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Author(s): Paul A. Rahe

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Thomas Jefferson's Machiavellian Political Science

Paul A. Rahe

On the face of it, there would seem to be little evidence suggesting that the political science of Thomas Jefferson owed much, if anything, to the speculation of Niccolò Machiavelli. The Virginian appears to have mentioned the Florentine by name but once, and he did so in a manner conveying his disdain for the author of *The Prince*. And yet, as I try to show in this article, Jefferson's commitment to limited government, his advocacy of a politics of distrust, his eager embrace of a species of populism, his ultimate understanding of the executive power, and the intention guiding the comprehensive legislative program that he devised for Virginia make sense only when understood in terms of the new science of republican politics articulated by Machiavelli in his *Discourses on Livy*.

It would be easy to argue that Thomas Jefferson owed next to nothing to Niccolò Machiavelli. The Virginian was exceedingly erudite, and he was keenly interested in the education of the young. On more than one occasion, he took care in outlining a course of study for a protégé. But, in so doing, he never saw fit to include on his list of recommended books *The Prince*, the *Discourses on Livy*, *The Florentine Histories*, *The Art of War*, or any of Machiavelli's lesser works.¹ Indeed, in his only book, the *Notes on the State of Virginia*, in his public writings and speeches, and in his letters, he mentions the Florentine but once—and then only to denounce a wayward colleague in the Continental Congress. Regarding John Francis Mercer, in a letter to James Madison,

I am indebted to the National Endowment for the Humanities and the Woodrow Wilson International Center for Scholars in Washington, D. C., for their support and to Jean Yarbrough and Anthony Parel who were free with their criticism. The translations are my own. In citing passages from sources in English, I have retained the original grammar, spelling, and emphasis. Nicholas Paul and Rosalee Williams helped me check the notes.

1. See, for example, Letters to Robert Skipwith on 3 August 1771, to Peter Carr on 19 August 1785 and 10 August 1787, to John Garland Jefferson on 11 June 1790, in *The Papers of Thomas Jefferson*, ed. Julian P. Boyd (Princeton: Princeton University Press, 1950-), 1: 76-81, 8: 405-8, 12: 14-19, 16: 480-82. See also Letter to John Minor on 30 August 1814 (with enclosure), in *The Writings of Thomas Jefferson*, ed. Paul Leicester Ford (New York: G. P. Putnam's Sons, 1892-99), 9: 480-85.

Jefferson had nothing good to say: "He is very mischievous. He is under no moral restraint. If he avoids shame he avoids wrong according to his system. His fondness for Machiavel is genuine and founded on a true harmony of principle."² Jefferson's allusion to Machiavelli's reliance on appearances suggests that he had both read *The Prince* and assimilated the critique of virtue elaborated in chapters fifteen through eighteen.³ That he had not adopted as his own the advice proffered therein by the connoisseur of cunning is evident as well.

There was, of course, another Machiavelli who was less easily dismissed—the republican author of the *Discourses on Livy*.⁴ And Jefferson was by no means unaware of his existence.⁵ In July 1791, at a tumultuous moment in the midst of the French Revolution, the chevalier de Pio wrote to his old friend from Paris, remarking, "Actually, before my eyes, I have none but Locke, Sidney, Milton, J. J. Rousseau, and Th. Payne; that is my entire library; I have burned the rest, except for Machiavel, whom all diplomats possess, though they dare not confess it, and whom free men ought to place alongside the *Declaration of Rights*."⁶ Jefferson may never have acknowledged or even recognized what his own republicanism owed to the thinking of this Machiavelli, but that he was as deeply in debt to the Florentine as was the chevalier de Pio we need not doubt. One does not have to cite an author or, for that matter, even peruse his works to absorb something of his doctrine and to come under his sway. Many an artist and thinker echoed Rousseau in the nineteenth century

2. Letter to James Madison on 7 May 1784, in Boyd, *Papers*, 7: 228.

3. On the argument that Machiavelli presents in these chapters, see Clifford Orwin, "Machiavelli's Unchristian Charity," *American Political Science Review* 72 (1978): 1217-28, and Richard H. Cox, "Aristotle and Machiavelli on Liberality," in *The Crisis of Liberal Democracy*, ed. Kenneth L. Deutsch and Walter Soffer (Albany, NY: SUNY Press, 1987), pp. 125-47.

