal relations; the State Governments with the civil rights, laws, police, and administration of what concerns the state generally; the counties with the local concerns of the counties; and each ward direct with the interests within itself. It is by dividing and subdividing these republics from the great national one down through all its subordinations, until it ends in the administration of every man's farm by himself; by placing under every one what his own eye may superintend, that all will be done for the best. What has destroyed

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308) Jefferson: "To John Taylor, 28/5/1816." (K&P. P. 670)
309) Jefferson: "To W. Hunter, 11/3/1790." (K&P. P. 493.)
310) Jefferson: "To d'Ivernois, 6/2/1795." (K&P. P. 531.)
311) Jefferson: "To Barbe de Marbois, 14/6/1817." (K&P. P. 682.)
312) Jefferson: "2nd Inaugural Address, 4/3/1805." (K&P. P. 341.)

liberty and the rights of man in every government which has ever existed under the sun? The generalizing and concentrating all cares and powers into one body..... I do believe that if the Almighty has not decreed that man shall never be free, (and it is blasphemy to believe it,) that the secret will be found to be in the making himself the depository of the powers respecting himself, so far as he is competent to them, and delegating only what is beyond his competence by a synthetical process, to higher and higher orders of functionaries, so as to trust fewer and fewer powers in proportion as the trustees become more and more oligarchical." 313)

Representatives are chosen to declare the legislative will of the people and it is the will of the nation that makes law obligatory. 314) Laws are thus an expression of the will of the people, but to be just must give a reciprocation of right or else they become mere arbitrary rules of conduct founded in force. 315) Consequently the dissolution of the legislative body has no effect on the laws: they remain in force till the nation should by its new organs declare its will changed. 316) In this view on the nature of law, Jefferson is very close to Rousseau and others who believed that law is an expression of the general will of the people. 317)

To promote the public welfare, good government must be based on certain principles, the first of which, as has been seen, is that of non-interference with private individuals unless their acts are injurious to others. 318)

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313) Jefferson: "To Joseph Cabell, 3/3/1816." (K&P. P. 660.)
314) Jefferson: "To Edmund Randolph, 18/8/1799." (K&P. P. 550.)
315) Jefferson: "Notes on Virginia, Query XIV." (K&P. P. 261.)
316) Jefferson: "To Edmund Randolph, 18/8/1799." (K&P. P. 550.)
317) Dunning, W.A.: "Rousseau to Spencer." P. 28.
318) Jefferson: "Notes on Virginia, Query XVII." (K&P. P. 274.)

The list of the so-called crimes of George III provides negative evidence on Jefferson's principles of good government. [319] Positive evidence is found in Jefferson's prayer that God should support the United States in the enjoyment of peace, liberty and safety. [320] The only principles which lead to peace, liberty, and safety are exact and equal justice to all, strict acquiescence in the decisions of the majority, a well-disciplined militia strictly controlled by the civil authorities, economy in public expenses, the encouragement of agriculture, the diffusion of information, freedom of religion and speech, Habeas Corpus, trial by jury, and friendship with all other nations but entangling alliances with none. [321] The following of these principles is the basis of good government.

g) The Main Constitutional Principles of the Ideal State.

In many respects, Jefferson's constitutional views are similar to those given practical application in the Constitution of the United States. This is no doubt due to the fact that he shared many ideas with other leading Americans such as George Washington, John and Samuel Adams, John Jay and James Madison. His admiration for "The Federalist" of Madison, Hamilton and Jay, as being the best book on practical government [322] was inevitable in view of these mutual ideas. Thus in essence his constitutional ideas are the same as those expressed in the American Constitution and "The Federalist" even though details may differ.

i) A Bill of Rights and a Written Constitution.

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319) Jefferson: "Declaration of Independence." (K&P. P. 23.)
320) Jefferson: "Proclamation appointing a day of thanksgiving and prayer. 20/11/1779." (Boyd III, P. 178.)
321) Jefferson: "1st Inaugural Address, 4/3/1801." (K&P. P. 321.)
322) Jefferson: "To Thomas Mann Randolph, 30/5/1790." (K&P. P. 497.)

Government was instituted to secure the natural rights of man. [323] Some means must thus be devised to secure these rights and others which are essential in Jefferson's mind in the ideal political society. A Bill of Rights is most important and should be incorporated into a constitution. [324] Jefferson was absent from America as Representative to France when the American Constitution was drawn up, and so he was unable to take part in the Constitutional Congress. [325] However, in many of his letters of the time he criticised the proposed new constitution on the grounds that there was no provision for a Bill of Rights. [326]

Jefferson believed that a Bill of Rights is what the people are entitled to against every government on earth, that no just government should refuse it nor should a people infer its existence. [327] Farthermore, a Bill of Rights puts a great legal check on the government into the hands of the judiciary which can thus protect the rights of the people. [328] His view is though experience proves the inefficacy of a Declaration of Rights, "It is of great potency always, and rarely inefficacious. A brace the more will often keep up the building which would have fallen, with that brace the less." [329]

The Rights to be incorporated under the Bill are many and are not confined to those which Jefferson regarded as arising from the Law of Nature. In his drafts of constitutions for Virginia and in his private letters he mentions

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323) Jefferson: "Declaration of Independence." (K&P. P. 23.)
324) Jefferson: "3rd Draft of Constitution for Virginia, 1776." (Boyd I, P. 356.) Hereinafter referred to as "3rd Draft."
325) Adams, J.T.: Op. Cit. P. 202.
326) Jefferson: "To Uriah Forest, 31/12/1787." (Boyd XII, P.476
"To A. Donald, 7/2/1788." (K&P. P. 442.)
"To Edward Rutledge, 18/7/1788." (Boyd XIII, P. 378.)
"To William Carmichael, 12/8/1788." (Boyd XIII, P. 502.)
"To Francis Hopkinson, 13/3/1789." (K&P. P. 459.)

various rights. He stated that he wanted a "Bill of Rights, providing clearly.....for freedom of religion, freedom of the press, protection against standing armies, restriction of monopolies, the eternal and unremitting force of the habeas corpus laws, and trial by jury in all matters of fact triable by the laws of the land." 330) These rights must never be surrendered to a government for it is not required to surrender them for the purposes of society. 331)

It is clear that Jefferson did not identify these with the Natural Rights of Life, Liberty, and the Pursuit of Happiness. However, it can be reasoned that they are riders to the natural rights. Habeas Corpus Laws, trial by jury, and protection against standing armies for instance help to safe-guard the natural right of Liberty. Similarly freedom of religion can be regarded as promotive of man's right to pursue his own happiness.

It has been seen that Jefferson regarded the right to property as a civil right because civil law is essential to uphold property. 332) By the same reasoning, the rights he wanted entrenched in a Bill of Rights can be regarded as more in the nature of civil rights than natural rights.

That they are civil rights is borne out by the construction of the Declaration of Independence. Jefferson here spoke of the necessity of expunging the former

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327) Jefferson: "To James Madison, 20/12/1787." (K&P. P. 437.)
328) Jefferson: "To James Madison, 15/3/1789." (K&P. P. 462.)
329) Loc. Cit.
330) Jefferson: "To James Madison, 20/12/1787." (K&P. P. 437.)
331) Jefferson: "To Noah Webster, 4/12/1790." (Foner, P. 598.)
332) Jefferson: "To Isaac Mc Pherson, 13/8/1813." (K&P. P. 629.)

systems of government which had brought many injuries to the Colonies.[333] Among these injuries are the abolition of trial by jury in many cases, standing armies and the dependency of the judges upon the royal will.[334] These usurpations of the king against the Colonists are, however, contained in the body of the Declaration among those like refusing assent to laws and dissolving representative houses which cannot be regarded as natural rights. They are not found in the preamble which states natural rights to be Life, Liberty and Pursuit of Happiness.

Whatever the nature of these rights may be, Natural or Civil, it is interesting to note that they are included in the list of grievances in both the Declaration of Independence and the Summary View of the Rights of British America. Jefferson was most consistent in this matter for in 1774 he decried the actions of George III and his Parliament[335] in regard to these rights, while in 1787 he insisted on their being incorporated in a Bill of Rights.[336] It thus seems that it was experience of royal usurpations that was behind his insistence on a Bill.

Farthermore, the term, Bill of Rights, seems to imply a written Declaration more than the vague term "natural rights" does. That Jefferson regarded a Bill of Rights as being part of a written constitution is borne out by his including certain rights of citizens in his proposed constitution for Virginia.[337] The Constitution

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333) Jefferson: "Declaration of Independence." (K&P. P. 22.)
334) Loc. Cit.
335) Jefferson: "Summary View, 1774." (K&P. P.300.)
336) Jefferson: "To James Madison, 20/12/1787." (Boyd XII, P. 439.)
337) Jefferson: "Draft of a Constitution for Virginia, 1783." (Foner, P. 182.) Hereinafter referred to as "Draft."

must also be in a written form, and must be narrow in meaning for he believed that "When an instrument admits two constructions, the one safe, the other dangerous, the one precise, the other indefinite, I prefer that which is safe and precise. I had rather ask an enlargement of power from the nation, where it is found necessary, than to assume it by a construction which would make our powers boundless. Our peculiar security is in the possession of a written constitution. Let us not make it a blank paper by construction. 338)

ii) Amendment of the Constitution.

Jefferson believed that no assembly elected for the ordinary purposes of legislation, can restrain the acts of succeeding assemblies even in regard to natural rights. 339) One legislature cannot bind its successors. 340)

His view in regard to a constitution was almost the same. No society can make a perpetual constitution for it is the right of the living generation to manage the earth and its proceeds as they please while they live. 341) Because the members of the living generation are their own masters they may govern their own persons as they see fit, and so old constitutions are extinguished. 342) A generation may bind itself for as long as its majority lives but after that another majority will take its place to hold all the rights and powers of its predecessors. 343) This was Jefferson's view even of the American Constitution,

"Some men look at constitutions with sanctimonious

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338) Jefferson: "To Wilson Nicholas, 7/9/1803." (K&P. P. 573.)
339) Jefferson: "Bill for Religious Freedom." (K&P. P. 313.)
340) Jefferson: "Notes on Virginia, Query XIII." (K&P. P. 240.)
341) Jefferson: "To James Madison, 6/9/1789." (K&P. P. 491.)
342) Loc. Cit.
343) Jefferson: "To John Cartwright, 5/6/1824." (K&P. P. 714.)

reverence, and deem them like the ark of the convenant, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment.....
.....I know also, that laws and institutions must go hand in hand with the progress of the human mind. As that becomes more developed, more enlightened, as new discoveries are made, new truths disclosed, and manners and opinions change with the change of circumstances, institutions must advance also, and keep pace with the times.....
..... Let us provide in our Constitution for its revision at stated periods. What these periods should be, nature herself indicates. By the European tables of mortality, of the adults living at any one moment of time, a majority will be dead in about nineteen years. At the end of that period then, a new majority is come into place; or, in other words, a new generation. Each generation is as independent of the one preceding, as that was of all which had gone before. It has then, like them, a right to choose for itself the form of government it believes most promotive of its own happiness; consequently, to accomodate to the circumstances in which it finds itself, that received from its predecessors; and it is for the peace and good of mankind, that a solemn opportunity of doing this every nineteen or twenty years, should be provided by the Constitution; so that it may be handed on, with periodical repairs, from generation to generation. [344]

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344) Jefferson: "To Samuel Kercheval, 12/7/1816." (K&P. P. 674.)

(Though his argument remained the same, it must be noted that Jefferson in other places stated the Constitution to expire not at twenty years but at thirty-four.[345]) He is also inconsistent for the Constitution does not really expire but merely continues with necessary amendments. Farthermore, he himself stated that prudence dictates that governments long established should not be changed for light or transient reasons.[346])

The main point of his argument, however, seems to be that a Constitution must contain provisions for amendment. He suggests different ways in which the amendment is to take place, but in essentials the final step in each case must be taken by the people. In his view of the federal nature of government he regarded the county as a local unit of government. He once held the view that the central legislature should fix a day for voting on a proposed amendment which should be considered as carried if the majorities of two thirds of the counties should accept it.[347])

He later accepted that amendment should be more indirect. If two thirds of each part of the legislature should concur, each county should then elect as many members as it had in the legislative houses whose task should then be to accept or reject any proposed amendment.[348])

In view of his insistence upon majority rule,[349]) the practical granting of a veto to a third seems inconsistent. However, it seems to be linked with the desire

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345) Jefferson: "To James Madison, 6/9/1789." (K&P. P. 491.)
346) Jefferson: "Declaration of Independence." (K&P. P. 22.)
347) "3rd Draft."
348) "Draft."
349) Jefferson: "1st Inaugural Address, 4/3/1801." (K&P. P. 323.)

for a respect for the equal rights of the minority, [350] and with the belief that government should not be changed for light or transient reasons. [351] Though the constitution must have provision for amendment, there must also be stability.

iii) The Legislature.

