

2018

## Jefferson's Equality Inconsistencies

Thomas Corriea

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### Recommended Citation

Corriea, Thomas (2018) "Jefferson's Equality Inconsistencies," *University of Massachusetts Undergraduate History Journal*: Vol. 2, Article 10.

DOI: <https://doi.org/10.7275/bj9y-gw54>

Available at: <https://scholarworks.umass.edu/umuhj/vol2/iss1/10>

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# *Jefferson's Equality Inconsistencies*

By Thomas Correia

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*Thomas Jefferson's own work, accounts from his family, and several sources concerning his relationship with notions of slavery and equality, show the inconsistencies in Jefferson's ideas about equality. This can be solved by classifying them into two spheres: the political and personal. Although it was useful to classify his paradoxes into two spheres of thought, it became evident that the contradictions were not absolutely confined to them. Even within the spheres of the political and personal, Jefferson's ideas and actions concerning equality were not consistent.*

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“All men are created equal.” Possibly the most famous and recognizable phrase in American political thought. Regarded today as a staple to the idea of American freedom and equality of opportunity in American life. However, it is evident that when Thomas Jefferson wrote these words into the Declaration of Independence his perspective on equality was not as inclusive as Americans today now understand it to be. Jefferson seems to have been a walking paradox. In the political sphere he strived for, as he proclaimed in his first inaugural address, “equal and exact justice for all men.”<sup>1</sup> In the personal sphere, Jefferson battled internally with the concept of equality when it came to African Americans; not even being able to show his own alleged children affection because they had been birthed by a slave. Examining Thomas Jefferson in the political and personal spheres, as well as analyzing the word choice in his writings, produces a picture of the internal struggle that plagued one of America’s founding fathers.

Jefferson’s political life began at the age of nineteen. He began his practice as a lawyer in Williamsburg Virginia. Documented as being a thoroughly professional lawyer, Jefferson at a relatively young aged was a respected practitioner.<sup>2</sup> On the basis of legal cases in which Jefferson represented slaves suing for their freedom it becomes apparent that he held some strong antislavery sentiments during his adolescent years and early twenties. During his seven years as a practicing lawyer, Jefferson argued appeals in six cases which involved a slave suing for freedom.<sup>3</sup> What makes the fact that Jefferson represented slaves in these cases so significant is the means by which he came to be appointed in these cases. Jefferson took each of these cases pro bono. This means that he decided to represent these slaves without taking any payment for work. He even went a step further, and in each of the cases he advanced the filing fees and court costs on account of his clients out of his own pocket.<sup>4</sup> Jefferson’s actions suggest that, during his years of early adulthood, he felt some sort of emotional attachment to those affected by slavery. It is unlikely that he would pay for trials, which he was more than likely to lose, out of his own pocket if he did not have immense sympathy for those parties he represented. It is important to note that each of the six clients he represented were of mixed racial descent and not fully black.<sup>5</sup> But even though Jefferson did not represent fully black clients, it is still clear that at this time in his life he was very troubled by the institution of slavery; seeing blacks as equals, in terms of a human’s right to be free from bondage.

In 1781, in what is now considered his most controversial work, Thomas Jefferson addressed the issue of slaves’ inequality in *Notes on Virginia* Queries XIV and XVII. These writings were the first time that Jefferson had published his thoughts on the physical anthropology of blacks. These works bring to light the paradoxical nature of Jefferson’s intellect. In one view he saw blacks as equals; deserving the human right to freedom. In the other he saw undeniable inequalities that would prevent blacks from ever integrating into white society.<sup>6</sup>

It is undeniable that Thomas Jefferson held racist beliefs against black people. It is difficult to understand the relationship between Jefferson’s attack on slavery in Query XVIII and his racist defense of colonization in Query XIV.<sup>7</sup> In Query XIV, it is clear that Jefferson’s racist ideas stem from the uninformed pseudoscience of his period. An unquestionable low point in the thought of one of America’s Founding Fathers, Jefferson critiqued the appearance of the black race quite harshly and makes broad assumptions about the “nature” of black persons. First, pointing out the obvious distinction of skin color, he considered blacks to be inferior in communicating emotions because of their “immovable

1 Jefferson, Thomas. “First Inaugural Address.” 1801.

2 Merkel, William G. “A Founding Father on Trial: Jefferson’s Rights, Talk, and the Problem of Slavery During the Revolutionary Period.” *SSRN Electronic Journal*, 2011. pp. 2.