4. In this connection, see *Machiavelli and Republicanism*, ed. Gisela Bock, Quentin Skinner, and Maurizio Viroli (Cambridge: Cambridge University Press, 1990).

5. He owned Machiavelli's collected works in Italian and in an English translation: see E. Millicent Sowerby, *Catalogue of the Library of Thomas Jefferson* (Charlottesville: University Press of Virginia, 1983), nos. 169, 1143, 2324, 2351-53, 4579.

6. Letter from Pio on 22 July 1791, in Boyd, *Papers*, 20: 662-63. The original letter is in French.

without having studied him in depth or even read him at all, and the same can be said for Martin Heidegger in more recent times. Debts acquired at second hand remain debts whether we are witting or not; and despite his well-earned reputation as a teacher of evil,⁷ Machiavelli exercised a species of intellectual hegemony over republican thought in the eighteenth century exceeded by none but John Locke.

The character of that hegemony demands attention. In recent years, it has become common among scholars to speak of Machiavelli and Locke as if they represented rival and opposed traditions in political thought: Machiavelli is often depicted as a "civic humanist" or classical republican, and Locke is treated in turn as the paradigmatic liberal.⁸ That the two were at odds on some important questions, such as the status of natural right, is clear enough, and this deserves considerable emphasis. But, at a deeper level, in repudiating Aristotle's understanding of the character of politics and its foundations in human nature and in rejecting all his putatively evil works, especially those of his Christian henchmen, they were alike. Their dispute concerning the natural foundations of justice was a family quarrel as to the implications of a set of presumptions concerning the relationship between reason and passion which they both accepted; and insofar as the Machiavellian strain of republicanism remained a genuine force within the English-speaking world after the Restoration of Charles II, it did so chiefly as an element integrated within, rather than as one excluded from and opposed to, the liberal republican thinking of Algernon Sidney, John Locke, John Wildman, Walter Moyle, John Toland, John Trenchard, Thomas Gordon, Lord Bolingbroke, James Burgh, William Blackstone, and the like.⁹

7. See Victoria Kahn, *Machiavellian Rhetoric: From the Counter-Reformation to Milton* (Princeton: Princeton University Press, 1994).

8. See J. G. A. Pocock, "Virtue and Commerce in the Eighteenth Century," *Journal of Interdisciplinary History* 3 (1972): 119-34; *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton: Princeton University Press, 1975); and "The Myth of John Locke and the Obsession with Liberalism," in *John Locke: Papers Read at a Clark Library Seminar, 10 December 1977*, ed. J. G. A. Pocock and Richard Ashcraft (Los Angeles: University of California Press, 1980), pp. 3-24.

9. For an extended analysis of the character of Anglo-American republican thought in the early modern period, see Paul A. Rahe, *Republics Ancient and*

The Politics of Distrust

Politically, Machiavelli can perhaps best be described as a disciple of Heraclitus. The foundation of his teaching concerning politics is his claim that "all the things of men are in motion and cannot remain fixed." By this he meant to convey something closely akin to what Thomas Hobbes and David Hume had in mind when they asserted that reason is the slave of the passions. As Machiavelli put it by way of explanation, "the human appetites" are "insatiable"; "by nature" human beings "desire everything" while "by fortune they are allowed to secure little"; and since "nature has created men in such a fashion" that they are "able to desire everything" but not "to secure everything," their "desire is always greater than the power of acquisition (*la potenza dello acquistare*)."¹⁰ As a consequence of accepting this doctrine, the Florentine dismissed as utopian the moral and political teachings advanced by his classical and Christian predecessors; and under its guidance, he rejected the Aristotelian doctrine of the mean, arguing that the pursuit of moderation is a species of folly and contending that in a world in constant flux there simply is not and cannot be "a middle road (*via del mezzo*)."¹¹ Instead of succumbing to the snares of moral reason and the moral imagination, he asserted, one must take one's bearings from an appreciation of what he termed, in an elegant turn of phrase, "the effectual truth of the matter." His position, which he slyly attributed to "all who reason concerning civic life (*vivere civile*)," was that anyone intent on setting up a republic and ordaining its laws must "presuppose that all men are wicked (*rei*) and that they will make use of the malignity of their spirit whenever they are free and have occasion to do so."¹¹

By Jefferson's day, this had become the common wisdom of the age. In the mid-seventeenth century, James Harrington elaborated a revolutionary, new, and thoroughly modern scheme of

Modern II: New Modes and Orders in Early Modern Political Thought (Chapel Hill: University of North Carolina Press, 1994).