Jefferson believed that "The first principle of a good government is certainly a distribution of its powers into executive, judiciary and legislative, and a subdivision of the latter into two or three branches." [352] A concentration of these three powers of government into the same hands is the essence of despotic government. [353] In a number of letters he continuously stressed the need for a separation of powers in government, [354] and he farther followed Montesquieu in criticising the constitution which was adopted for Virginia on the grounds that all three powers of government fell to the legislative body. [355]

From the above, it is quite clear that Jefferson accepted the bi-cameral principle in legislation. Though he was consistent in naming one house the Senate, at different times he called the other either the 'House of Delegates' [356] or the "House of Representatives". [357] Together the two houses form the General Assembly. [358]

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350) Loc. Cit.
351) Jefferson: "Declaration of Independence." (K&P. P. 22.)
352) Jefferson: "To John Adams, 28/9/1787." (Boyd XII, P. 189.)
353) Jefferson: "Notes on Virginia, Query XIII." (K&P. P. 237.)
354) Jefferson: "To John Blair, 13/10/1787." (Boyd XII, P. 27.)
"To Edward Carrington, 4/8/1787." (Boyd XI, P. 679.)
"To James Madison, 16/12/1786." (Boyd X, P. 603.)
355) Jefferson: "Notes on Virginia, Query XIII." (K&P. P. 237.)
356) Jefferson: "Draft."
357) Jefferson: "3rd Draft."
358) Jefferson: "Draft."

The Members of the Lower House are to be elected annually on a day fixed in the Constitution. [359] In one place the last Monday of November is mentioned, [360] and in another the 1st October. [361] These members must be elected directly by the voters, [362] who are males over twenty-one years of age. [363] Though in a bill drawn up by Jefferson a property qualification for the franchise is given, [364] his own personal view was that the vote should be given to all who should immigrate with intention to reside [365] and that property should not count for suffrage. [366]

The country should be divided into counties or boroughs and the number of representatives of each county in the lower house should be proportional to the number of its qualified electors. [367] During each term the number of representatives should be adjusted if necessary [368] but the total number should remain between 124 and 300. [369] The qualification of a representative should be the holding of the franchise. [370]

In contrast to the Lower House, the Senate should be elected indirectly with the aim of having wise and independent men. [371] Jefferson's early view was that the Senate should consist of between 15 and 50 men over the age of thirty-one who should be appointed by the Lower House, a third retiring every three years. [372] His later view was

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359) Loc. Cit.
360) Loc. Cit.
361) Jefferson: "3rd Draft."
362) Jefferson: "To James Madison, 20/12/1787." (K&P. P. 437.)
363) Jefferson: "Bill Concerning Election of Members of General Assembly." (Boyd II, P. 337.)
364) Loc. Cit.
365) Jefferson: "Bill on Citizenship." (Boyd II, P. 476.)
366) Jefferson: "To Edmund Pendleton, 26/8/1776." (Boyd I, P. 503.)
367) Jefferson: "3rd Draft."
368) Jefferson: "Draft."
369) Jefferson: "3rd Draft."
370) Loc. Cit.
371) Jefferson: "To Edmund Pendleton, 26/8/1776." (Boyd I, P. 503.)
372) Jefferson: "3rd Draft."

that the voters should elect special electors who should choose the Senators. [373] To do this, each county should elect four electors for each member of the Lower House representing that county, and every six electors should then choose one Senator. [374] A criticism of any constitution can be made where the Senate and Lower House are too homogeneous, [375] and there must be a system of rotation in the Senate. [376] It is also clear that Jefferson believed that the Upper House should be more compact than the Lower.

A majority of members is necessary for a quorum for either House to transact its business. [377] While on business of his House, a member should be free of all personal restraint. [378] Bills can originate in either House but financial bills must come from the Lower, and both Houses must assent to all laws. [379] In criticising the Constitution of Virginia Jefferson mentioned that the legislature determined its own quorum and that it could of itself alter the Constitution. [380] His view was that the General Assembly should have no right to infringe the Constitution, to abridge rights, to ordain torture, nor to ordain the death penalty for any offence but treason and murder. [381]

Besides its ordinary legislative business, the General Assembly should appoint a number of state officials such as its Speakers, its own clerks, The Auditor-General, the Attorney-General, and all General Officers of the Military. [382] The Executive should also be appointed by the Assembly. [383]

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373) Jefferson: "To Edmund Pendleton, 26/8/1776."(Boyd I, P.503)
374) Jefferson: "Draft." P. 503.)
375) Jefferson: "Notes on Virginia, Query XIII." (K&P. P. 236)
376) Jefferson: "To Edward Rutledge, 18/7/1788." (Boyd XIII,
377) Jefferson: "Draft." P. 378.)
378) Loc. Cit.
379) Jefferson: "3rd Draft."
380) Jefferson: "Notes on Virginia, Query XIII." (K&P. P. 236.)
381) Jefferson: "Draft."
382) Loc. Cit.
383) Loc. Cit.

iv) The Executive.

Though calling the Executive Officer of the Government by different names, (governor, [384]) Administrator, [385]) President, [386])) Jefferson insisted that the Executive be singular and not plural because of the anarchy liable to arise out of schisms in a plural executive. [387]) A deputy should, however, be appointed to assist and succeed the Executive Officer, [388]) and also a Council of State of eight members to advise him. [389])

Jefferson's early view was that the Administrator should be appointed annually by the Lower House, [390]) but later he believed that he should be chosen every five years by a joint ballot of both Houses and should be ineligible for farther election. [391]) One of his continual criticisms of the Constitution of the United States was the re-eligibility of the President. [392]) He believed that if the term was not fixed the tenure could be for life and the office would ultimately become an inherited one. [393]) Once in office, and possessing the military force of the state, a President could easily entrench himself. [394]) Farthermore, foreign states would be most interested in having a friend as President for life and so would interfere with money and arms to support him while no foreign power would waste its blood and money to elect a person who must go out at the end of a short period. [395])

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384) Loc. Cit.
385) Jefferson: "3rd Draft."
386) Jefferson: "To James Madison, 20/12/1787." (K&P. P. 437.)
387) Jefferson: "To de Tracy, 26/1/1811." (Foner, P. 690.)
388) Jefferson: "3rd Draft."
389) Jefferson: "Draft."
390) Jefferson: "3rd Draft."
391) Jefferson: "Draft."
392) Jefferson: "To William Carmichael, 15/12/1787." (Boyd XII, P. 425.
"To Mr A. Donald, 7/2/1788." (K&P. P. 442.)
"To Edward Carrington, 27/5/1788." (K&P. P. 447.)
"To James Madison, 31/7/1788." (K&P. P. 450.)
"To James Monroe, 9/8/1788." (Boyd XIII, P.490)
"To Francis Hopkinson, 13/3/1789." (K&P. P. 459.)

Jefferson's fear of this happening in America was later lessened for "The example of four presidents voluntarily retiring at the end of their eighth year, and the progress of public opinion, that the principle is salutary, have given it in practice the force of precedent and usage; insomuch, that, should a president consent to be a candidate for a third election, I trust he would be rejected, on this demonstration of ambitious views." 396)

The Executive Officer should be completely independent in executing the laws and should not be linked to the legislature or hold any other government office. 397) Though his powers include the waging of war, concluding peace and treaties, and regulation of the armed forces, 398) he may not prorogue, dissolve or adjourn either legislative House, erect courts, pardon crimes nor remit punishments, nor create dignities nor grant rights of precedence. 399)

As far as interfering with legislation is concerned, Jefferson liked the principle that the executive, conjointly with a third of either House of the legislature, should have a negative, though he regarded it as even better if such a negative were given to the judiciary. 400)

It is clear from the above that in the case of the executive, Jefferson's constitutional views were very like those of Montesquieu. Though chosen by the Legislative, the Executive's independence after election was to be assured by his ineligibility for re-election while his

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393) Jefferson: "To the North Carolina General Assembly, 10/1/1808." (K&P. P. 346.)
394) Jefferson: "To John Adams, 13/11/1787." (K&P. P. 435.)
395) Jefferson: "To James Madison, 20/12/1787." (K&P. P. 437.)
396) Jefferson: "Autobiography." (K&P. P. 81.)
397) Jefferson: "Draft."
398) Loc. Cit.
399) Jefferson: "3rd Draft."
400) Jefferson: "To James Madison, 20/12/1787." (K&P. P. 437.)

functions were to be limited to executive matters only with no power to interfere with the judiciary in any way.

v) The Judiciary.

Jefferson believed that though mercy should be the character of the law-makers, the judge should be a machine. 401)

"The dignity and stability of government in all its branches, the morals of the people, and every blessing of society, depend so much upon an upright and skillful administration of justice, that the judicial power ought to be distinct from both the legislature and executive, and independent upon both..... ..... The judges, therefore, should always be men of learning and experience in the laws, of exemplary morals, great patience, calmness and attention.. .....To these ends they should hold estates for life in their offices, or, in other words, their commissions should be during good behaviour." 402)

For the Administration of Justice, the state should be divided into counties, each of which should have County and other Inferior Courts. 403) Judges of these Courts should be appointed by the Executive Officer on advice of the Council of State, and should not be debarred from being members of the legislature. 404)

Above these local courts should be a number of Superior Courts whose jurisdiction should be defined by the Legislature. 405) The Judges of these Courts, whose numbers

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401) Jefferson: "To Edmund Pendleton, 26/8/1776." (Boyd I, P. 503.)
402) Jefferson: "To George Wythe, July 1776." (Foner, P. 513)
403) Jefferson: "Draft."
404) Loc. Cit.
405) Jefferson: "3rd Draft."

should be definitely fixed in the Constitution, should be chosen by a joint ballot of the two Houses of the Legislature and should be allowed to hold no other offices.[406] They should hold office as judges for life subject to their good behaviour,[407] and should have practised at the bar for at least seven years prior to their appointment as judges.[408]

Together the judges of the Superior Court should form the Supreme Court of the land to hear all final appeals.[409] For a quorum in the Supreme Court, there should be present at least nine of the judges.[410]

Besides this hierarchy of courts for the ordinary administration of justice, Jefferson also saw a need for a special Court of Impeachments. This Court of Impeachments should consist of a fixed number of representatives from the Executive's Council of State, from each Superior Court, from the Lower House and from the Senate.[411] The Executive Officer, and members of the Council of State, the Courts and the two Houses of the General Assembly should have the right to impeach each other before this Court for any misbehaviour in office.[412] To pass any sentence, at least a two-thirds majority of the Court should concur, and any sentence should consist at the most in dismissal from office.[413]

Habeas Corpus should prevail at all times and a criminal should be tried within ten days of his arrest.[414] In all cases, the judges should be assisted by a jury who should decide on questions of fact.[415] Whenever sentences of fines or imprisonment are left indefinite by the law,

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406) Jefferson: "Draft."
407) Loc. Cit.
408) Jefferson: "3rd Draft."
409) Jefferson: "Draft."
410) Loc. Cit.
411) Loc. Cit.
412) Loc. Cit.
413) Loc. Cit.
414) Loc. Cit.
415) Loc. Cit.

these should also be decided by the jury. [416]

It is very clear that Jefferson attached great importance to the Courts as a means of protecting the rights of the individual citizen, for he believed that the judiciary could legally check the government from infringing these rights if there existed a written Bill of Rights.[417] The Courts set up in society thus are the important means of securing the rights of the individual which was the main reason for the institution of society itself. [418] By implication, it also seems that Jefferson faintly recognised that the courts in a state with a written consitution have the right to judge the constitutionality of legislative acts.

This is probably the reason why Jefferson stressed the good qualities essential in judges and their independence. [419] The separation of powers in this instance at least must be considered as inevitable to Jefferson's philosophy of the natural rights of Life, Liberty and the Pursuit of Happiness being sacred.

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416) Loc. Cit.
417) Jefferson: "To James Madison, 15/3/1789." (K&P. P. 462.)
418) Jefferson: "Declaration of Independence." (K&P. P. 23.)
419) Jefferson: "To George Wythe, July 1776." (Foner, P. 513.)

CHAPTER V

SUBSIDIARY DETAILS OF JEFFERSON'S PHILOSOPHY

a) The People of Jefferson's Ideal State.

At least one writer has pointed out that Jefferson was hardly consistent in his theories, [420] and this appears especially true of his descriptions of the people of his ideal state. Yet such contradictions as appear are not completely real: they merely show that, as Jefferson's experience and knowledge grew, he was willing to modify his views when they appeared false. Being liberal in his outlook towards others; he could admit his own mistakes if he became convinced of them.

