

**“Words Fitly Spoken”:
Thomas Jefferson, Slavery, and Sally Hemings**

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“I am sustained by Mr. Jefferson.”
Abraham Lincoln
Springfield, Illinois, July 17, 1858

Thomas Jefferson’s reputation has taken a terrible beating over the last few years. The other Founding Fathers – Adams, Hamilton, Madison, Washington – all have their modern-day champions; Jefferson’s champions, though, are in retreat, no longer able to evade or sweep aside the central, terrible contradiction at the core of his life: that the author of the noblest phrases ever penned in the English language about equality, and liberty, and self-governance, held other human beings in bondage. The apparent confirmation of long-standing rumors regarding his relationship with Sally Hemings has cast a harsh light; no longer can we think of Jefferson as merely a “participant” in the “institution” of slavery, in some abstract and disembodied sense; he was, we now see, and not to put too fine a point on it, engaged in sexual relations with a chattel slave, a woman – a girl, really – whom he *owned*.

There are ironies galore in all this of course – that Jefferson, who believed as fervently as anyone that the truth can set you free, and that science is an engine for human progress, has finally been hoist on his own petard, consigned to the purgatory of fallen saints by an analysis of genetic markers on the Y-chromosome. Or that the Founding Father who could, in the words of a nineteenth-century biographer, “calculate an eclipse, survey an estate, tie an artery, plan an edifice, try a case, break a horse, dance a minuet, and play the violin” – is now reduced to a single dimension, his achievements as Astronomer-Agronomist-Architect-Biologist-Meteorologist-Paleontologist-Anthropologist-Cartographer-Linguist-Politician lost in the glare of his life as a Slave-Owner – a *Slave-Defiler*.

But it would be worse than ironic, it would be deeply unfortunate, if we use these revelations to drive the final nail in the Jeffersonian coffin, if we take this as an opportunity to turn our collective back on Jefferson, Jeffersonian ideals, and the Jeffersonian vision. He still has much to teach us. It is something of a cliché to suggest that each generation has to come to terms with Jefferson's Contradiction, but it is nonetheless true, for liberty and slavery are the twin poles of the American experience, and Jefferson embodies them both, *in extremis*. Now that the darkest corner of Jefferson's life has been thrown open to public view, we can look at the entirety of that life, and we can see perhaps more clearly than before – the final irony – that Thomas Jefferson did more to end slavery in the United States than anyone else in American history with the single exception of Abraham Lincoln (who, not coincidentally, took Jefferson as his guiding light).

We need to learn – as Lincoln, and others in the generations before us, learned – how to love Jeffersonian ideals and the Jeffersonian vision (and, perhaps, even Jefferson himself) and to hate slavery. We need to understand the words and the ideas that helped to create a world in which the very notion that one person can “own” another is almost universally viewed as beyond the pale of civilized human behavior. It is, with the cold genetic data staring us in the face, both more difficult, and more important, that we do so. Our ongoing conversation with Jefferson is not, I hope, over; our vision of who we are, and what we can become, becomes smaller and somehow less luxuriant if we declare it to be so.

HYPOCRISY, n. The practice of professing beliefs that one does not hold.

Jefferson was no hypocrite when it came to the slavery question – even his most fervent detractors have to admit as much. He loathed slavery – this “great political and moral evil,” he called it in the only book he published in his lifetime, *Notes on Virginia*. His public and private writings throughout his life make it clear that he held the institution of slavery to be an abomination, its practice immoral and fundamentally inconsistent with his ideas about the natural rights to “life, liberty, and the pursuit of

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happiness.” No passages in his incredibly voluminous papers are, historian C. Vann Woodward wrote, “more moving or more poignant” than those denouncing slavery. “What a stupendous, what an incomprehensible, machine is man,” he wrote for the entry for “The United States” to be included in Diderot’s great *Encyclopedie* in the mid 1780s, “who can endure toil, famine, stripes, imprisonment and death itself in vindication of his *own* liberty, and the next moment be deaf to all those motives whose power supported him through his trial, and inflict on his fellow-men a bondage, one hour of which is fraught with more misery than ages of that which he rose in rebellion to oppose.”