10. Machiavelli, *Discorsi sopra la prima deca di Tito Livio* 1. 6, 37, 2 Proemio, in Niccolò Machiavelli, *Tutte le opere*, ed. Mario Martelli (Florence: G. C. Sansoni, 1971), pp. 86-87, 119, 145.

11. One should read Machiavelli, *Discorsi sopra la prima deca di Tito Livio* 1. 3, in *Tutte le opere*, pp. 81-82, in light of *Il principe* 15, in *Tutte le opere*, p. 280.

republican political architecture on the presumption that Machiavelli had been correct in presuming human desire insatiable and that Hobbes was similarly right in concluding that reason is enslaved to the passions. With regard to the Malmesbury philosopher's "treatises of human nature, and of liberty and necessity," he observed, "they are the greatest of new lights, and those which I have follow'd and shall follow." Consequently, he joined Machiavelli and Hobbes in concluding that self-interested rule is the effectual truth of the matter. He restates the former's conclusion that "*it is the duty of a Legislator to presume all men to be wicked.*"¹² He quotes with approval the latter's dictum that "*as often as reason is against a man, so often will a man be against reason.*" Moreover, he concedes that, in practice, "*reason is nothing but interest,*" and he concludes that "*there be divers interests, and so divers reasons.*"¹³ And in making these claims, he set the tone for constitutional prudence from his day through the American Revolution.

David Hume is a case in point. It is indicative of the moderate and skeptical pose that he was inclined to take that he should soften and smooth the rough edges of the doctrine that Harrington had adapted from Machiavelli and Hobbes while reasserting its substance. "Political writers have established it as a maxim," he observed,

that, in contriving any system of government, and fixing the several checks and controuls of the constitution, every man ought to be supposed a *knave*, and to have no other end, in all his actions, than private interest. By this interest we must govern him, and by means of it, make him, notwithstanding his insatiable avarice and ambition, co-operate to public good. Without this, say they, we shall in vain boast of the advantages of any constitution, and shall find, in the end, that we have no security for our liberties or possessions, except the good-will of our rulers; that is, we shall have no security at all.

12. Note James Harrington, *The Prerogative of Popular Government* (1658), in *Works: The Oceana and Other Works of James Harrington*, ed. John Toland (London: Printed for T. Becket, and T. Cadell, and T. Evans, 1771), p. 241, and see *James Harrington's Oceana*, ed. S. B. Liljegren (Heidelberg: C. Winter, 1924), pp. 152, 155.

13. Cf. *James Harrington's Oceana*, p. 22, with Thomas Hobbes, *Human Nature* Ep. Ded., in *The English Works of Thomas Hobbes of Malmesbury*, ed. Sir William Molesworth (London: J. Bohn, 1839-45), 4: xiii, and with Hobbes, *Leviathan*, ed. C. B. Macpherson (Harmondsworth: Penguin, 1968), p. 166.

Hume acknowledged that it might appear “somewhat strange, that a maxim should be true in *politics*, which is false in *fact*,” but he contended nonetheless that it is “a just *political* maxim, that *every man must be supposed a knave*.” He explained this paradox by drawing attention to the fact “that men are generally more honest in their private than in their public capacity.” In defense of partisan principles and in pursuit of what they represent to themselves and others as the common good, they are willing to commit misdeeds that they would never even consider if acting simply and solely on their own behalf. It was, strangely enough, man’s generous, public-spirited propensity for partisanship that rendered institutional checks of the sort devised by Harrington so essential to good government.¹⁴