3 Merkel. “Founding Father on Trial,” 3.

4 Merkel. “Founding Father on Trial,” 3.

5 Merkel. “Founding Father on Trial,” 3.

6 Diggins, John P. “Slavery, Race, and Equality: Jefferson and the Pathos of the Enlightenment.” *American Quarterly*, vol. 28, no. 2, 1976, p. 224.

7 Rothman, Adam. “Jefferson and Slavery.” *Seeing Jefferson Anew in His Time and Ours*, University of Virginia Press,

black veil.”<sup>8</sup> He continued with his critique of African characteristics as lacking beauty, and having inferior hair, a pungent odor, and over active sweat glands.<sup>9</sup> Jefferson, observing a race of people stripped of their culture, education, and freedoms, also harshly critiqued the intellectual abilities of the black race. “Comparing them by their faculties of memory, reason, and imagination, it appears to me, that in memory [blacks] are equal to the whites; in reason much inferior, as I think one could scarcely be found capable of tracing and comprehending the investigations of Euclid; and that in imagination they are dull, tasteless, and anomalous.”<sup>10</sup> Although Jefferson had these negative assumptions about the black race, he did present a plan in Query XVIII that sympathized with the condition of blacks.

Query XVIII served as Jefferson’s solution to the problem of slavery in America. He clearly considered the status of blacks as equal to that of all human beings; deserving complete and immediate freedom from slavery.<sup>11</sup> Completely morally opposed to the institution, Jefferson believed that slavery was a moral wrong which he thought would bring about divine punishment in America. “Indeed I tremble for my country when I reflect that God is just: that his justice cannot sleep forever: that considering numbers, nature, and natural means only, a revolution of the wheel of fortune, an exchange of situation, is among possible events: that it may become probable by supernatural interference.”<sup>12</sup>

Jefferson’s approach to the problem of slavery was shaped by his paradoxical understanding of equality. He acknowledged the equal right to freedom which blacks deserved, but at the same time believed that there were undeniable inequalities between the black and white races which would forever prohibit their peaceful existence together. “Nothing is more certainly written in the book of fate that these people are to be free, nor is it less certain that the two races, equally free, cannot live in the same government.”<sup>13</sup> Jefferson’s solution to the problem of slavery was to create a plan of gradual emancipation. Beginning with the prohibition of the importation of slaves, Jefferson saw it necessary to prepare slave children for freedom through education and apprenticeship. The slave children would then be deported to a nation they could call their own; far detached from America so not to have the means for vengeance, though they indeed would have had a cause. Ultimately Jefferson wanted to replace the slave population in the America with free white immigrants.<sup>14</sup>

In the age of the American Revolution, Jefferson was called upon to draft the Declaration of Independence. Examining the word choice used by Jefferson in the first and final drafts he came up with helps to understand how he may have reconciled his conflicting internal beliefs on equality. The historian Alexander Boulton argues that, in Jefferson’s mind, the idea of blacks deserving equal rights while simultaneously being unequivocally inferior to whites was not a contradiction.<sup>15</sup> In the first draft of the Declaration of Independence, Jefferson’s word choice suggests that he did indeed have a conception of equality based on natural law. Natural law was ironically the same basis for Jefferson’s conception of the black race as inferior.<sup>16</sup> In his first draft Jefferson wrote: “We hold these truths to be sacred and undeniable; that all men are created equal and independent, that from that equal creation they derive rights inherent and inalienable, among which are the preservation of life, liberty, and the pursuit of happiness.”<sup>17</sup> Boulton suggests that Jefferson drew his ideas of “equal creation” from possibly his largest intellectual influence, John Locke. In the *Second Treatise of Government* Locke wrote, “there is nothing more evident, than that Creatures of the same species and rank promiscuously born to

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8 Jefferson, Thomas. “Notes on Virginia.” 1785. pp. 265.