In his description of the people and the development of society Rousseau had, in his "Discourse on Inequality," regarded the arts of agriculture as retrogression from man's perfect state. [421] The climax was the diabolical device of property in land which led to war, murder, wretchedness and horror, all the calamities that have since struck mankind. [422] Rousseau's view on the development of civilisation and society, up to this point and farther, was a decidedly pessimistic one and stands in sharp contrast to the views expressed by Jefferson.

Jefferson's thought is that agriculture may be responsible for the growth of law and order in society for he says: "When a man has enclosed and improved his farm, builds a good house on it and raises plentiful stocks of animals, he will wish when he dies that these things go to his wife and children, whom he loves more than he does

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420) Hofstadter, R.: Op. Cit. P. 23.
Beard, C.: Op. Cit. P. 415.
421) Dunning, W.A.: "Rousseau to Spencer." P. 10.
422) Loc. Cit.

his other relations, and for whom he will work with pleasure during his life. You will, therefore, find it necessary to establish laws for this. When a man has property, earned by his own labor, he will not like to see another come and take it from him because he happens to be stronger, or else to defend it by spilling blood. You will find it necessary then to appoint good men as judges, to decide contests between man and man, according to reason and to the rules you shall establish." 423)

This is directly opposed to Rousseau's doctrines, but developments of society farther from this were also regarded by Jefferson as deterioration from the ideal society. Brought up in an agricultural environment, it is perhaps inevitable that he should have adopted views based on an agrarian population and its activities. In his eyes, no state of society is better than an agrarian one.

"Those who labour in the earth are the chosen people of God, if ever He had a chosen people, whose breasts He has made His peculiar deposit for substantial and genuine virtue. It is the focus in which He keeps alive that sacred fire, which otherwise might escape from the face of the earth. Corruption of morals in the mass of cultivators is a phenomenon of which no age nor nation has furnished an example." 424)

According to this view, agrarian people are virtuous and their morals are not easily corrupted. As part of their upright character they appear thrifty which they have become through having to do so much for themselves. 425) Economy and thriftiness which result from house-hold

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423) Jefferson: "To the Chiefs of the Cherokee Nation." 10/1/1806. (K&P. P. 578.)
424) Jefferson: "Notes on Virginia." Query XIX.
425) Jefferson: "To John Adams." 12/1/1812. (K&P. P. 615.)

manufactures are such that they cannot easily be laid aside; and, while they exist, the state itself is safer from extravagance and all the perils it brings. 426)

Farthermore a population made up of small landholders is tied to its soil by bonds of interest. Each individual has a direct interest in the country and so the liberty and independence of the state is strengthened.

"We have now lands enough to employ an infinite number of people in their cultivation. Cultivators of the earth are the most valuable citizens. They are the most vigorous, the most independent, the most virtuous, and they are tied to their country, and wedded to its liberty and interests by the most lasting bonds." 427)

Not only do cultivators of the earth possess most 'amor patriae' 428) but agriculture is the wisest pursuit of man for it contributes most to his real wealth, good morals and happiness. 429) Farthermore agriculture is the most pleasing and healthy occupation and there is no condition better than that of a farmer. 430)

The landed interest, in Jefferson's view, was thus essential to the retention and strengthening of the democratic state he had in mind. In his practical politics, then, he was always the great defender of the agrarian interests in his opposition to the assumption of state debts, the taxes on imports, houses, lands and slaves in 1798, and many of the measures of Hamilton which favoured the commercial north at the expense of the agricultural south. It is no wonder that the agriculturalists of the

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426) Jefferson: Loc. Cit.
427) Jefferson: "To John Jay, 23/8/1785." (K&P. P. 377.)
428) Jefferson: "Answers to First Queries 24/1/1786." (Boyd X, P. 16.)
429) Jefferson: "To George Washington, 14/10/1787." (Boyd XII, P. 38.)
430) Jefferson: "To James Currie, 4/8/1787." (Boyd XI. P. 682.)

country turned to the leadership of Jefferson so that he was able to remark that the whole landed interest was republican. 431)

It is thus to the interest of the state to encourage landholding which is at the root of stability and love of independence. "It is not too soon to provide by every possible means that as few as possible shall be without a little portion of land. The small landholders are the most precious part of a state. 432)

Property, it was believed by some Americans, should be as widely scattered as possible, and so a system of small farmers is the best. 433) Concentration of property leads to wealth, which in turn produces power for a few which is a menace to the liberties of the many. 434) One writer thus expresses the view that Jefferson believed that, unless property was scattered among small-holders, the democratic idea would be in danger for wealth and government can become interchangeable terms. 435) It is clear at least, that Jefferson did recognise that great wealth could corrupt the people and government, especially if the franchise were restricted. 436)

Jefferson was able to take great pride in the general social institution of the America of his day. He wrote: "Most of the laboring class possess property, cultivate their own land, have families, and from the demand for their labor are enabled to exact from the rich and the competent such prices as enable them to be fed abundantly, clothed above mere decency, to labor moderately and raise their families.

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431) Jefferson: "To Phillip Mazzei, 24/4/1796." (K&P. P. 537.)
432) Jefferson: "To Rev. James Madison, 28/10/1785." (K&P. P. 390.)
433) Baldwin, L.: Op. Cit. P. 318.)
434) Loc. Cit.
435) Laski: Op. Cit.
436) Jefferson: "Notes on Virginia. Query XIV." (K&P. P. 265.)

They are not driven to the ultimate resources of dexterity and skill, because their wares will sell although not quite so nice as those of England. The wealthy, on the other hand, and those at their ease, know nothing of what the Europeans call luxury. They have only some-what more of the comforts and decencies of life than those who furnish them. Can any condition of society be more desireable than this?"[437]

While Ambassador in France, Jefferson made a tour of the southern provinces in 1787 and he observed that the people in the villages were less happy and virtuous than those isolated with their families on grounds they cultivated.[438] He reflected that no condition was happier than that of the Virginian farmer whose farm supplied all his necessities and a small surplus which enabled him to buy some fineries and to entertain and visit his friends.[439]

In direct proportion as the importance of the agrarians grows in Jefferson's thought, that of the other classes, whether engaged in manufacture or commerce, diminishes. In every possible way, he looks upon them with suspicion and unveiled contempt. Corruption, he says, "is the mark set on those, who, not looking up to Heaven, to their own soil and industry, as does the husbandman, for their subsistence, depend for it on casualties and caprice of customers. Dependence begets subservience and venality, suffocates the germ of virtue, and prepares fit tools for the designs of ambition..... Generally speaking, the proportion which the aggregate of the other classes of citizens bears in any state to that

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437) Jefferson: "To Dr. Thomas Cooper, 10/9/1814." (K&P. P. 649.)
438) Jefferson: "Notes of a tour into Southern France, 1787." (Boyd XI, P. 415.)
439) Jefferson: "To James Currie, 4/8/1787." (Boyd XI, P. 682.)

of its husbandmen, is the proportion of its unsound to its healthy parts, and is a good enough barometer whereby to measure its degree of corruption. While we have land to labor then, let us never wish to see our citizens occupied at a workbench, or twirling a distaff. Carpenters, masons, smiths, are wanting in husbandry; but, for the general operations of manufacture, let our workshops remain in Europe. It is better to carry provisions and materials to workmen there, than bring them to the provisions and materials, and with them their manners and principles. The loss by the transportation of commodoties across the Atlantic will be made up in happiness and permanence of government. The mobs of great cities add just so much to the support of pure government, as sores do to the strength of the human body." 440)

Jefferson was convinced that manufacture was evil in that it introduced dependence and other evils into a state and so would be better off in Europe, far from his America. In a comment upon the ideas of Malthus he put forth the view that Americans could double or treble the products of food which could be exported to help the increasing populations of Europe: in return the Europeans could manufacture and send their finished products to America. 441) This at least would keep an industrial population, with its danger to a democratic government, out of America. That class which Marx was to praise, was despised by Jefferson, "I consider the class of artificers as the panders of vice, and the instruments by which the liberties of a country are generally overturned." 442)

One writer points out that this attitude of Jefferson

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440) Jefferson: "Notes on Virginia, Query XIX."
441) Jefferson: "To Jean Baptiste Say, 1/2/1804." (K&P. P. 575.)
442) Jefferson: "To John Jay, 23/8/1785." (K&P. P. 377.)

was a direct echo of the ideas of Quesnay and Turgot who believed that political corruption was partly due to the piling up of people in large cities. 443)

Unlike those engaged in husbandry, the industrial classes do not own land; they are dependent upon others and so are the more easily corrupted. They have no direct interest in the country and the state, and so are not a bulwark for the retention of its liberty.

Falling between the agrarians whom Jefferson praised, and the manufacturing classes which he hated, are those engaged in commerce and navigation. If the products of American husbandry are to be exported to Europe, and European manufactures imported into America, such a class is obviously necessary.

These classes of people were preferred by Jefferson to the manufacturing classes, but even they were regarded only as a necessary evil. 444) Their evil too lies in the danger they bring to the state: "But what will be the consequence? Frequent wars without a doubt. Their property will be violated on the sea, and in foreign ports, their persons will be insulted, imprisoned, etc., for pretended debts, contracts, crimes, contraband, etc., etc." 445) The Commercial classes contain many adventures and the nature of their business usually leads to the ruin of others, mostly better than themselves. 446) Jefferson thus had little liking for Rhode Island which he regarded as peopled mainly by commercially-minded people. 447)

The best economic activity for any young state

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443) Carpenter, W.: Op. Cit. P. 107.
444) Jefferson: Loc. Cit.
445) Jefferson: "To John Jay, 23/8/1785." (K&P. P. 377.)
446) Jefferson: "To Nathaniel Tracy, 17/8/1785." (Boyd VIII, P. 399.)
447) Jefferson: "Answers to First Queries, 24/1/1786." (Boyd X, P. 16.)

remains agriculture. A young republic, placed in wide spaces such as provided by the North American continent, should if possible indulge in neither commerce nor navigation, but should stand in grand isolation towards the rest of the world as did China, with all its citizens husbandmen. 448) Only when there were too many to engage in agriculture, or when a surplus was produced, should manufacture or commerce begin to play a part in the economic life of the state. 449)

When Jefferson assumed his duties as President, these ideas were firm in his mind: the greatest economic activity of man was agriculture; commerce and navigation were but secondary to this while manufacturing was an activity that could be left to Europe. This attitude was reflected in his statement of the principles of his government, one of which was to be "the encouragement of agriculture, and of commerce as its handmaid." 450) Yet after but one year in office he was forced to recognise the place of manufacture as well as commerce and navigation in a republic's economic activities, which were "agriculture, manufacture, commerce, and navigation, the four pillars of our prosperity." 451)

His first term of office did not see any great change in his basic ideas but during his second term trouble occured with Britain over impressment and the search of ships for contraband. The failure of his embargo, together with the resultant miseries caused to the American people, caused major modifications in his views.

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448) Jefferson: "To C. van Hogendorp, 13/10/1785." (K&P. P. 384.)
449) Loc. Cit.
450) Jefferson: "1st Inaugural Address, 4/3/1801." (K&P. P. 324.)
451) Jefferson: "1st Annual Message, 8/12/1801." (K&P. P. 330.)

"The suspension of our foreign commerce, produced by the injustice of the belligerent powers and the consequent losses and sacrifices of our citizens, are subjects of just concern. The situation into which we have thus been forced, has impelled us to apply a portion of our industry and capital to internal manufactures and improvements. The extent of this conversion is daily increasing and little doubt remains that the establishments formed and forming will, under the auspices of cheaper materials and subsistence, the freedom of labor from taxation with us, and of protecting duties and prohibitions - become permanent." 452)

Jefferson was thus forced to recognise that manufacture was part of the economic life of any nation and that due recognition of each branch of economic production was necessary. In his own words: "I trust the good sense of our country will see that its greatest prosperity depends on a due balance between agriculture, manufactures and commerce." 453)

Even if he had been tardy at recognising the part of manufacture, Madison's war with England would have changed his views. That war, however, merely cemented the convictions he then held for in 1813 he wrote: "Out of the evils of impressment and of the orders of council a great blessing for us will grow. I have not formerly been an advocate for great manufactories. I doubted whether our labor, and aided by the spontaneous energies of the earth, would not procure us more than we could make ourselves of other necessaries. But other considerations entering into the question, have settled my doubts." 454)

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452) Jefferson: "8th Annual Message, 8/11/1808." (K&P. P. 348.)
453) Jefferson: "To Thomas Leiper, 21/1/1809." (K&P. P. 593.)
454) Jefferson: "To John Melish, 13/1/1813." (K&P. P. 621.)

Yet it is noticeable that even in his recognition of commerce and manufacture, it was always agriculture that Jefferson placed first. Unlike commerce and manufacture, agriculture is a constant activity of man and it will always give him pleasure to see "people become disposed to cultivate the earth, to raise herds of the useful animals, and to spin and weave, for their food and clothing. These resources are certain, they will never disappoint." 455)

b) The Armed Strength of the State.