Hume’s restatement of the Machiavellian and Hobbesian position was exceedingly popular in America. The young Alexander Hamilton cited the passage with approbation in a pamphlet that he published in 1775 on the eve of the American Revolution.¹⁵ John Adams did the same in a letter written to his cousin Samuel in 1790 at a time when he was vice-president of the United States.¹⁶ Moreover, in his massive, three-volume *Defence of the Constitutions of Government of the United States of America*, Adams not only expressed his approval of the claim, advanced in Machiavelli’s *Discourses on Livy*, that a legislator must presume all men knaves; he demonstrated in detail that the same view was espoused by Thomas Hobbes, James Harrington, Bernard Mandeville, the baron de Montesquieu, Lord Bolingbroke, and Jean Louis de Lolme as well as by Joseph Priestley and Richard Price.¹⁷ He need not have stopped there. Few, if any English Whigs and few American patriots were inclined to challenge Montesquieu’s claim that “every man who possesses power is

14. David Hume, “Of the Independency of Parliament,” in his *Essays Moral, Political, and Literary*, ed. Eugene F. Miller (Indianapolis: Liberty Classics, 1985), pp. 42-46 (esp. 42-43).

15. *The Farmer Refuted, &c.*, 23 February 1775, in *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1961-79), 1: 94-95.

16. Letter to Samuel Adams on 18 October 1790, in *The Works of John Adams*, ed. Charles Francis Adams (Boston: Little, Brown and Company, 1850-56), 6: 415.

17. *A Defense of the Constitutions of Government of the United States of America* (1787-88), *ibid.*, 4: 408-15 (with 556-58).

driven to abuse it"; few doubted that such a man would "go forward until he discovers the limits."¹⁸ That was an essential part of their common creed.

James Madison summed up the convictions of the great majority of his English-speaking contemporaries on both sides of the Atlantic in *The Federalist* when he remarked, "If men were angels, no government would be necessary. If angels were to govern men, neither external nor internal controuls on government would be necessary. In framing a government which is to be administered by men over men, the great difficulty lies in this: You must first enable the government to controul the governed; and in the next place, oblige it to controul itself."¹⁹ This was a presumption common to Federalists and Anti-Federalists alike: like the earlier successors of James Harrington, they disputed concerning the political architecture appropriate to a modern republic but not about the political problem that this architecture was meant to address. Under the guidance of Machiavelli, Harrington, and the Whig writers of the seventeenth and eighteenth centuries, America's Whigs had become practitioners of what we might call "the politics of distrust."

Wolves and Sheep

Among those who accepted David Hume's more nuanced reformulation of Machiavelli's argument, Thomas Jefferson was arguably the most eloquent. Although he was convinced that human beings are endowed by nature with an innate moral sense which renders them fit for society, able to manage their own affairs, and capable of cooperative self-government, he nonetheless doubted whether any individual can really be trusted to rule on another's behalf.²⁰ During his sojourn as an American diplomat

18. Charles de Secondat, baron de La Brède et de Montesquieu, *De l'esprit des lois* 2.11.4, in *Oeuvres complètes de Montesquieu*, ed. Roger Caillois (Paris: Gallimard, 1949-51), 2: 395.

19. Alexander Hamilton, John Jay, and James Madison, *The Federalist*, ed. Jacob E. Cooke (Middletown, CT: Wesleyan University Press, 1961), p. 349 (No. 51).

20. See David N. Mayer, *The Constitutional Thought of Thomas Jefferson* (Charlottesville: University Press of Virginia, 1994), pp. 53-329 (esp. 70-74, 83-144, 199-208, 314-29).

in Paris, he had observed at first hand the consequences of a politics of implicit confidence and trust. In Europe, as he put it to his friend and fellow Virginian Edward Carrington, "under pretence of governing they have divided their nations into two classes, wolves and sheep." He feared that the same could only too easily happen in the infant republics in America. "Cherish therefore the spirit of our people, and keep alive their attention," he urged his correspondent: "Do not be too severe upon their errors, but reclaim them by enlightening them. If once they become inattentive to the public affairs, you and I, and Congress, and Assemblies, judges and governors shall all become wolves. It seems to be the law of our general nature, in spite of individual exceptions; and experience declares that man is the only animal which devours his own kind."²¹