“Nothing is more certainly written in the book of fate,” he wrote, “than that these people are to be free.” (*Autobiography*). The “commerce between master and slave,” he wrote in *Notes on Virginia* – is

“a perpetual exercise of the most unremitting despotism on the one part, and degrading submissions on the other. Our children see this, and learn to imitate it; for man is an imitative animal. . . . The parent storms, the child looks on, catches the lineaments of wrath, puts on the same airs in the circle of smaller slaves, gives a loose to his worst of passions, and thus nursed, educated, and daily exercised in tyranny, cannot but be stamped by it with odious peculiarities. The man must be a prodigy who can retain his manners and morals undepraved by such circumstances.”

It was the most vile form of injustice, and he knew it; from *Notes on Virginia* again:

“[W]ith what execration should the statesman be loaded, who, permitting one half the citizens thus to trample on the rights of the other, transforms those into despots, and these into enemies, . . . can the liberties of a nation be thought secure when we have removed their only firm basis, a conviction in the minds of the people that these liberties are of the gift of God? That they are not to be violated but with his wrath? *Indeed I tremble for my country when reflect that God is just: that his justice cannot sleep for ever . . . The Almighty has no attribute which can take side with us in such a contest.*”

Fine. Nice sentiments, all; maybe his heart was in the right place. But actions, as the saying goes, speak louder than words; did he try to do anything about slavery?

- in 1769, while a member of the Virginia House of Burgesses, Jefferson helped to draft a bill to allow for “manumission by deed” – a procedure whereby slave-owners could transfer, by deed, their “property interest” in slaves back to the slaves themselves, setting them free. The bill eventually passed in 1782, and Jefferson – by then the Governor of the new state – signed it into law that year;
- as a fledgling practicing lawyer, in 1770, in his argument in the obscure case of *Howell v. Netherland*, which involved the freedom or enslavement of a third-generation mulatto, Jefferson had pled that “we are all born free” and that slavery was contrary to natural law – an argument the court dismissed out of hand.
- Jefferson prepared not one but two drafts of a Constitution for the State of Virginia, one in 1776, one in 1783. The earlier draft would have prohibited the *importation* of slaves into the State: “No person hereafter coming into this county shall be held within the same in slavery under any pretext whatever.” The 1783 draft went further: “The General assembly shall not have to 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.”
- As a member of the federal Congress in 1783-84, Jefferson drafted and submitted to that body a Report on the Government of the Western Territories, which Congress enacted into law as the Ordinance of 1784. It provided that “after the year 1800 of the Christian era, there shall be neither slavery nor involuntary servitude . . . otherwise than in punishment of crimes, whereof the party shall have been duly convicted to have been personally guilty” in *any* part of the United States outside of the original 13 colonies. The slavery prohibition was deleted by Congress from the final bill – by a single vote. (Under the Articles of Confederation, which

were then in effect, laws could be enacted only if supported by the delegations of seven States. Six States (Penn., NY, Conn., R.I., Mass., Maine) supported Jefferson's slavery prohibition; three (Virginia [Jefferson himself dissenting], MD, and SC) opposed it; NC was divided. New Jersey would have supported the prohibition but its delegate, James Beatty, was ill and did not attend the session. Jefferson wrote later in his *Autobiography*:

“Seven votes being requisite to decide the proposition affirmatively, it was lost. The voice of a single individual of the State which was divided [New Jersey] . . . would have prevented this abominable crime from spreading itself over the new country. Thus we see the fate of millions unborn hanging on the tongue of one man, and Heaven was silent in that awful moment! But it is to be hoped it will not always be silent, and that the friends to the rights of human nature will in the end prevail.”