It has already been noted that Jefferson was against war and, after the Chesapeake-Leopard Affair, tried by means of an embargo to force Britain to treat America more as an equal, sovereign state. Though the embargo failed, it illustrates Jefferson's view that states should use peaceable means to settle their differences. This view Jefferson had held as early as 1794 before there was a possibility that he would have to apply it as President: "I love peace, and I am anxious that we should give the world still another useful lesson, by showing to them other modes of punishing injuries than by war, which is as much a punishment to the punisher as to the sufferer. I love, therefore ..... the proposition of cutting off all communication with the nation which has conducted itself so atrociously." 456)

Though Jefferson abhorred war as the greatest scourge of mankind, 457) because it is a loss to both parties, 458) he realised that encroachments must be resisted at some point or more will take place. 459) For this reason the

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455) Jefferson: "To the Miamis, Powtewatamies and Weeauks, 7/1/1808." (K&P. P. 333.)
456) Jefferson: "To Tench Coxe, 1/5/1794." (K&P. P. 528.)
457) Jefferson: "To Elbridge Gerry, 13/5/1797." (K&P. P. 543.)
458) Jefferson: "To William Short, 28/11/1814." (K&P. P. 653.)
459) Loc. Cit.

state must be a strong one. "Justice indeed, on our part, will save us from those wars which would have been produced by a contrary disposition. But how can we prevent those produced by the wrongs of other nations? By putting ourselves in a condition to punish them. Weakness provokes insult and injury, while a condition to punish, often prevents them.....I think it to our interest to punish the first insult; because an insult unpunished is the parent of many others." 460)

The necessity that the state be a strong one is thus recognised. Jefferson, however, was deeply interested in the form the armed strength should take for the existence of an armed force could become an internal danger to the state itself for it is "the vital principle and immediate parent of despotism." 461)

Thus the first essential, to safeguard the state and the liberty of its subjects, is that the military shall be subordinate to the civil authority. 462) He believed that the freest governments on earth always kept their armies under absolute control by the civil authorities.463) The dangers of the military being superior to the civil authority were revealed by the events immediately prior to the Revolution and are at the back of Jefferson's powerful complaints to the King: "In order to enforce the arbitrary measures before complained of, his Majesty has, from time to time, sent among us large bodies of armed forces, not made up of the people here; nor raised by the authority of our laws. Did his Majesty possess such a right as this, it might swallow up all our other rights,

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460) Jefferson: "To John Jay, 23/8/1785." (K&P. P. 378.)
461) Jefferson: "1st Inaugural Address, 4/3/1801." (K&P. P. 324.)
462) Jefferson: "To Monsieur de St. Etienne, 3/6/1789." (K&P. P. 469.)
463) Jefferson: "Notes Concerning the Right of Removal from Office, 1780.) (Boyd IV, P. 281.)

whenever he should think proper. But his Majesty has no right to land a single armed man on our shores; and those whom he sends here are liable to our laws, for the suppression and punishment of riots, routs, and unlawful assemblies, or are hostile bodies invading us in defiance of law.....
Instead of subjecting the military to the civil power, his Majesty has expressly made the civil subordinate to the military. But can his Majesty thus put down all law under his feet? Can he erect a power superior to that which erected himself? He has done it indeed by force; but let him remember that force cannot give right." 464)

The second essential is that the armed force should not be in the form of a standing army. Jefferson stated that certain instruments, if in the hands of governors, whether legislative or executive, place the citizens directly at the mercy of such governors, and that the worst of such instruments is a standing army. 465) This view of Jefferson helps explain his opposition to the Sedition Act and the raising by President Adams of an army under the virtual leadership of Hamilton. 466) Jefferson even feared that the Presidency of the United States could deteriorate into a monarchy through the President's being the possessor of the military force of the Union: the President, once elected, could use this force to remain in power. 467) But thirteen years later Jefferson was to see this fear justified, not in America but in France: "My confidence has been placed in the head, not in the heart of Bonaparte. I hoped he would

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464) Jefferson: "Summary View, 1774." (K&P. P. 309.)
465) Jefferson: "To Colonel Humphreys, 18/3/1789." (K&P. P. 466.)
466) Adams, J.T.: Op. Cit. P. 285.
467) Jefferson: "To John Adams, 13/11/1787." (K&P. P. 436.)

calculate truly the difference between the fame of a Washington and a Cromwell. Whatever his views may be, he has at least transferred the destinies of the republic from the civil to the military arm.....

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I read it as a lesson against the danger of standing armies." [468] Because of being in control of a standing army Napoleon was able to "kick down their constitution" and, instead of that, to have the French people dependent upon his will alone. [469]

Large standing armies are thus a danger to liberty. Yet the state must be strong enough to protect itself and to punish encroachments on its rights. For this purpose Jefferson proposes a militia of citizens. Standing armies must be abandoned altogether and a well-disciplined citizen militia substituted in their place. [470] It seems likely that Jefferson's admiration for the militia arose during the War of Independence for he believed that, when the British invaded Virginia, the only force which had checked them had been the militia. [471] The fact that his father too had been an officer of the militia, [472] possibly helped promote his admiration for that type of force.

Each state must judge for itself the number of armed and trained men that can safely be trusted in it, [473] but "For a people who are free, and who mean to remain so, a well-organised and armed militia is their best security. It is, therefore, incumbent on us, at every meeting, to

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468) Jefferson: "To Samuel Adams, 26/2/1800." (K&P. P. 557.)
469) Jefferson: "To Dr. William Bache, 2/2/1800." (K&P. P. 556.)
470) Jefferson: "To James Madison, 31/7/1788." (K&P. P. 450.)
471) Jefferson: "To the Speaker of the House of Delegates, 10/5/1781." (Boyd V, P. 626.)
472) Malone, D.: Op. Cit. P. 33.
473) Jefferson: "Summary View, 1774." (K&P. P. 309)

revise the condition of the militia, and to ask ourselves if it is prepared to repel a powerful enemy." 474)

A citizen-militia is much preferable to a standing army which may "overawe the public sentiment." 475) Although he does not say so, Jefferson's thought seems to be that a standing army is subject to orders from above and so can be used to suppress the people of the state; while a citizen-militia is composed of citizens who will not allow themselves to be used in suppressing and oppressing themselves.

Jefferson's broad sketch of a military-training program shows that he considers that the force of the state must be made up of the citizens of that state. "Class the militia according to the years of their birth, and make all those from twenty to twenty-five liable to be trained and called into service at a moment's warning. This would have given us a force of three hundred thousand young men, prepared by proper training, for service in any part of the United States; while those who had passed through that period would remain at home, liable to be used in their own or adjacent states." 476)

The view of the English Utilitarians was that those who are most interested in a matter are best able to execute the details of such a matter. Jefferson's view on armed forces is identical. Those who defend will defend best if they are defending themselves and their own possessions. For this reason, the aim of a state should be to continuously amend the defects which from time to time will show themselves in the laws which regulate the

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474) Jefferson: "8th Annual Message, 8/11/1808." (K&P. P. 347.)
475) Jefferson: "To Elbridge Gerry, 26/1/1799." (K&P. P. 545.)
476) Jefferson: "To General Thaddeus Kosciusko, 26/2/1810." (K&P. P. 602.)

militia, until a stage is reached where they are sufficiently perfect. [477]

c) Education in the State.

In view of Jefferson's belief that the ideal state should be based on the consent and reason of its citizens, it is not surprising that he should try to evolve a system for promoting the latter. For him education becomes a vital activity of the republican state: a mutual interdependence exists between the two. Any single school which may from time to time supply the legislature of the society with new members who are well-principled and well-informed is of infinite value to that society. [478] Of all the bills in which he had a hand when the laws of Virginia were revised, he regarded that providing for the diffusion of knowledge among the people as the most important, for he believed that education is the surest foundation for the preservation of freedom and happiness. [479]

The idea that education is the best means of defending the rights and liberties of the people against encroachments by the state is stressed again and again. In Jefferson's words: "I always hear with pleasure of institutions for the promotion of knowledge among my countrymen. The people of every country are the only safe guardians of their own rights, and are the only instruments which can be used for their destruction. And certainly they would never consent to be used were they not deceived. To avoid this, they should be instructed to a certain degree. I have often thought that nothing would do more extensive good at small expense than the establishment of a small

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477) Jefferson: "1st Annual Message, 8/12/1801." (K&P. P. 329.)
478) Jefferson: "To James Madison, 26/7/1786." (Boyd III, P. 507.)
479) Jefferson: "To Mr Wythe, 13/8/1786." (K&P. P. 394.)

circulating library in every county, to consist of a few well-chosen books, to be lent to the people of the country." [480]

The people can only guard their liberties if they understand the nature of such liberties. They will then be able to realise what are encroachments upon these and how to maintain their rights. [481] Though Jefferson does not go too deeply into details as to how this is to be done he wished "to see the highest degrees of education given to the higher degrees of genius, and to all degrees of it, so much as may enable them to read and understand what is going on in the world, and to keep their part of it going on right, for nothing can keep it right but their own vigilant and distrustful superintendence." [482] Tyranny usually comes slowly, step by step, but if the minds of the people are alive such steps can be prevented so that the people will remain free. [483]

As has been seen, Jefferson was a firm believer in democratic government based upon the consent of the people who must be represented. For this reason, too, education is of the utmost importance for it enables the people "to exercise with intelligence their parts in self-government. [484] Only through understanding and knowledge will the people be able to carry out such matters as voting, and, what is more, they are more likely to vote without mistakes or reference to prejudices for education is the best antidote to bigotry and folly. [485]

Though it is an inherent right of the people, and a

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480) Jefferson: "To John Wyche, 19/5/1809." (K&P. P. 597.)
481) Jefferson: "Autobiography." (K&P. P. 52.)
482) Jefferson: "To Mann Page, 30/8/1795." (K&P. P. 534.)
483) Jefferson: "Bill for the more general diffusion of Knowledge. (Boyd II, P. 526.)
484) Jefferson: "Autobiography." (K&P. P. 52.)
485) Jefferson: "To John Adams, 1/8/1816." (K&P. P. 676.)

duty to God, to revolt against tyrannical government, Jefferson was really against violence if it could be avoided and even in France counselled de la Fayette to moderation, favouring evolution to revolution. [486] Progress and the security of society are contingent on the dissemination of knowledge, [487] and it is often in the interests of the people to preserve peace and order.[488] "It requires no very high degree of education to convince them of this." [489] This reason advanced by Jefferson for the spread of education seems paradoxical when considered in relation to his philosophy of revolution, and is possibly one of the "many contradictions, both real and apparent" referred to by the historian Beard. [490]

This striving for stability, however, may perhaps be the result of Jefferson's reading of Plato's "Republic" for the latter also stressed education as the only true way to the permanent stability of the state. [491]

To achieve the necessary degree of universal education dictated by his political philosophy, Jefferson evolved a system of education, which, in its broad outlines, is strongly reminiscent of that put forward by Plato. In his ideal state Plato provided for three classes, the Guardians, the Combatants and the Producers of Wealth, and a graduated scheme of education was provided for each. [492] While Jefferson, with his democratic outlook, would obviously reject the idea of three fixed classes, one of which was to be solely responsible for governing, he adapted the three stages of Plato's educational system to his own thought.

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486) Malone, D.: "Jefferson and the Rights of Man." P. 355.
487) Ibidem. P. 159.
488) Jefferson: "To James Madison, 20/12/1787." (K&P. P. 440.)
489) Loc. Cit.
490) Op. Cit. P. 415.
491) Dunning, W.A.: "Ancient and Mediaeval." P. 31.
492) Ibidem. Pp. 30-33.