This particular observation owes more to Machiavelli than one might at first suppose. From his premise that the founder of a republic must operate on the presumption that all men are wicked, the Florentine drew a series of conclusions which astonished his contemporaries and which would have surprised the ancients at least as much: that classical Rome was as a republic Lacedaemon's superior, that in a republic the people are safer and better guardians of liberty than the nobles, and that Roman liberty was rooted in a salutary political turbulence. In Machiavelli's judgment, those whom Jefferson feared might turn into wolves and sheep are to be found wherever there is liberty. Those, he wrote, who are inclined to denounce political turmoil and to argue for social and political harmony "have not considered how it is that in every republic there are two diverse humors—that of the people (*popolo*), and that of the great ones (*grandi*)—and that all the laws that are made in favor of liberty are born from this disunion." He insisted that "good examples arise from good education, good education from good laws, and good laws from the tumults (*tumulti*) which many so inconsiderately condemn." To those who thought this last claim preposterous, he replied that "every

21. Letter to Edward Carrington on 16 January 1787, in Boyd, *Papers*, 11: 48-50. Elsewhere, Jefferson employed the same metaphor to similar effect: see Thomas Jefferson, *Notes on the State of Virginia*, ed. William Peden (New York: W. W. Norton and Co., 1972), p. 93 (Query XI); and Letter to James Madison on 30 January 1787, in Boyd, *Papers*, 11: 92-97 (at 93).

city ought to have modes by which the people can vent their ambition," arguing that "the demands of a free people are seldom pernicious and rarely endanger their liberty: they arise from oppression or from the suspicions that they entertain that they are about to be oppressed; and when these opinions are false, there is a remedy in the public assemblies where a good man can stand up and, in speaking, demonstrate to the people that they are in error." The crucial fact that one has to keep always in mind is that the people "have less of an appetite for usurpation" than the *grandi*; if one ponders the ends which "the nobles" pursue and those pursued by "the ignoble," one will recognize that the former's purposes arise from "a grand desire for domination" and the latter's "solely from a desire not to be dominated"—that the former "desire to acquire" while the latter "fear to lose what they have acquired."²²

Institutions vs. Tumults

Not all of Machiavelli's admirers shared his taste for *tumulti*. The most influential of these dissenters was Thomas Hobbes.²³ The Malmesbury philosopher was perfectly prepared to concede the distinction that the Florentine drew between those "worthy" to be princes and the people,²⁴ but the natural antagonism between those ambitious to acquire and those fearful of losing what they already possessed was, in his opinion, an argument against republicanism which justified investing arbitrary authority in a single individual.²⁵ Although James Harrington vociferously de-

22. Machiavelli, *Discorsi sopra la prima deca di Tito Livio* 1. 4-5, in *Tutte le opere*, pp. 82-84. See, in this connection, Quentin Skinner, *The Foundations of Modern Political Thought* (Cambridge: Cambridge University Press, 1978) I: *The Renaissance*, pp. 180-86, and *Machiavelli* (New York: Hill and Wang, 1981), pp. 48-77. For the ancient commitment to political and social harmony, see Paul A. Rahe, *Republics Ancient and Modern I: The Ancien Régime in Classical Greece* (Chapel Hill: University of North Carolina Press, 1994).

23. Future discussions of Machiavelli's influence on Hobbes will have to begin with *Three Discourses of Thomas Hobbes*, ed. Noel B. Reynolds and Arlene Saxonhouse (Chicago: University of Chicago Press, 1995). For a preview, see Noel B. Reynolds and John L. Hilton, "Thomas Hobbes and Authorship of the *Horae Subsecivae*," *History of Political Thought* 14 (1993): 361-79.

24. Consider Hobbes, *Leviathan*, pp. 184-85, in light of *ibid.*, pp. 138-39; and for the distinction between "princes" and those "worthy to be such," see Machiavelli, *Discorsi sopra la prima deca di Tito Livio* Ep. Ded, in *Tutte le opere*, p. 75.