9 Jefferson, Thomas. “Notes on Virginia.” 1785. pp. 265.

10 Jefferson, Thomas. “Notes on Virginia.” 1785. pp. 266. Euclid was the founder of geometry.

11 Jefferson, Thomas. “Notes on Virginia.” 1785. pp. 264.

12 Jefferson, Thomas. “Notes on Virginia.” 1785. pp. 289.

13 Helo, Ari. “Jefferson, Morality, and the Problem of Slavery.” *The Mind of Thomas Jefferson*, University of Virginia Press, 2012, pp. 237.

14 Rothman. “Jefferson and Slavery.”, 119.

15 Boulton, Alexander O. “The American Paradox: Jeffersonian Equality and Racial Science.” *American Quarterly*, vol. 47, no. 3, 1995, p. 467.

16 Boulton. “Paradox.” 471.

17 Jefferson, Thomas. “First Draft of the Declaration of Independence.” 1776.

all the same advantages of Nature, and the use of the same faculties, should also be equal one amongst another without Subordination or Subjection.”<sup>18</sup> This helps to understand how Jefferson may have justified his contradicting views. He very well may have used Locke’s principle that everyone should be free from subordination and subjection as his basis for denouncing slavery. This would not conflict with his idea that, although still reserving the rights bestowed to everyone upon their “equal creation”, the black race was still naturally inferior to the white race. However, it is important to note that in the final submission of the Declaration of Independence, Jefferson chose to change the phrasing of the clause concerning “equal creation.” Choosing to remove specific words shows that Jefferson was conscious of the implications his words might have on the future of the country. The final submission of the Declaration contained the following clause: “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.”<sup>19</sup> The replacement of “sacred”, “undeniable”, “independent”, and “equal creation” suggests that Jefferson wished to leave this clause more ambiguous; open to many interpretations.<sup>20</sup> This ambiguity would allow future legislators and political thinkers to justify their interpretations both for and against human equality; keeping in motion the legislative action that holds the country together, while being able to avoid the problem of equality and human rights. Whether Jefferson included more ambiguity for this reason is unknown, but would make sense considering he had a vision of gradual, rather than immediate, emancipation. Writing ambiguity of human equality into the Declaration would allow the nation to adapt at its own pace.

At the age of forty, Jefferson proposed a Constitution for Virginia in 1783. In his proposal, when laying out the restricted powers of the General assembly, Jefferson included a radical suggestion concerning the status of slavery in Virginia. His proposal included an emancipation clause that would have freed all who were born into slavery in the state after 1800.<sup>21</sup> The clause is as follows: “The General assembly shall not have the power to... permit the introduction of any more slaves to reside in this state, or the continuance of slavery beyond the generation which shall be living on the 31st. day of December 1800; all persons born after that day being hereby declared free.”<sup>22</sup> At this time in Jefferson’s life, he was still pushing for antislavery legislation which suggests that, at least in political and legislative terms, he saw blacks and whites as equals.

Thomas Jefferson’s political views on slavery and equality for all men seem to reside mainly in his political sphere. His personal sphere holds a very different image of Jefferson. Throughout his life, Jefferson had been the owner of several hundred slaves. In direct contradiction to the principles that Jefferson claimed to possess in his political sphere, he only freed five of the slaves remaining in his possession at the time of his death on July 4, 1826.<sup>23</sup> The remainder of his slaves were sent to the auction block to be sold to the highest bidder. Even the five slaves that Jefferson did free in his will were only freed because they had a distinct attribute from the rest of his property. These five slaves were all blood relatives of his deceased wife Martha.<sup>24</sup>

Another contradiction that Jefferson found himself in was the alleged relationship with one of his slaves, and late-wife’s half-sister, Sally Hemings. It had been long debated whether this relationship existed and whether the children that Hemings had were of any relation to Thomas Jefferson. In 1998, the relationship of at least one of Sally Heming’s

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18 Boulton. “Paradox.” 471.