The first stage of education was to be provided by elementary schools, in which reading, writing and arithmetic were to be taught. [493] These schools were to be set up in small districts of five or six miles square and every person in the district was to be entitled to send his children to school for three years gratis. [494] Those who were to receive farther instruction would receive the foundation of their education here, while those who were to go no farther would probably become labourers having enough education to qualify them for their pursuits and duties to the state. [495] (The first stage of Jefferson's providing for the education of labourers is similar to that of Plato providing for the training of wealth-producers.) A "Visitor" was annually to choose the "boy of best genius" in each school and to send him to a Grammar or General School. [496]

The Grammar or General Schools were to constitute the second grade of education. [497] Here the boys sent in any one year were to be taught Greek, Latin, Geography and the higher branches of Arithmetic, [498] and, after two years, the best were to be chosen and educated at public expense for a farther six years. [499] Those who go no farther than the Grammar Schools will have received enough training for public life, while those that do go farther will have been given a firm basis for future work. [500]

At the end of six years, farther tests are to be made to discover the brighter pupils and they are to be sent to a College where they will be allowed to study a science of

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493) Jefferson: "Notes on Virginia, Query XIV." (K&P. P. 262.)
494) Loc. Cit.
495) Jefferson: "To Peter Carr, 7/9/1814." (K&P. P. 644.)
496) Jefferson: "Notes on Virginia, Query XIV."(K&P. P. 262.)
497) Jefferson: "To Peter Carr, 7/9/1814." (K&P. P. 644.)
498) Jefferson: "Notes on Virginia, Query XIV."(K&P. P. 262.)
499) Loc. Cit.
500) Jefferson: "To Peter Carr, 7/9/1814." (K&P. P. 644.)

their own choosing. [501] At first Jefferson thought of the third stage of education as being that given by a College and he was thinking specifically of William and Mary. [502] Later he expanded his conception to include all professional training such as architecture, theology, law, military and naval science and even what we today consider as trades such as that of carpenter, machinist, tanner and glass-maker. [503]

Jefferson stressed that such a scheme of state education was directly in the interests of the state. Such a system of education was co-operation with nature for it enabled the state to recognise the diverse talents of men and to employ them according to their abilities. [504] "By that part of our plan which prescribes the selection of the youths of genius from among the classes of the poor, we hope to avail the state of those talents which nature has sown as liberally among the poor as the rich, but which perish without use, if not sought for and cultivated.....

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None is more important, none more legitimate, than that of rendering the people the safe, as they are the ultimate, guardians of their own liberty. For this purpose the reading in the first stage, where they will receive their whole education, is proposed, as has been said, to be chiefly historical. History, by apprizing them of the past, will enable them to judge of the future, it will qualify them as judges of the actions and designs of men, it will enable them to know ambition under every disguise it may assume, and knowing it, to defeat its views.....

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501) Jefferson: "Notes on Virginia, Query XIV." (K&P. P. 262.)
502) Loc. Cit.
503) Jefferson: "To Peter Carr, 7/9/1814." (K&P. Pp. 646-648.)
504) Jefferson: "To David Ritterhouse, 19/7/1778." (Boyd II, P. 203.)

Every government degenerates when trusted to the rulers of the people alone. The people themselves are its only safe depositories. And to render even them safe, their minds must be improved to a certain degree." 505)

It must be noted that Jefferson's plan for state aided education applied only to boys for he explicitly stated: "A plan of female education has never been a subject of systematic contemplation with me. It has occupied my attention so far only as the education of my own daughters occasionally required." 506) This stresses the link between education and the stability of the state: in Jefferson's day voting by women was as yet not applied in America.

Jefferson also paid attention to the contents of education which should aim, as seen above in the case of history, at promoting the republican system. He even went so far as to believe that those in charge of the higher stages of education should be selected only after rigorous attention was paid to their political principles so that the "vestal flame" of republicanism should be kept alive.507) The American youth had to be educated in America for in Europe he would learn bad habits, a "contempt for the simplicity of his own country" and a "partiality for aristocracy or monarchy." 508) The contents of education must stress the value of liberty, while certain subjects which may be valued in Europe must be discarded in America if they fall short of this test or are useless to the American. 509)

Though less attention was paid by Jefferson to the

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505) Jefferson: "Notes on Virginia, Query XIV." (K&P. P. 262.)
506) Jefferson: "To Nathaniel Burwell, 14/3/1818." (K&P. P. 687.)
507) Jefferson: "To James Madison, 17/2/1826." (K&P. P. 726.)
508) Jefferson: "To J. Bannister, 15/10/1785." (K&P. P. 385.)
509) Jefferson: "To Dr. Joseph Priestley, 18/1/1800." (K&P. P. 553.)

principles and methods of education than to the aim and contents, those he mentioned seem sound. He especially stressed that the subjects taught the boy at any given stage should be suited to his mental development: "Instead, therefore, of putting the Bible and Testament into the hands of children at an age when their judgement are not sufficiently matured for religious inquiries, their memories may here be stored with the most useful facts from Grecian, Roman, European and American History. The first elements of morality too may be instilled into their minds; such as, when farther developed as their judgements advance in strength, may teach them how to work out their own greatest happiness." [510] Similarly he realises that the child must have time which he can devote to amusement and that good reading habits should be encouraged as novels are a mere loss of time, [511] while a good example should always be set a child who throughout his life learns by imitating others. [512]

In keeping with his ideals of democracy Jefferson believed that in the third stage students should be allowed to control their own affairs. "We studiously avoid too much government. We treat them as men and gentlemen, under the guidance mainly of their own discretion." [513] In this he was to be disappointed for "American students of the era were not a well-behaved lot, and the sons of planters were especially impatient of rules and regulations. To them the system of student enforcement smacked of spying and talebearing. After a brief period of such anarchy that all the professors tendered their resignations, Jefferson himself reluctantly agreed 'that coercion must be resorted to,

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510) Jefferson: "Notes on Virginia, Query XIV." (K&P. P. 264.)
511) Jefferson: "To Nathaniel Burwell, 14/3/1818." (K&P. P. 687.)
512) Jefferson: "Notes on Virginia, Query XVIII." (K&P. P. 278.)
513) Jefferson: "To Ellen Coolidge, 27/8/1825." (K&P. P. 721.)

where confidence has been disappointed.' Nor was the elective system at first a complete success. This too was something for which the immature, raw boys of the time were not ready." 514)

This failure of student self-government at the University of Virginia tends to show a possible danger to Jefferson's ideal of democracy. Even though a people may be educated, if their outlook is not moderate and mature, the democratic system may degenerate into anarchy. Yet in spite of this, Jefferson's views still seem sound as illustrated by the history of democratic countries like America and Britain. Even at the University of Virginia Jefferson's views were justified when at a later stage student self-government was re-introduced with far greater success and the University of Virginia became the most liberal college in America before 1850. 515) The attempt at student self-government, however, may be taken as evidence that Jefferson believed that education should be used to teach pupils through experience the practical aspects of democracy.

d) The State and Freedom of Speech and Press.

While he was ambassador of his country to France, Jefferson had the following to say concerning the newly drafted American Constitution: "I will now tell you what I do not like. First the omission of a bill of rights, providing clearly.....freedom of the press." 516) In other letters written during the same period, Jefferson used similar words. 517) Jefferson stressed that freedom of speech and of the press should be protected in a bill of

514) Earnest: Op. Cit. P. 59.
515) Ibidem. P. 60.
516) Jefferson: "To James Madison, 20/12/1787." (K&P. P. 437.)
517) Jefferson: "To Mr. A. Donald, 7/2/1788." (K&P. P. 442.)
"To Francis Hopkinson, 13/3/1789." (K&P. P. 460.)

rights for "There are rights which it is useless to surrender to the government, and which governments have yet always been found to invade. These are the rights of thinking, and publishing our thoughts by speaking or writing."[518]

It is clear that he regarded freedom of speech and freedom of the press as essential to a democratic form of government. This he said in so many words in March 1801, "You should understand what I deem the essential principles of our government,..... the diffusion of information and the arraignment of all abuses at the bar of public reason, ... freedom of the press."[519]

This stress on press freedom was not a mere reaction against the abuse of the Sedition Act by the Federalists, for Jefferson at different times advanced potent reasons for it.

In the Declaration he had stated that all men are born free, and he believed firmly in his principles of government. He was, however, no doctrinaire and saw that others would disagree with him. If others are equal with him, it is only logical and consistent that they should be allowed their opinions. To Jefferson this was a potent argument, and he readily admits the right of each man to hold his own views: "When I hear another express an opinion which is not mine, I say to myself, he has a right to his opinion, as I to mine; why should I question it. His error does me no injury."[520] He recognised the right of every man to take that side of which his conscience and opinions approved in any civil contest for such a right is essential to the preservation of liberty.[521]

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518) Jefferson: "To Col. Humphreys, 18/3/1789." (K&P. P. 466.)
519) Jefferson: "1st Inaugural Address, 4/3/1801." (K&P. P. 324.)
520) Jefferson: "To Thomas Jefferson Randolph, 24/11/1808." (K&P. P. 591.)
521) Jefferson: "To Katherine Sprowle Douglas, 5/7/1785." (Boyd XIII, P. 260.)

It is recognised that men hold different views and Jefferson is in complete favour of diversity of opinion and thought for he strongly questions sameness of ideas. "It is a singular anxiety which some people have that we should all think alike. Would the world be more beautiful were all our faces alike, were our tempers, our talents, our tastes, our forms, our wishes, aversions and pursuits cast exactly in the same mould? If no varieties existed in the animal, vegetable or mineral creation, but all move strictly uniform, catholic and orthodox, what a world of physical and moral monotony it would be." 522)

Yet no matter how diverse the views expressed by man may be, it is certain that the truth will not remain hidden. It must come to light for "Truth and reason are eternal. They have prevailed. And they will eternally prevail, however in times and places they may be overborne for a while by violence, military, civil or ecclesiastical." 523)

And the people of a democracy can discern this truth. They can be trusted to ultimately discover it by the use of reason for man is a rational animal. Of this Jefferson expresses no doubt whatsoever, and this is one of his most potent reasons for favouring freedom of opinion. Referring to the warlike preparations of the Federalists against the French in 1798, and to the way the people were led to believe the French their enemies, Jefferson stated: "Man may be governed by reason and truth. Our first object should therefore be, to leave open to him all the avenues to truth. The most effectual hitherto found, is the freedom of the press. It is, therefore, the first shut up by those who fear investigation of their actions. The

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522) Jefferson: "To Charles Thompson, 29/1/1817." (K&P. P. 679.)
523) Jefferson: "To Rev. Samuel Knox, 12/2/1810." (K&P. P. 599.)
524) Adams, J.T.: Op. Cit. 285.

firmness with which the people have withstood the late abuses of the press, the discernment they have manifested between truth and falsehood, show that they may safely be trusted to hear everything true and false, and to form a correct judgement between them.....

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I hold it, therefore, certain, that to open the doors of truth, and to fortify the habit of testing everything by reason, are the most effectual manacles we can rivet on the hands of our successors to prevent their manacling the people with their own consent. The panic into which they were artfully thrown in 1798, the frenzy which was excited in them by their enemies against their apparent readiness to abandon all the principles established for their own protection, seemed for a while to countenance the opinions of those who say they cannot be trusted with their own government. But I never doubted their rallying, and they did rally much sooner than I expected. On the whole, that experiment on their credulity has confirmed my confidence in their ultimate good sense and virtue." 525) This trust in the good sense of the people is echoed again and again by Jefferson. As early as 1787 he wrote: "I am persuaded myself that the good sense of the people will always be found to be the best army. They may be led astray for a moment, but will soon correct themselves." 526)

As a liberal, freedom-loving man, Jefferson, as we have seen, regarded every-one as being entitled to his own viewpoint. The only viewpoint which he was prepared to regard as essentially wrong, was that which was founded in ignorance and prejudice. For ignorance and bigotry he

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525) Jefferson: "To Judge John Tyler, 28/6/1804." (K&P. P. 576.)

526) Jefferson: "To Col. Edward Carrington, 16/1/1787." (K&P. P. 411.)

had but two cures, namely education and free discussion.[527] Only through free discussion and free publication of ideas can the bigot hear and read the opinions of others and so grow less prejudiced.

As an exponent of the representative system, Jefferson realised that it was based on the consent of the governed who have to keep a check upon their governors. To safeguard the system, and the liberty of the people, it is most essential that the people obtain all viewpoints through the channel of the public press which should be available to all, for, as the basis of representative government is the opinion of the people, the people must have the right and the opportunity to form its opinion.[528]

Jefferson's arguments in favour of freedom of speech and of the press are thus strong, but he even goes farther in an attack upon the idea of censorship. "Are we to have a censor whose imprimatur shall say what books may be sold, and what we may buy? ..... Whose foot is to be the measure to which ours are all to be cut or stretched?..... Shall a layman, simple as ourselves, set up his reason as the rules for what we are to read?..... It is an insult to our citizens to question whether they are rational beings or not." [529] The view is strong that no man can infallibly lay down what the thoughts of others should be, and so all idea of censorship is wrong. The people who are creatures of reason, and only the people, should decide what they should read and no-one should perform this duty for them.