- *Notes on Virginia* was to be the only book Jefferson published in his lifetime, and an extraordinary book it was. Written in 1781, while Jefferson was completing his term as Governor of Virginia, in response to a series of questions about the newly-independent American States posed by Francois Marbois, secretary to the French Ambassador to the U.S., it was one of the most influential books of its time, the first comprehensive account of the conditions of life – biological, geological, meteorological, social, and political – in the new country. It covered everything from the navigability of each of Virginia's rivers, the names of each the 101 bird species then known to inhabit the State, seasonal changes in wind and rainfall patterns across the State, and the location of all known deposits of valuable minerals, to a complete catalogue of the laws of Virginia and the history of its settlement.

Its passages on slavery (quoted in part above) – “worth more,” John Adams wrote, “than diamonds [and] will have more effect than volumes written by mere philosophers” – ensured that it would receive a chilly reception among the Virginia establishment. Jefferson did more than merely

state his opposition to slavery, which was already well-known at the time; he suggested that the country was already moving, inexorably, driven and guided by the Almighty Himself, towards emancipation. “I tremble for my country when I reflect that God is just”:

“[I]t is impossible to be temperate and to pursue this subject through the various considerations of policy, of morals, of history natural and civil. We must be contented to hope they will force their way into every one's mind. *I think a change already perceptible, since the origin of the present revolution.* The spirit of the master is abating, that of the slave rising from the dust, his condition mollifying, the way I hope preparing, *under the auspices of heaven*, for a total emancipation, and that this is disposed, in the order of events, to be with the consent of the masters, rather than by their extirpation.”

Notwithstanding the time and effort that Jefferson devoted to preparation of this volume, and the extraordinary value of such a compendium of information about the New World for scholars, travelers, and statesmen, Jefferson initially rejected appeals to have it published. “There are sentiments on some subjects which I apprehend might be displeasing to the country [and] perhaps to the assembly or to some who lead it,” he wrote to James Madison; “I fear that the terms in which I speak of slavery [and of our constitution] may produce an irritation which will revolt the minds of our countrymen against reformation, [and] indispose the people towards the [two] great object[s] I have in view – that is, the emancipation of their slaves – and thus do more harm than good.” Only when he was reassured by his two most trusted Virginia confidantes – Madison and James Monroe – that it would not have that unfortunate effect did he agree to a small private printing; believing that both its “political and physical parts” might “set our young students into a useful train of thought,” he subsequently distributed one copy “to every young man at [William and Mary College], for it is to them I look, to the rising generation, and not to the one now in power, for these great reformations.”

- When the federal Constitution was adopted in 1791, it contained a provision that prohibited the federal Congress from interfering with the slave trade until the year 1808: “The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight . . .” In 1806, in his annual message to Congress, Jefferson wrote:

“I congratulate you, fellow-citizens, on the approach of the period at which you may interpose your authority constitutionally, to withdraw the citizens of the United States from all further participation in those violations of human rights which have been so long continued on the unoffending inhabitants of Africa, and which the morality, the reputation, and the best interests of our country, have long been eager to proscribe. Although no law you may pass can take prohibitory effect till the first day of the year one thousand eight hundred and eight, yet the intervening period is not too long to prevent, by timely notice, expeditions which cannot be completed before that day.”

Jefferson introduced, Congress passed, and Jefferson signed, a bill prohibiting any further importation of slaves as of the earliest date the Constitution permitted: January 1, 1808.

And then, of course, there was the Declaration of Independence itself:

“We hold these truths to be self-evident: that all men are created equal, that they are endowed by their Creator with certain [inherent and] inalienable rights; that among these are life, liberty, and the pursuit of happiness; that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed ...”

It is tempting – too tempting – to dismiss, from our more enlightened perspective of the 21st century, the radical import of these words in their time (and, for that matter, in ours); indeed, it has almost become a badge of intellectual honor these days to do so. Jefferson’s most celebrated achievement is, to many of his detractors, the cornerstone of the indictment against him; how in the world can word and deed – Philadelphia’s “self-evident truth” that “all men are created equal” and Virginia’s slave state (not to mention

Sally Hemings) – be reconciled? It was all, it appears, a sham; they were all, Jefferson foremost among them, living a lie.