25. Hobbes, *Leviathan*, pp. 183-251.

clared his admiration for Machiavelli, rejected Hobbes's case for monarchy, and composed his *Oceana* for the purpose of defending the republican cause, he was in many respects much closer to his compatriot than to the Florentine. In most things, apart from the Malmesbury philosopher's preference for monarchy, he conceded, "I firmly believe that Mr. Hobbs is and will in future ages be accounted the best writer, at this day, in the world." If he "oppos'd the politics of Mr. Hobbs," Harrington readily confessed, it was merely "to shew him what he taught me."²⁶

One sentiment that Harrington shared with Hobbes was an emphatic dislike of political turbulence. In dismissing the self-styled "saints" who advocated godly rule in the wake of the Great Rebellion, Harrington borrowed the language of Machiavelli: "*Give us good men and they will make us good Lawes, is the Maxime of a Demagogue, and (through the alteration which is commonly perceivable in men, when they have power to work their own wills) exceeding fallible.*" In place of this hoary dictum, Harrington embraced the thoroughly modern principles of the Florentine: "*Give us good orders, and they will make us good men, is the Maxime of a Legislator, and the most infallible in the Politickes.*" But, in applying Machiavelli's dictum, Harrington made no mention of his argument on behalf of tumults. Instead, he proposed to eliminate the need for turmoil by devising institutions that would render them nugatory. In his estimation, "the perfection of Government lyeth upon such a libration in the frame of it, that no man or men, in or under it, can have the interest; or having the interest, can have the power to disturb it with sedition." While in Rome, he remarks, he once observed a pageant "which represented a kitchen, with all the proper utensils in use and action. The cooks were all cats and kitlings, set in such frames, so try'd and so ordered, that the poor creatures could make no motion to get loose, but the same caused one to turn the spit, another to baste the meat, a third to scim the pot and a fourth to make green-sauce. If the frame of your commonwealth

26. Harrington, *The Prerogative of Popular Government* (1658), in *Works*, p. 241. In this connection, see Paul A. Rahe, "Antiquity Surpassed: The Repudiation of Classical Republicanism," in *Republicanism, Liberty, and Commercial Society, 1649-1776*, ed. David Wootton (Stanford: Stanford University Press, 1994), pp. 233-69 (esp. 251-68).

be not such, as causeth everyone to perform his certain function as necessarily as this did the cat to make green-sauce, it is not right."²⁷ In his *Oceana*, Harrington claimed to have demonstrated that it is possible to construct an "immortal Commonwealth" utterly free from every "internall cause of Commotion."²⁸

Where Machiavelli distinguished between "the *grandi*" driven by the desire for dominion and the lust for more, and "the *popolo*" fearful of being dominated and intent on retaining what they have, Harrington spoke of "the natural aristocracy" and "the natural democracy."²⁹ Harrington was persuaded that initiative in government invariably falls to members of this "natural aristocracy" and that, if allowed to do so, those who have seized or been entrusted with the initiative will inevitably betray the public trust. "A man doth not look upon *reason* as it is *right* or *wrong* in it *self*," he insisted, "but as it makes for him or against him." Consequently, he added, "unlesse you can shew such *orders* of a *Government*, as like those of *God* in *nature* shall be able to constrain this or that *creature* to shake off that *inclination* which is more peculiar unto it, and take up that which regards the *common good* or *interest*; all this is to no more end, then to perswade every man in a *popular Government*, not to carve himself of that which he desires most, but to be mannerly at the publick Table, and give the best from himself unto decency and the *common interest*."³⁰ Where Machiavelli proposed to rely on the spirit of the people and their capacity to assert themselves through tumults as a constraint on abuse by the *grandi*, Harrington looked to institutions. "There is not a more noble, or usefull question in the Politicks," he wrote, "then that which is started by *Machiavil*, Whether means were to be found whereby the Enmity that was between the Senate and the people of *Rome* might have been removed."³¹

27. See James Harrington's *Oceana*, pp. 30-32, 56, 185, and Harrington, *The Prerogative of Popular Government* (1658), *The Art of Lawgiving* (1659), *A System of Politics, Political Aphorisms* (1659), and *A Discourse upon this Saying . . .* (1659), in *Works*, pp. 242-48, 403-4, 468-69, 483, 567-74 (esp. 573-74).

28. James Harrington's *Oceana*, pp. 61, 84, 135.

29. See *ibid.*, pp. 23-25, 117-24 (esp. 119, 123), 145-46, 174-75, and *The Prerogative of Popular Government* (1658), in *Works*, pp. 215, 236-38.

30. James Harrington's *Oceana*, p. 23.

31. *Ibid.*, pp. 133-39.