That complete freedom of the press has its dangers,

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527) Jefferson: "To John Adams, 1/8/1816." (K&P. P. 676.)
528) Jefferson: "To Col. Edward Carrington, 16/1/1787." (K&P. P. 411.)
529) Jefferson: "To Monsieur N. Dufief, 19/4/1814." (K&P. P. 636.)

however, is recognised. These dangers are chiefly those of licentiousness in attacking without limits of decency those who disagree; and such licentiousness can sap the safety of the press and lessen its usefulness. 530) In 1802 Jefferson had been the victim of scurrilous attacks by certain pamphleteers but he took no action against the libels. 531) It was only in 1805 that he expressed regret at not having done so according to the laws of libel and falsehood for he had been prevented by the pressure of public business. 532) It seems, thus, that though Jefferson realised the importance of the press in the democratic representative system, he always kept the rights of the individual in mind. It would have been a definite violation of such individual rights if libel and falsehood were to be allowed to the press without regard of their effects upon the individual. Farthermore, press freedom should not be abused so as to lead to public disorder and here too there must be a check upon what a paper prints.533) Freedom of the press is thus not absolute in Jefferson's thought; it is to be prevented from false attacks upon the individual and from causing public disorder. Even though these limits are imposed, Jefferson continually re-iterated: "I am for.....freedom of the press, and against all violations of the Constitution to silence by force and not by reason the complaints or criticism, just or unjust, of our citizens against the conduct of their agents." 534)

This was because even the attacks upon individuals resulting from freedom of the press, are part a part of the price that has to be paid for liberty and press freedom

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530) Jefferson: "2nd Inaugural Address, 4/3/1805." (K&P. P. 343.)
531) Adams, J.T.: Op. Cit. P. 314.
532) Jefferson: "2nd Inaugural Address, 4/3/1805." (K&P. P. 343.)
533) Jefferson: "To Monsieur St. Etienne, 3/6/1789." (K&P. P. 469.)
534) Jefferson: "To Elbridge Gerry, 26/1/1789." (K&P. P. 545.)

cannot be limited to any great extent without the danger of losing liberty. [535] In 1786 Jefferson's friend John Jay had been attacked in the newspapers by a certain Littlepage, and, although he sympathised with Jay, he stressed that if there was to be liberty such abuse of freedom of the press must be allowed. [536]

e) The State and Religion.

It was perhaps inevitable that, having a great belief in the importance of freedom of speech and of the press, Jefferson should take as firm a stand in favour of freedom of religion. This was not due, as many of his opponents believed and stated, to the possibility that he believed in no God whatsoever. [537]

On the contrary, Jefferson was a firm believer in the existence of God, for, as he himself stated, "When we take a view of the universe, in its parts, general or particular, it is impossible for the human mind not to perceive and feel a conviction of design, consummate skill, and indefinite power in every atom of its composition. The movements of the heavenly bodies, so exactly held in their course by the balance of centrifugal or centripetal forces; the structure of our earth itself, with its distribution of lands, waters and atmosphere; animal and vegetable bodies, examined in all their minutest particles; insects, mere atoms of life, yet as perfectly organised as man or mammoth; the mineral substances, their generation and uses; it is impossible, I say, for the human mind not to believe, that there is in all this, design, cause and effect, up to an ultimate cause, a Fabricator of all things

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535) Jefferson: "To John Jay, 25/1/1786." (Boyd IX, P. 215.)
536) Jefferson: "To James Currie, 28/1/1786." (Boyd IX, P. 239.)
537) Jefferson: "To Dr. Benjamin Rush, 23/9/1800." (K&P. P. 558.)

from matter and motion, their Preserver and Regulator while permitted to exist in their present forms, and their regeneration into new and other forms." 538)

This belief to him was not one of blind superstition, but was to be based upon thought and investigation, with the result that he consistently refused to be sponsor for a child at a Christening, as he believed that comprehension must precede belief, and he could not reconcile the ideas of Unity and Trinity. 539) Religion, for Jefferson, had to be based on reason, without which it would become baseless, and so he was willing to question the existence of a God and the truths of the Bible. 540) Only a statement in the Bible that was reasonable was to be retained.

"Those facts in the Bible which contradict the laws of nature, must be examined with more care, and under a variety of faces. Here you must recur to the pretensions of the writer to inspiration from God. Examine upon what evidence his pretensions are founded, and whether that evidence is so strong, as that to falsehood would be more improbable than a change in the laws of nature, in the case he relates. For example, in the book of Joshua, we are told, the sun stood still several hours. Were we to read that fact in Livy or Tacitus, we should class it with their showers of blood, speaking of statues, beasts, etc. But it is said, that the writer of that book was inspired. Examine, therefore, candidly, what evidence there is of his having been inspired. 541)

As to the Christian religion, Jefferson regarded it as the most sublime and benevolent, but at the same time

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538) Jefferson: "To John Adams, 11/4/1823." (K&P. P. 705.)
539) Jefferson: "To J.P.P. Derieux, 25/7/1788." (Boyd XIII, P. 418.)
540) Jefferson: "To Peter Carr, 10/ 8/1787." (K&P. P. 431.)
541) Loc. Cit.

as the most perverted system of philosophy that ever shone on man. [542] His enquiring mind rejected at the outset such parts of the Christian religion as the Holy Trinity for he tended towards Unitarianism. His view on that was that "No historical fact is better established, than that the doctrine of one God, pure and uncompounded, was that of the early ages of Christianity; and was among the efficacious doctrines which gave it triumph over the polytheism of the ancients, sickened with the absurdities of their own theology. Nor was the Unity of the Supreme Being ousted from the Christian Creed by the force of reason, but by the sword of civil government." [543]

One branch of the Christian Religion at least was looked upon with disfavour by Jefferson. He disliked all the doctrines of Calvin for he regarded Calvin's idea of God as completely false. [544] His views were that God was the "Creator and Benevolent Governor of the world" and that Calvin's God was a "daemon of malignant spirit." [545] It would be better to believe in no God at all, than to blaspheme Him by the atrocious attributes of Calvin, [546] for he regarded Calvin as an "impious dogmatist." [547] He was especially hostile to the Presbyterians whom he regarded as being too intolerant in religion and politics and a check upon all progress and science. [548]

Yet in spite of his hostility to the Calvinistic creeds, Jefferson was willing to extend toleration to its believers and to the believers of any other religion. In

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542) Jefferson: "To Dr. Joseph Priestley, 21/3/1801." (K&P. P. 562.)
543) Jefferson: "To James Smith, 8/12/1822." (K&P. P. 703.)
544) Jefferson: "To John Adams, 11/4/1823." (K&P. P. 705.)
545) Loc. Cit.
546) Loc. Cit.
547) Jefferson: "To Dr. Benjamin Waterhouse, 26/6/1822." (Foner, P. 775.)
548) Jefferson: "To Dr. Thomas Cooper, 13/3/1820." (K&P. P. 697.)

his criticism of the American Constitution he stated quite clearly, "I will now tell you what I do not like. First, the omission of a bill of rights, providing clearly, and without the aid of sophism, for freedom of religion."[549] In other private letters he reiterated the need for a bill of rights providing freedom or religion, [550] and on public occasions he stated religious freedom to be one of the essential principles of a government wanting peace, liberty and safety. [551] In the drafts of treaties he drew up as Ambassador in Europe, he also proposed clauses providing for freedom of religion. [552] Lack of religious freedom to Jefferson was a mere vassalage of the human mind by the priests. [553]

Though he advanced many reasons for favouring religious freedom, the direct cause of his efforts in Virginia was that the adherents of the established Anglican Church in Virginia were in the minority, [554] which to his mind was unfair and undemocratic. He clearly states numerous reasons for advocating religious freedom: "Whereas Almighty God hath created the mind free; that all attempts to influence it by temporal punishments or burthens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion, who being Lord both of body and mind, yet chose not to propagate it by coercions or either, as was in His Almighty power to do; that the impious presumption of legislators and rulers, civil as well as ecclesiastical,

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549) Jefferson: "To James Madison, 20/12/1787." (K&P. P. 437.)
550) Jefferson: "To Mr. A. Donald, 7/2/1788." (K&P. P. 442.)
"To Col. Carrington, 27/5/1788."(K&P. P. 447.)
"To Francis Hopkinson, 13/3/1789." (K&P. P. 459.)
551) Jefferson: "1st Inaugural Address, 4/3/1801." (K&P. P. 324.)
552) Jefferson: "Draft of a Model Treaty with the King of Denmark and Norway. (Boyd VII, P. 482.)
553) Jefferson: "To James Madison, 16/12/1786." (Boyd X, P. 603.)

who being themselves but fallible and uninspired men, have assumed dominion over the faith of others, setting up their own opinions and modes of thinking as the only true and infallible, and as such endeavouring to impose them on others, hath established and maintained false religions over the greatest part of the world." 555)

In the Statute he states that he regards liberty of conscience as a natural right. 556) Thus government can have no control over it for on entering into society man never submitted the rights or conscience which are matters solely between him and his God. 557) Because religion is a concern solely between God and the individual, the individual is accountable solely to God. 558) Man thus owes no account to any other for his faith and thus the legislative powers of government, which should reach actions only, cannot in any way touch opinions. 559)

"The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbour to say there are twenty gods, or no God. It neither picks my pocket nor breaks my leg....

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Constraint may make him worse by making him a hypocrite, but it will never make him a truer man. It may fix him obstinately in his errors, but will not cure them. Reason and free inquiry are the only effectual agents against error. Give a loose to them, they will support the true religion by bringing every false one to their tribunal, to the test of their investigation. They are

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554) Jefferson: "Notes on Virginia, Query XVII." (K&P. P. 274.)
555) Jefferson: "Virginia Statute of Religious Freedom, 1786."
556) Loc. Cit.
557) Jefferson: "Notes on Virginia, Query XVII."
558) Jefferson: "To Mrs. Samuel Harrison Smith, 6/8/1816." (Foner, P. 752.)
559) Jefferson: "To The Danbury Baptist Association of Connecticut, 1/1/1802." (K&P. P. 332.)

the natural enemies of error..... Truth can stand by itself. Subject opinion to coercion: whom will you make your inquisitors? Fallible men; men governed by bad passions, by private as well as public reasons. And why subject it to coercion? To produce uniformity. But is uniformity of opinion desireable? No more than of face and stature. Introduce the bed of Procrustes then, and as there is danger that the large men may beat the small, make us all of a size, by lopping the former and stretching the latter. Difference of opinion is advantageous in religion. The several sects perform the office of a censor morum over such other. Is uniformity attainable? Millions of innocent men, women, and children, since the introduction of Christianity, have been burnt, tortured, fined, imprisoned, yet we have not advanced one inch towards uniformity." 560)

Jefferson was thus a strong advocate of freedom of religion and was against all attempts to bring about a legal ascendancy of one sect over another. 561) As long as a religion makes honest men, society has no right to interfere. 562) There must be a complete wall of separation between Church and State. 563)

Yet the completeness of the wall of separation is far from absolute. The state has the right to interfere in the individuals belief for, though religious faith should be unpunished, this does not give immunity to criminal acts arising from religious error. 564) "It is time enough for the rightful purposes of civil government,

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560) Jefferson: "Notes on Virginia, Query XVII."
561) Jefferson: "To Elbridge Gerry, 26/1/1799." (K&P. P. 545.)
562) Jefferson: "To James Smith, 8/12/1822." (K&P. P. 703.)
563) Jefferson: "To The Danbury Baptist Association of Connecticut, 1/1/1802." (K&P. P. 332.)
564) Jefferson: "To James Madison, 31/7/1788." (K&P. P. 451.)

for its officers to interfere when principles break out into overt acts against peace and good order." 565)

Jefferson's views on religion were thus that it is a private matter for the individual whose reason should lead him to the correct beliefs. Because of its privacy, the state has absolutely no right to interfere with any sect unless the practice of its doctrines should lead to disorder.

f) The Role of Political Parties in the State.

As is the case in Jefferson's views on the best type of people for a state, so too his opinions on the part to be played by political parties seem inconsistent. His early views against political parties do not seem to square either with his later views or with his position as leader of a party. This inconsistency seems also, as is the case with his ideal people, to be the result of the development of his experience and knowledge.

On his return from France in 1789 he was definitely against both parties and the identification of himself with any political group. His view then was, "I never submitted the whole system of my opinions to the creed of any party of men whatever, in religion, in philosophy, in politics or in anything else, where I was capable of thinking for myself. Such an addiction, is the last degradation of a free and moral agent. If I could not go to heaven but with a party, I would not go there at all." 566)

As Secretary of State Jefferson collided with Hamilton over the questions of assumption, the establishment of the national bank and other fiscal policies.

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565) Jefferson: "Virginia Statute of Religious Freedom."
566) Jefferson: "To Francis Hopkinson, 13/3/1789." (K&P. P. 459.)