Precisely – it was a lie, a betrayal of the most sacred principles on which the new republic was being founded. The Declaration declares it to be so – shouts it, as it were, from the rooftops. That is precisely why the words deserve celebration, not scorn. The document states the moral proposition in unambiguous terms: in a republic truly founded upon “sacred and undeniable” principles, upon the “laws of Nature and of Nature’s God,” human slavery could not stand.

There could be no misunderstanding on that point; Jefferson makes it clear by including the following paragraph later in the document, on the list of King George III’s “abuses and usurpations” through which he had attempted to impose “absolute Despotism” upon the Colonies:

“He has waged cruel war against human nature itself, violating its most sacred rights of life and liberty in the persons of a distant people who never offended him, captivating and carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither. This piratical warfare, the opprobrium of infidel powers, is the warfare of the CHRISTIAN king of Great Britain. Determined to keep open a market where MEN should be bought and sold, he has prostituted his negative [*i.e.*, his veto powers over Colonial legislation], suppressing every legislative attempt to prohibit or to restrain this execrable commerce. And that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he has deprived them, by murdering the people on whom he also obtruded them: thus paying off former crimes committed against the liberties of one people, with crimes which he urges them to commit against the lives of another.”²

This passage, like the anti-slavery provisions in Jefferson’s draft of the Ordinance of 1784, was deleted by Congress before final approval of the Declaration. But Jefferson

² The capitalization (“MEN,” “CHRISTIAN”) and underlining in this passage are Jefferson’s, from his rough draft.

took enormous pains later in life to preserve it, to make sure that history knew that it in *his* Declaration of Independence, slavery was deemed “cruel war against human nature itself,” that the “men” declared equal in the Preamble included those who “bought and sold,” that this “execrable commerce” in human souls violated the “most sacred rights of life and liberty.”

Not to mention “the pursuit of happiness.” Jefferson’s use of this phrase in the list of natural rights – “life, liberty, and the pursuit of happiness” – has long been something of a puzzle. On the one hand, the prevailing view of the Declaration of Independence is, as Pauline Maier writes in her exhaustive history of the document, that it merely “summarized succinctly ideas defended and explained at greater length by a long list of seventeenth-century writers,” that the ideas it expressed were “absolutely conventional among Americans of [Jefferson’s] time.” Jefferson himself admitted as much; that, he said, was the point. John Adams had written, using language more colorful than, but in substance identical to, Prof. Maier’s, that “there is not an idea in [the Declaration] but what had been hackneyed in Congress for two years before,” that the “substance of it” was already “contained in the Declaration of Rights [enacted by] Congress in 1774,” two years before Jefferson set to work. To which Jefferson responded: “That may all be true.”

“I did not consider it as any part of my charge to invent new ideas altogether, [or] to offer no sentiment which had ever been expressed before. . . . [T]he object of the Declaration of Independence [was] not to find out new principles, or new arguments, never before thought of, [or] 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. [Not] aiming at originality of principle or sentiment, . . . it was intended to be an expression of the American mind, and to give to that expression the proper tone and

spirit called for by the occasion. All its authority rests then on the harmonizing sentiments of the day . . .”

But at the same time, at the critical juncture in this “conventional” document, Jefferson takes a turn to the decidedly, and fundamentally, unconventional. “Life, liberty, and *property*” was the conventional formulation; the revolutionary generation’s favorite political philosopher, John Locke, had established that familiar trilogy almost a century before, and Congress, in the 1774 Declaration of Rights to which Adams refers in the quotation above, had, conventionally, followed the Lockean outline:

“The inhabitants of the English colonies in North-America, by the immutable laws of nature . . . have the following RIGHTS: That they are entitled to life, liberty, and property . . .”

That, too, is how George Mason’s enormously influential Virginia Declaration of Rights of the same year (1774) – another document with which Jefferson, and the other delegates in Philadelphia, were intimately familiar – put it:

“All men are by nature equally free and independent, and have certain inherent rights, . . . namely, the enjoyment of life and liberty, with the means of acquiring and possessing property . . .”