19 Jefferson, Thomas. “The Declaration of Independence.” 1776.

20 Boulton. “Paradox.” 472.

21 Merkel. “Founding Father on Trial,” 2.

22 Jefferson, Thomas. “Draft of Virginia’s Constitution.” 1783

23 Merkel. “Founding Father on Trial,” 1.

24 Merkel. “Founding Father on Trial,” 2.

children to Jefferson became undeniable. A DNA study was published, genetically linking the two families.<sup>25</sup> There is a possibility that one of Jefferson's brothers could have fathered the children of Hemings, but it is highly unlikely considering the numerous sources which contest otherwise.

The memoirs of Madison Hemings serves as a critical source for learning about Jefferson's relationship with his slave children. Claiming to have been named by James Madison's wife and growing up with Thomas Jefferson at his estate, Madison Hemings also recalled Jefferson's demeanor towards his half-black children. Remembering what he could about his father, Hemings wrote, "He was uniformly kind to all about him. He was not in the habit of showing partiality or fatherly affection to us children. We were the only children of his by a slave woman. He was affectionate toward his white grandchildren, of whom he had fourteen."<sup>26</sup>

If Hemings' claims are true, then the aspect of Jefferson's personality geared towards blacks is highlighted. Jefferson's apparent lack of affection towards his children who shared black genes hints at regret or shame within Jefferson about having fathered black children. This demonstrates inequality within Jefferson's personal sphere. Especially considering that the reigning narrative today concerning Jefferson's personal love life is that he had continuous relations, and possibly even true love, with his slave Sally Hemings.<sup>27</sup> Hemings, being a free woman during her time in France, accompanied Jefferson back to Monticello where she again became a slave. It is unlikely she would have done this unless they were in a mutual relationship. It would be consistent with Jefferson's actions that he may have loved and had children with a slave woman, but not have shown equal affection toward his slave children. But, he did follow through with his promise to Sally to free any children they had, which he did in his last will and testament.<sup>28</sup>

By the time that Jefferson would have fathered Sally Hemings' children, he had already publicly displayed his beliefs about the natural inferiority of blacks in his *Notes on Virginia*. Knowing that he held such racist ideas about black people at that time helps to make sense of his unsympathetic demeanor to the hundreds of slaves that he owned, as well as the children he was likely father too. It is possible that Jefferson could not let go of the pseudoscience-inspired racism which he put forth in *Notes on Virginia*.

It remains uncontested that Thomas Jefferson was one of the most prominent writers and critical political thinkers in American history. But it is clear that this American founding father and the author of the Declaration of Independence dealt with internal conflicts concerning equality. It also becomes evident that his conflicting conceptions of equality were not fully distinguished by his personal and political spheres of thought. In Jefferson's political sphere he was a defender of equality among men; supporting slave's rights to freedom and writing into the Declaration that "all men are created equal." But he also saw an entire race of people as being naturally inferior and by definition unequal, publishing this in *Notes on Virginia*. In his personal sphere, it is likely that Jefferson had a loving relationship with a slave who he owned. But he also would not show affection to his alleged children due to their blackness. Thus, it seems that the mind of Thomas Jefferson can not be absolutely defined by two separate spheres. Although breaking down Jefferson's thoughts into the political and personal is useful for understanding his notions of equality, his inconsistencies bleed into the spheres themselves. His internal battle with conceptions of equality truly highlights the paradoxical nature of one of the nation's paramount thinkers.

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25 Stanton, Lucia. "The Other End of the Telescope: Jefferson through the Eyes of His Slaves." *The William and Mary Quarterly*, vol. 57, no. 1, 2000, p. 139.

26 Hemings, Madison. "The Memoirs of Madison Hemings." PBS, Public Broadcasting Service

27 Yarbrough, Jean. "We'll Always Have Paris." *Architect of American Liberty*, vol. 17, no. 4, 2017.

28 Yarbrough, "Paris".

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