Even at this stage he expressed sorrow at the dissension arising in the government and regarded it as caused by what he viewed as Hamilton's attempts to interfere in his department and to set himself up as a kind of prime minister. 567)

The split which was arising between the followers of Jefferson on the one hand and those of Hamilton on the other over economic matters was soon to be worsened by their divergent views on foreign affairs. Hamilton's leaning in favour of the English as against the French caused Jefferson to regard him and his followers as an "Anglican monarchial aristocratical party" whose aim was to impose on America the English monarchial system. 568)

Yet even after the dissension caused by the application of the Sedition Act and the definite emergence of Jefferson as leader of the Republicans, he was able at his inauguration to refer lightly to the divisions that had arisen. 569) His address at that ceremony obviously aimed at placating fears which might have arisen as a result of his presidential victory and was one of compromise; "We have called by different names brethren of the same principle. We are all republicans - we are all federalists." 570) In the same month he farther expressed both a hope that harmony would be restored among all the sections of the population and a willingness to sacrifice everything except his principles to achieve this end. 571)

It is clear that Jefferson was beginning to recognise

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567) Jefferson: "To President Washington, 9/9/1792." (K&P. P. 517.)
568) Jefferson: "To Phillip Mazzei, 24/4/1796." (K&P. P. 537.)
569) Jefferson: "1st Inaugural Address, 1/3/1801." (K&P. P. 322.)
570) Loc. Cit.
571) Jefferson: "To Samuel Adams, 29/3/1801." (K&P. P. 563.)

the inevitability of political parties in any state where differences of principle arose but at the same time he saw the dangers of dissension. "If we break into squads, every one pursuing the path he thinks most direct, we become an easy conquest to those who can now barely hold us in check. I repeat again, that we ought not to schizmatize on either men or measures. Principles alone can justify that. If we find our government in all its branches rushing headlong, like our predecessors, into the arms of monarchy, ...
.....
then indeed let us withdraw and call the nation to its tents." 572)

Though he thus recognised the danger of the dissension of parties, Jefferson was to become a believer not only in their inevitibility but also in their necessity. He was later to state that parties should not be amalgamated as they are both desireable and useful. 573) Though political differences should not disturb the friendships of social life, parties are the best censors of the conduct of each other and the most useful watchmen over acts of the government on behalf of the people. 574) The political party thus plays an important role in ensuring both good government and the rights of the individual.

Jefferson was later to review his conception of the parties that had arisen in America. For him the two parties, Federalists and Republicans, had arisen through differences in principle, namely the relative values of monarchical and republican government. 575) He, of course,

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572) Jefferson: "To Col. W. Duane, 28/3/1811." (K&P. P. 613.)
573) Jefferson: "To Henry Lee, 10/8/1824." (K&P. P. 714.)
574) Loc. Cit.
575) Jefferson: "The Anas." (K&P. P. 117.)

favoured a republican form of government and viewed Hamilton and the Federalists as being monarchical. At the conclusion of the American War of Independence, some army officers, Generals Steuben and Knox, had tried to persuade Washington to assume the crown of America, [576] while at Philadelphia Hamilton, in his proposals that the tenure of the Executive and one part of the Legislature be for life, seemed to Jefferson to be strongly in favour of the English monarchical system. [577] The final proof of the Federalist yearning for a monarchy was the proposal of a toast to the President and King George the Third at the St. Andrew's Club of New York; here "Hamilton started up on his feet, and insisted on a bumper and three cheers." [578] It is clear that Jefferson regarded American party divisions as being solely political in origin; economic and social factors he largely discounted. He made this very clear, "I sincerely wish our differences were but personally who should govern, and that the principles of our constitution were those of both parties. Unfortunately, it is otherwise; and the question of preference between monarchy and republicanism..... threatens a permanent division here." [579]

Though these views were to an extent true when applied to the origin of the American party system, where but two great parties arose; they are not true at all times nor at all places. The modern history of France alone can be mentioned in support of this. Yet Jefferson gave what he considered the essential difference between parties a universal application.

"Men have differed in opinion, and have been divided

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576) Loc. Cit.
577) Loc. Cit.
578) Loc. Cit.
579) Jefferson: "To John Mellish, 13/1/1813." (K&P. P.620.)

into parties by these opinions, from the first origin of societies, and in all governments where they have been permitted freely to think and to speak. The same political parties which now agitate the United States, have existed through all time. Whether the power of the people or that of the aristoi should prevail, were questions which kept the states of Greece and Rome in eternal convulsions, as they now schismatize every people whose minds and mouths are not shut up by the gag of a despot." 580)

This view of the party system universally applied is stressed again and again by Jefferson. 581) He explains farther that men are "naturally divided into two parties: 1) Those who fear and distrust the people, and wish to draw all powers from them into the hands of the higher classes. 2) Those who identify themselves with the people, have confidence in them, cherish and consider them as the most safe and honest, although not the most wise depository of the public interests.....

.....

Call them, therefore, Liberals and Serviles, Jacobins and Ultras, Whigs and Tories, Republicans and Federalists, Aristocrats and Democrats, or by whatever name you please, they are the same parties still, and pursue the same object. The last appelation of Aristocrats and Democrats is the true one expressing the essence of all." 582)

Though not completely true, these views of Jefferson doubtlessly were the results of his own experiences. In America he had seen the growing hostility of most Americans to the policies of George III's Parliament, here was evidence of a split between republican and monarchical aims.

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580) Jefferson: "To John Adams, 27/6/1813." (K&P. P. 627.)
581) Jefferson: "To the Marquis de Lafayette, 4/11/1823." (K&P. P. 712.)
582) Jefferson: "To Henry Lee, 10/8/1824." (K&P. P. 714.)

This split was evident even after the war at Philadelphia and was continued in the policies and differences between himself and Hamilton. The only other country of which he had real first-hand experience was France where he had been American Ambassador immediately after the Revolution in America and immediately prior to that in France. During his time the people of democratic and those of autocratic views had started to take opposing sides. It is thus not to be wondered that his views on the differences between political parties were what they were. If considered from the view of experience, these ideas were inevitable. Professor Adam's statement that his experiences in France deepened and intensified the views he already held [583] are possibly true in this respect; though those experiences may have been one of the roots of his political thought in this particular instance.

It must be stressed, however, that however faulty his conception of political parties might have been, they occupied a key position in his democratic system. As they are made up of the people they serve the purpose of a watchdog over the government for the protection of the people's rights. Thus he came to recognise that parties must and inevitably shall exist.

g) Jefferson's Insistence upon Popular Sovereignty.

Calvin's philosophy was that God, the Creator of all, was the only absolute as far as power is concerned. [584] To this extent, Jefferson follows the teaching of Calvin and regards God as the Lord both of body and mind [585] and the Supreme Judge of the World. [586]

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583) Op. Cit. P. 174.
584) du Plessis, L.J.: Op. Cit. P. 65.
585) Jefferson: "Act for Religious Freedom." (K&P. P. 311.)
586) Jefferson: "Declaration of Independence." (K&P. P. 27.)

When man was created into the state of nature, however, he received the right of self-government which he could exercise as he alone saw fit as part of the Law of Nature. 587) The only restriction on man's power seems to have been the code of morals which was implanted in his nature. 588)

After man entered into the State of Society, he gave up, as a result of the compact, his powers to the society. The people who constituted the society were from then on the only source of all authority in that society. 589) In any society, "The whole body of the Nation is the sovereign legislative, judicial and executive power for itself." 590) To exercise the sovereign power on behalf of the society, however, the people appoint special organs. 591) It seems as if Jefferson's view is that sovereignty now belongs to the organs which have been appointed for he regards their acts as being obligatory to the people. 592) Farthermore, he speaks of the sovereign power reverting back to the people only after the organs have ceased to be. 593)

It also seems as if that in any state sovereignty consists of the exercise of the legislative, executive and judicial powers. 594) If this is so, then it follows that a government under which the legislative, executive and judicial powers are concentrated into the same hands

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587) Jefferson: "To Roger Weightman, 24/6/1826." (K&P. P. 729.)
588) Jefferson: "To The General Assembly of North Caroline, 10/1/1808." (K&P. P. 345.)
589) Jefferson: "Opinion on Renunciation of French Treaties, 28/4/1793." (Foner, P. 31.)
590) Jefferson: "To Edmund Randolph, 18/8/1799." (K&P. P. 550.)
591) Loc. Cit.
592) Jefferson: "Opinion on Renunciation of French Treaties, 28/4/1793." (Foner, P. 31.)
593) Jefferson: "Summary View, 1774." (K&P. P. 307.)
594) Jefferson: "To Edmund Randolph, 18/8/1799." (K&P. P. 550.)

is the sovereign for that particular society. Though Jefferson regarded such a system as despotism, [595] it seems to follow logically that the despot, whether he be called a king, a tyrant, or any other name, must be the sovereign. Logically, if a society has entrusted its legislative, executive and judicial powers into the hands of a single man, that man in Jefferson's view must be the sovereign.

This, however, in an apparent inconsistency in Jefferson's philosophy for sovereignty belongs solely and always to the people of the society. When the people lose faith in their agents, they have the perpetual right to change them or their organisation if they see fit. [596] If the agents of the people are but a single man, he is obviously also under the people in exactly the same way.

This view that the people are sovereign even under a monarchy is borne out again and again by Jefferson's attitude to revolution. Reserved to the people, for such extreme cases, is the "exertion of those sacred and sovereign rights of punishment." [597] "Rebellion to tyrants, is Obedience to God," [598] Who is the only absolute Power but Who granted the right of self-government to man as part of the Law of Nature. [599]

That Jefferson regarded the people of a society as always being sovereign is also shown by his attitude to laws. It is the will of the people that makes all laws obligatory and laws remain in force only till they are changed by the people. [600]

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595) Jefferson: "Notes on Virginia, Query XIII." (K&P. P. 237.)
596) Jefferson: "Opinion on Renunciation of French Treaties, 28/4/1793." (Foner, P. 31.)
597) Jefferson: "Summary View, 1774." (K&P. P. 307.)
598) Jefferson: "Report on Seal for the United States, 1776." (Boyd I, P. 497.)
599) Jefferson: "To Roger Weightman, 24/6/1826."(K&P. P. 729.)
600) Jefferson: "To Edmund Randolph, 18/8/1799."(K&P. P. 550.)

His attitude to constitutions also illustrates Jefferson's belief in popular sovereignty. Each generation is its own master, can govern itself as it sees fit and so has the right to adopt or change its constitution. 601) Similarly the powers of the government must never be enlarged by a wide construction of the constitution, but any increase in power for a governmental body must be approved by the nation. 602)

As Jefferson adapted the Contract Theory of the State from John Locke and not from Hobbes, so too did he adopt the idea of popular sovereignty. For his times and purposes a theory of the people's sovereignty was essential. If he had not accepted this principle, he would probably not have been able to oppose the British actions in any way. Only a claim to popular sovereignty could have justified American action in breaking away from the British Empire at that time.

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601) Jefferson: "To James Madison, 6/9/1789." (K&P. P. 491.)

602) Jefferson: "To Wilson Nicholas, 7/9/1803." (K&P. P. 573.)

CONCLUSION

Malone states that Thomas Jefferson viewed government not as an end in itself, but as a means to human happiness. 603) If it be remembered that government, according to the Declaration, was instituted to secure liberty and the pursuit of happiness, then this view is true. The Declaration stresses the philosophy of human rights, 604) and incorporates a note of humanitarianism into politics. 605) Jefferson has been judged to have believed in humanity without any reservation, 606) and that the "amelioration in the lot of the common man" was a social imperative basic to law and morals. 607)

That Jefferson personally attached great importance to the happiness of mankind, cannot be disputed and is borne out by his interest in improving the lot of the ordinary man.

He expressed pity for the Indians of America who though originally free and independent in a state of nature were overcome by the Whites. 608) Though they cannot love the whites after all the injuries done to them, 609) humanity dictates that they be taught agriculture and domestic arts so that they can maintain their existence. 610)

Jefferson regarded slavery as a political and moral evil, 611) for he believed that every-one had the right to be free. 612) Though believing the blacks to be

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603) Malone, D.: "Jefferson and the Rights of Man." P. 153.
604) Becker, C.: Op. Cit. P. 225.
605) Maxey, C.: Op. Cit. P. 414.
606) Oliver, F.S.: Op. Cit. P. 246.
607) Catlin, G.: Op. Cit. P. 317.
608) Jefferson: "2nd Inaugural Address, 4/3/1805." (K&P. P. 341.)
609) Jefferson: "To Benjamin Hawkins, 13/8/1786." (Boyd X, P. 240.)
610) Jefferson: "2nd Inaugural Address, 4/3/1805."(K&P. P. 341.)
611) Jefferson: "Notes on Virginia, Query VIII." (K&P. P. 219.)
612) Jefferson: "To Demeunier, 26/6/1786." (Boyd X, P. 63.)