That formulation was, for obvious reasons, of considerable comfort to the slave-owning class, for it put their “ownership” of slaves – their “property” interest – on equal rank, in the natural order of things, with the “life” and “liberty” of those over whom that ownership was exercised.

But with the stroke of the pen, Jefferson took that away. Whatever comfort one might have taken in the notion that owning other human beings was in the natural order of things – a widespread view in the eighteenth century – that notion was not to be found in the Declaration of Independence.

Make no mistake about it – Jefferson surely could have done more, in his public life, for the anti-slavery cause than he did. He missed – or perhaps it would be more accurate to say he refused to take – many opportunities to press the fight. When, in the early 1780s, he served on the Committee preparing a comprehensive revision and

restatement of all of Virginia's laws, for example, he put forth radical new proposals for the laws concerning primogeniture, and religious freedom, and the death penalty, and public education; on slavery, though, he contented himself, as he wrote late in life, with a "mere digest of the existing laws." Not only did he leave aside any "intimation of a plan for a future and general emancipation," he all-too-scrupulously included many of the harshest and most inhumane features of the colonial slave code, provisions which even the Virginia legislature, when the time came to vote on Jefferson's bill, found too harsh.³

And in his role as "elder statesman" in the years following the end of his Presidential term, perched on his mountaintop at Monticello, he turned aside many pleas to lend his considerable prestige to the growing abolitionist movement, preferring, instead, to maintain an enigmatic silence on the question.

And in his private conduct, too, there is much for which he can and should be called to account. His record on freeing slaves was not a good one; the owner of up to 200 slaves during most of his adult life, he managed to free only two slaves during his lifetime and five in his will. Manumission, to be sure, was a more complex and difficult process in 18th century Virginia than most of us understand; you couldn't, for instance, simply announce that slaves, individually or as a group, were free. But it was possible⁴,

³ For instance, the "digest" Jefferson prepared included a provision under which free blacks – including those brought into the State from elsewhere and those freed by their Virginia owners – could not remain in the State for more than one year; punishment for a violation was re-imposition of their slave status. The legislature removed this provision when the bill was ultimately enacted in 1786. See Julian Boyd, ed., *The Papers of Thomas Jefferson*, I, p. 473. The judgment of history has not been kind to Jefferson regarding this episode. Julian Boyd, perhaps the most scrupulous and even-handed of all Jefferson scholars, writes that "while the suppressed amendment [for emancipation] was undoubtedly in advance of general sentiment, . . . it probably reflected prevalent liberal views, [while] the Bill as proposed lagged behind. It was far less liberal even than the legislature would accept . . ." The chief extenuating circumstance that can be advanced in defense of the bill's cruel penalties, Boyd goes on, "is the supposition that the Committee never expected the Bill to be adopted as proposed."

Jefferson himself seemed ashamed of this episode. In his Autobiography, he is evasive and, possibly, duplicitous on the matter. He writes that he and the other members of the Committee charged with the law revision had agreed on "plan for a future and general emancipation" of the slaves; they decided, however, that "this should be kept back, and attempted only by way of amendment" when the bill was voted on by the Virginia legislature. There is no evidence of this agreement, nor was any amendment ever offered providing for emancipation; many scholars suggest that Jefferson's references to this in the Autobiography are, at best, exaggerations, and, at worst, downright lies.

⁴ It was possible partially, as noted above, because of Jefferson's support of a voluntary manumission bill. While "manumission by deed" – the voluntary transfer of "ownership" from master to slave – was declared lawful in Virginia in 1782, the manumission process was, in 18th century Virginia, a more complicated one than most of us understand. You couldn't simply announce that slaves, individually or in a group, were free; manumission was what we would now call a "highly regulated" process. For instance, before 1786,

and Jefferson took little advantage of it. Having worked to reform the manumission laws, he hardly took advantage of them; having found a way to declare that slaves should be free, he never really found the way to declare that they were.