Harrington's strategy for eliminating this enmity was disarmingly simple. Even "*girles*," he remarked, know how to provide for justice in situations where interests are opposed. "For example, two of them have a cake yet undivided, which was given between them, that each of them therefore may have that which is due: Divide, sayes one unto the other, and I will choose; or let me divide, and you shall choose: if this be but once agreed upon, it is enough: for the dividant, dividing unequally loses, in regard that the other takes the better half; wherefore she divides equally, and so both have right." In much the same fashion, Harrington contended, "the whole *Mystery* of a *Common-wealth* . . . lyes only in *dividing and choosing*." One need only assign the right of "*debate*" to "the natural aristocracy" while reserving the right to determine the "*result*" to "the natural democracy."³² In promoting social and political harmony between the *grandi* and the people, where Machiavelli had purportedly failed, Harrington asserted that one might easily succeed—by establishing a bicameral legislature and consigning the representatives of the *grandi* to a deliberative assembly and those of the people to a voting assembly called together to approve or disapprove the proposals advanced by this "natural aristocracy." The former were to divide the cake and the latter to choose.

Thomas Jefferson read Harrington and borrowed his language: he, too, spoke of "the natural aristocracy"; and in using that phrase, he referred to those of his compatriots with a potential for accomplishment that would enable them in the wrong circumstances to present themselves as "wolves." But if he honored Harrington for his recognition of the political problem posed by the natural division between exceptionally talented men who are easily tempted by the prospect of domination and aggrandizement and less capable human beings who would be satisfied to escape domination and retain their possessions, he was in no way persuaded by the English republican's claim that with well-designed institutions one can eliminate political turmoil. When Jefferson wrote from Paris to Edward Carrington to urge him to "cherish . . . the spirit of our people, and keep alive their attention" and then cautioned him against being "too severe

32. *Ibid.*, pp. 23-25, 115-17, 142-44, and *The Prerogative of Popular Government* (1658), in *Works*, pp. 235-38.

upon their errors," he had in mind what he took to be an overreaction on the part of his compatriots to the uprising in western Massachusetts that came to be known as Shays' Rebellion. In his letter, he described this event quite self-consciously in the language pioneered by Niccolò Machiavelli as "the tumults in America."³³

With regard to the question of political turbulence, the republican from Virginia was in partial accord with his Florentine predecessor. He did not partake of Machiavelli's enthusiasm for the predatory imperialism of republican Rome; and, perhaps for that reason, he evidenced no interest in providing class struggle with the institutional foundations that were said to have made it a spur to that city's conquest of the Mediterranean world. What Jefferson did share with the Florentine was the conviction that every political community "ought to have modes by which the people can vent their ambition"; and he, too, was persuaded that "the demands of a free people are seldom pernicious and rarely endanger their liberty." Like Machiavelli, he believed that such demands "arise from oppression or from the suspicions that they entertain that they are about to be oppressed" and that, "when these opinions are false, there is a remedy in the public assemblies where a good man can stand up and, in speaking, demonstrate to the people that they are in error." Thus, after warning Edward Carrington against being "too severe upon" popular mistakes, Jefferson emphasized that he should, instead, seek to "reclaim" the people "by enlightening them." As he put it by way of explanation, "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. The People are the only censors of their governors: and even their errors will tend to keep these to the true principles of their institution. To punish these errors too severely would be to suppress the only safeguard of the public liberty."³⁴ In letters dispatched soon thereafter to Abigail Adams and James Madison, Jefferson again spoke in a Machiavellian vein. "The spirit of resistance to government is so valuable on certain occasions," he wrote the

33. Letter to Edward Carrington on 16 January 1787, in Boyd, *Papers*, 11: 48-49.

34. Letter to Edward Carrington on 16 January 1787, *ibid.*, p. 49.

former, "that I wish it to be always kept alive. It will often be exercised when wrong, but better so than not to be exercised at all. I like a little rebellion now and then. It is like a storm in the Atmosphere." To the latter, he remarked that political "turbulence" is an "evil . . . productive of good. It prevents the degeneracy of government, and nourishes a general attention to public affairs. . . . It is a medicine necessary for the sound health of government."³⁵