"inferior to the whites in the endowment both of body and mind" [613] he continually stressed that they be liberated.[614] His kindly interest in the lot of his own slaves is shown by his refusal to sell them even when in debt lest they be subject to ill-usage by some future owner. [615] During the War of Independence, General Cornwallis carried off thirty of his slaves and his comment was: "Had this been to give them freedom he would have done right, but it was to consign them to inevitable death from the small-pox and putrid fever then raging in his camp." [616]

His interest in penal reform farther illustrates his essential humanity. A criminal should suffer a punish-ment only in proportion to his offence and is still entitled to all the protection of society, [617] and torture should be forbidden. [618] All prisoners should be given whole-some food and lodgings which will shelter them from the elements. [619]

Nowhere is Jefferson's humanity more clear than in his attitude to war. He hated war as the greatest scourge of mankind [620] for it is usually a loss to both parties that engage in it. [621] However, the warring states should co-operate "to alleviate the inevitable miseries of war..... as humanity and natural honor requires." [622] Thus civilians for example should be allowed to depart from the enemy state, [623] while those that labour for the benefit of mankind should be allowed

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613) Jefferson: "Notes on Virginia, Query XIV."(K&P. P. 261.)
614) Jefferson: "To Chastellux, 7/6/1785." (Boyd VIII,P.184.)
"To Edward Rutledge, 14/7/1787." (Boyd XI, P. 589.)
"To Edward Coles, 25/8/1814." (K&P. P. 461.)
615) Jefferson: "To Francis Eppes, 30/7/1788."(Boyd XI, P.640.
616) Jefferson: "To William Gordon, 16/7/1788." (Boyd XIII, P. 363.)
617) Jefferson: "Bill for Proportioning Crimes and Punish-ments, 1779." (Foner, P. 29.)
618) Jefferson: "Draft.....1783." (Foner, P. 182.)
619) Jefferson: "Bill for Employment, Government and Support of Malefactors Condemned to labor for the Commonwealth, 1779." (Boyd II, P. 513.)

to continue to do so without hindrance. [624] The circumstances of war must be made "as little afflicting as possible" to the individual [625] and so all those guilty of unjustifiable excesses must immediately be punished.[626]

Prisoners of war are under the protection of the laws to the same extent as any citizen. [627] Thus their health should be cared for, their confinement should not have mortal effects and those whose health or behaviour requires it should be allowed parole. [628] Prisoners should be placed in wholesome situations where they can get enough air and exercise and so they should not be put in dungeons or chains. [629] Jefferson himself at times interceded on behalf of individual prisoners of war to obtain paroles for them to recover debts, [630] to go to mineral springs for the sake of health, [631] and even to return home to visit a sick father before his death and arrange his estate. [632] It is little wonder that a contemporary referred to Jefferson's humanity. [633]

Jefferson's benevolence, however, was not of the despotic kind for he had great faith in the people as a whole. These two factors, his benevolence and faith in mankind, were most probably the direct cause of his extremely democratic philosophy, although it can be argued that

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620) Jefferson: "To Elbridge Gerry, 13/5/1797."(K&P. P. 543.)
621) Jefferson: "To William Short, 28/11/1814."(K&P. P. 653.)
622) Jefferson: "To the British Commanding Officer at Portsmouth, 24/3/1781." (Boyd V, P. 227.)
623) Jefferson: "Draft of Treaty proposed for Barbary States, 6/8/1785." (Boyd VIII, P. 347.)
624) Jefferson: "Report of Committee on Letters from American Ministers in Europe." (Boyd VI, P. 393.)
625) Jefferson: "To George Weedon, 10/4/1787." (Boyd V, P. 401.)
626) Jefferson: "To George Mathews, 8/10/1779." (Boyd III,
627) Jefferson: "To James Wood, 7/11/1780." P. 103.) (Boyd IV, P. 101.)
628) Jefferson: "To James Wood, 7/11/1780." (Boyd III, P. 437.
629) Jefferson: "Draft of a Model Treaty with the King of Denmark and Norway." (Boyd VII, P. 482.)
630) Jefferson: "To James Wood, 3/3/1780." (Boyd III, P. 308.)
631) Jefferson: "To James Wood, 17/5/1780."(Boyd III, P. 378.)
632) Jefferson: "To H.R. Lee, 21/4/1779." (Boyd II, P. 255.)
633) Phillips, William.: "To Jefferson, 10/8/1779." (Boyd III, P. 65.)

they sprang from that philosophy and were the result of it.

In short, Jefferson's political philosophy was that man in the state of nature has certain natural rights which are recognised and respected. With the growth of population these rights become endangered and so must be secured. To do this, government is instituted in such a way that it rests solely upon the consent of the governed who, as a result of the method of the institution of government, enjoy a perpetual right of changing or even of abolishing the government. Though a government can deteriorate into one of force, to accomplish its correct aims it should always be organised in such a way that all have their due say in its control and actions and that the natural and civil rights of each citizen are protected. The citizens or people must, to prevent deterioration into a government of force, be well and educated as reason plays an important role in self-government. Thus there must be freedom of speech, of the press and even of religion. Farthermore, the people must be as independent as possible and so their main occupation should be that of agriculture for manufacture tends to produce dependency. Their independence must also be strengthened by their being responsible for their own defence, especially as an army separate from the people can be used for their own downfall.

Without faith in the ability, morals and good sense of the people, such a political system would be impossible. A people without ability or good sense could not partake correctly in Jefferson's system of government and his scheme would be doomed to fail from the beginning. The people would have no respect for natural rights and consequently would not realise the need to secure them; government would not be instituted and the strong would

dictate to the weak. If government were perchance set up, it would be that of the strong man, strict, despotic, and unfair. Any democratic system must have trust in the sense and abilities of the people. The people as a whole must have a part to play in their government and the ability to do so.

Without his deep-rooted humanity, it was also unlikely that Jefferson's philosophy would have been what it was. Humanity, ingrained in the terms 'liberty' and 'the pursuit of happiness,' is essential in his reason for the institution of society. It is inherent in his aims of government. Without it, deterioration of the ideal government into one of force would be no deterioration but a mere centralisation: government would be able to do as it pleased without considering the good or happiness of the people in any respect. As he himself stated, government must do nothing that is not for the good of its people. 634)

The whole key to Jefferson's political philosophy seems to lie in the word "happiness." Not only, as we have seen in this chapter, did he believe in the happiness of the individual as shown by his interest in the welfare of his slaves, the aboriginal inhabitants of his country and even prisoners, but he believed that all equally had an inalienable right to be happy. 635) Government is instituted to secure the right of the individual to the pursuit of happiness, 636) and under the ideal state the individual enjoys a precious degree of happiness. 637) Society can chose the form of government which promotes

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634) Jefferson: "To President Washington, 9/9/1792." (K&P. P. 517.)
635) Jefferson: "Declaration of Independence." (K&P. P. 22.)
636) Loc. Cit.
637) Jefferson: "To James Madison, 30/1/1787." (K&P. P. 413.)

its own happiness; [638] it is the right and duty of a people to revolt if trespasses on its happiness occur, [639] and the small amount of blood shed in such a revolt is a small price to pay for the happiness of the people. [640] Governments of force are evil because kings and nobles are not 'good conservators of the public happiness'; [641] and agriculture is the wisest pursuit for man because it contributes most to his happiness. [642] Education should aim at teaching people how to work out their own happiness; [643] while attempts to produce religious uniformity have been wrong because of the unhappiness they have caused. [644] It seems thus that "happiness" was the standard by which Jefferson would have judged any act, and the principle according to which his philosophy was governed. With this great stress on the happiness of the individuals of the society, it was probably inevitable that he would have found Locke's trinity of Natural Rights wanting, and so replaced 'property' with the 'pursuit of happiness.'

In this stress upon happiness as a standard for judgement, Jefferson strongly reminds one of his contemporary Jeremy Bentham and of other English Utilitarians. Bentham's great test was utility: how far did any act contribute to the greatest good of the greatest number. [645] The jurist, John Austin, also stressed that the greatest possible advancement of human happiness should be the test

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638) Jefferson: "To Samuel Kercheval, 12/7/1816." (K&P. P. 674.)
639) Jefferson: "To James Madison, 20/12/1787." (K&P. P. 440)
640) Jefferson: "To Ezra Stiles, 24/12/1786." (Boyd X, P. 629.)
641) Jefferson: "To Mr. Wythe, 13/8/1786." (K&P. P. 394.)
642) Jefferson: "To George Washington, 14/10/1787." (Boyd XII, P. 38.)
643) Jefferson: "Notes on Virginia, Query XIV." (K&P. P. 264.)
644) Jefferson: "Notes on Virginia, Query XVII." (K&P. P. 274.)
645) Dunning, W.A.: "Rousseau to Spencer." P. 213.

of the end of government. [646] Jefferson's philosophy was similar to that of the Utilitarians in other respects also. Though Bentham denied the people any right of rebellion, [647] he recognised that the possibility of resistence or revolt sets an " indeterminate control upon governmental procedure." [648] It is to John Stuart Mill that Jefferson seems most similar in such matters as that government is made by men for their social well-being, [649] and that governmental interference should be limited to prevention of its subjects from harming one another. [650] Both Mill and Jefferson agreed that the best form of government is one where the "supreme controlling power in the last resort is rested in the entire aggregate of the community" [651] and that the people should exercise this power through deputies elected periodically. [652] Though both were out and out democratic in their views and believed in majority rule, they clearly saw that a danger in the democratic system is the unjust domination of the minority by the numerical majority. [653] Their solutions to this problem differed, however, for Mill was in favour of plural voting, [654] while Jefferson insisted on a Bill of Rights. [655]

If we are to find a place for Jefferson in the History of Political Philosophy these considerations should be borne in mind. His method and system is that of Locke

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646) Ibid. P. 233.
647) Ibid. P. 217.
648) Ibid. P. 223.
649) Ibid. P. 236.
650) Ibid. P. 238.
651) Ibid. P. 239.
652) Ibid. P. 240.
653) Ibid. P. 241.
654) Ibid. P. 242.
655) Jefferson: "To James Madison, 20/12/1787." (K&P. P. 437.)

but his aims are largely those of the Utilitarians. Though nearer to the latter in time, in the development of political thought he seems to stand midway between Locke and Bentham. He should thus be considered as a step between them in the development of English political thought, notwithstanding his hostility to the English political system as such.

The sixth President of the United States, John Quincy Adams, stated that "Mr. Jefferson is a man of universal learning." 656) Adams was without doubt thinking of Jefferson's activities in other fields than politics. Jefferson was an able musician and enjoyed music to the full. He had an inventive brain which is revealed in his improvements of the plow. He was an architect of no mean ability and designed his home Monticello. He also was interested in art, biology and astronomy and corresponded on these subjects.

Adams's remark can be applied particularly to the field of political science where it is as true. Jefferson was extremely well-read, and mentioned as sources for the Declaration the philosophies of Aristotle, Cicero, and Locke. 657) However, as has been pointed out, traces of the thought of Plato, Polybius, Grotius, the French Physiocrats and Montesquieu can also be found. It can thus be argued that Jefferson's philosophy was unoriginal. However, his philosophy was most original in its synthesis of the various elements to suit the needs of his time and country. Revolutionary America required a justification before "the opinions of mankind" 658) for its revolt and

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656) Bemis, S.: Op. Cit. P. 14.
657) Jefferson: "To Henry Lee, 8/5/1825." (K&P. P. 719.)
658) Jefferson: "Declaration of Independence." (K&P. P. 22.)

its accusations against George III and his Parliament which could really not be given on legal grounds. 659) It was the philosophy of Thomas Jefferson as expressed in the Declaration of Independence which gave this justification and provided a basis for the American stress on the democratic way of life.

In conclusion, one of Jefferson's beliefs has special interest to us in South Africa. Though he was completely in favour of the emancipation of slaves, he believed that prejudice would prevent their being taken up into the European society. Besides this, however, he recognised that the Blacks are a race completely distinct from the Whites. In habits the two races differ completely and the White seems to have more of reasoning power. The Blacks in Jefferson's eyes show no signs of culture and so emancipation will cause complications.

When slaves were freed in Roman society, they were usually taken up by that society. This could happen because the Romans and their slaves usually belonged to the same race, and Jefferson concludes: "This unfortunate difference of colour, and perhaps of faculty, is a powerful obstacle to the emancipation of these people. Many of their advocates, while they wish to vindicate the liberty of human nature, are anxious also to preserve its dignity and beauty. Some of these, embarrassed by the question, 'What farther is to be done with them?' join themselves in opposition with those who are actuated by sordid avarice only. Among the Romans emancipation required but one effort. The slave, when made free, might mix with, without staining the blood of his master. But with us

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659) Becker, C.: Op. Cit. Pp. 5-19.

a second is necessary, unknown to history. When freed, he is to be removed beyond the reach of mixture." 660)

It thus seems that if Jefferson were today alive, he would have seen justification of some of his ideas in the events in the southern states of America. Unlike many other Americans, it is also probable that he would have supported the policies of the Europeans in South Africa in regard to the colour problem.

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660) Jefferson: "Notes on Virginia, Query XIV." (K&P. Pp. 256-62.)

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