Call it expediency, or cowardice, or selfishness, or lack of moral courage; it probably reflects some of each, none of it particularly attractive. He was afraid of the public scandal he would cause if he renounced slavery, afraid of the possibly devastating consequences that would have on his public career – there were, as Joseph Ellis notes, “few quicker and surer ways to stop a political career in its tracks in Jefferson's time than to oppose white conquest of western lands in the name of Indian rights or to advocate the abolition of slavery” -- and on his financial condition, afraid of going deeper into debt. We'll never know, for certain, how much further he could have pushed, how much more he could have done.

It is tempting to cry 'moral consistency at any price', to “spit,” in C. Vann Woodward’s words, upon “all sordid compromises of politics and expediency.” But in the end men such as Jefferson need to be judged “not for who they were but for what they thought and what they did.”⁵

“Jefferson's failures, his compromises, and his hypocrisies will always, and quite fairly, provide grist for his critics. But his lasting importance lies in his singular effort to take some of the most unsettling ideas of the Enlightenment and put them to the test in the highest reaches of American politics. By doing so, he helped to infuse our political life with egalitarian and democratic impulses that exploded in the nineteenth century and are still very much alive.”⁶

Tragically, for Jefferson and for his slaves, the mere declaration of the “self-evident truth” that “all men are created equal” did not, in and of itself, make them free; history doesn’t usually, and it didn’t in this case, work like that. Words are not self-executing.

and again after 1806, freed slaves could not remain in Virginia for more than one year, and could be re-enslaved if they were found in the State after that one year period. Similarly, slave-owners remained legally responsible for a slave’s conduct after they were granted freedom.

⁵ Sean Wilentz, *America Made Easy: McCullough, Adams, and the decline of popular history*, *The New Republic* July 2 2001 p. 35.

⁶ *Id.*

But they do, sometimes, have consequences. I repeat the claim I made at the outset of this talk: few people in human history did more, in the sum total of their lifetimes, to dismantle the institution of slavery than Jefferson. The principle of equality laid down in the Declaration of Independence – what Gordon Wood has called “the most powerful proposition in American history, bar none” – set in motion a chain of events that would lead, in as straight a line as history ever gives us, to emancipation.

Nobody understood this (or explained it) better than Lincoln, and he should have the last word(s). We must “repulse,” he wrote, those who would “insidiously argue” that the words of the Declaration of Independence were just “glittering generalities,” or, worse, “self evident lies,” for they are the “vanguard – the miners and sappers – of returning despotism.” The Declaration gave “liberty, not alone to the people of this country, but hope to the world for all future time, . . . promise that in due time the weights should be lifted from the shoulders of *all* men, and that *all* should have an equal chance.” The cause of American progress and American greatness was not the Constitution or the Union, but “something back of these, something entwining itself more closely about the human heart: the principle of ‘Liberty to All.’”

“All honor to Jefferson – to the man who, in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast, and capacity to introduce into a merely revolutionary document, an abstract truth, applicable to all men and all times, and so to embalm it there, that to-day, and in all coming days, it shall be a rebuke and a stumbling-block to the very harbingers of re-appearing tyranny and oppression. He supposed there was a question of God's eternal justice wrapped up in the enslaving of any race of men, or any man, and that those who did so braved the arm of Jehovah – that when a nation thus dared the Almighty every friend of that nation had cause to dread His wrath.”

Taking his cue from the 25th chapter of the Book of Proverbs – “a word fitly spoken is like apples of gold in pictures of silver” – he wrote:

“The assertion of that principle, at that time, was the word 'fitly spoken' which has proved an 'apple of gold' to us. The Union, and the Constitution, are the picture of silver, subsequently framed around it. The picture was made, not to conceal, or destroy the apple; but to adorn, and preserve it. The picture was made for the

apple – not the apple for the picture. So let us act, that neither picture, or apple, shall ever be blurred, or bruised, or broken.”