Prerogative

In endorsing Machiavelli's conviction that popular ire is rooted in oppression, in a justified fear of oppression, or in unjustified suspicions that are quite easily dispelled, Thomas Jefferson was by no means peculiar. Few, if any, credited the more extreme claims that James Harrington had advanced on behalf of his scheme of political architecture. Indeed, apart, perhaps, from Harrington's close friend and colleague Henry Neville, the English republican was alone among those who contributed to the Whig canon in thinking that constitutional structures would in and of themselves be sufficient to obviate the need for popular vigilance. John Locke is an especially revealing example, for his position on this question was quite similar to Jefferson's, and it owed much more to Machiavelli than to Hobbes or Harrington. From the outset, even before the Restoration, Locke was inclined to ground his politics on the supposition that "our passions . . . dispose of our thoughts and actions." To a friend, he then wrote, "Tis Phansye that rules us all under the title of reason. . . . We are all Centaurs and tis the beast that carrys us."³⁶ But from that premise he eventually drew conclusions opposed in one crucial regard to those of his monarchist predecessor and in another to those of that individual's most effective republican critic.

In his *Two Treatises of Government*, Locke presented himself as a proponent of "moderated" monarchy, but he did not hesitate to

35. Letters to James Madison on 30 January 1787 and Abigail Adams on 22 February 1787, *ibid.*, pp. 92-97 (at 92-93), 174-75.

36. See Letters to Tom [Thomas Westrowe?] on 20 October and 8 November 1659, in *The Correspondence of John Locke*, ed. Esmond S. de Beer (Oxford: The Clarendon Press, 1976-), 1: 122-26.

describe that regime as “the mighty *Leviathan*.”³⁷ His choice of language was by no means fortuitous: for, in contrast with Harrington, he made a point of entrusting the execution of the laws to a single individual. In fact, he insisted on lodging the conduct of war and foreign policy—which he called the federative power—in that same individual’s hands. He was convinced that the maintenance of domestic tranquillity and a provision for the common defense are inseparable; and though committed in principle to governance “by establish’d *standing Laws*, promulgated and known to the People,” he clearly shared Machiavelli’s belief that “the things of men” are too much “in motion” to be consistently administered in so orderly and reasonable a way. Moreover, he clearly felt the force of the case that the Florentine had made on behalf of the Roman dictatorship, and he had apparently pondered the argument advanced by Hobbes on behalf of absolute monarchy. In consequence, Locke deemed it appropriate that his monarchical executive be conceded considerable discretion to contravene the precise letter of the law, to suspend it, to act where it is silent, to mitigate the severity of its penalties, and to pardon offenders. He was also quite happy to grant England’s king the right to veto acts of parliament; and while insisting that his ministers be held responsible for all that they did under his direction, he nonetheless asserted the sanctity of the king’s person.³⁸ In the course of Locke’s account of executive prerogative, the “wise and godlike” monarch who rules “by established laws of liberty” gradually gives way to something more akin to Machiavelli’s Roman dictator who manages to sustain popular support while acting “without or contrary to the Letter of the Law.”³⁹ In Locke’s estimation, the public interest requires a remarkable concentration of power and authority in the hands of a single man.

On the face of it, Thomas Jefferson would appear to be opposed to Locke on this point. At the time of the Revolution, he was

37. Cf. John Locke, *Two Treatises of Government: A Critical Edition with an Introduction and Apparatus Criticus*, 2nd edition, ed. Peter Laslett (Cambridge: Cambridge University Press, 1970), 2. xiv. 159 with viii. 98.

38. Cf. *ibid.*, 2. xii. 145-48, xiii. 151, 154, 156-xiv. 168, xviii. 205-10, xix. 222, with vii. 87, ix. 131, and consider Machiavelli, *Discorsi*, 1. 34 in light of 1.6 and *Il principe* 18, in *Tutte le opere*, pp. 84-87, 116-17, 283-84.

39. Cf. Locke, *Two Treatises of Government*, 2. v. 42 with xiv. 165-66.

certainly no friend to the executive power. In designing a constitution for Virginia, he was prepared to embrace the notion of a unitary executive, but he saw fit in each of the three drafts that he penned to specify a long list of powers once accorded the king that, in his opinion, should be expressly denied the official he designated as "the administrator."⁴⁰ In 1783, when he proposed a new constitution for his state, he specified that "by Executive powers we mean no reference to those powers exercised under our former government by the crown as of it's prerogative"; and once again he expressly listed and denied to Virginia's executive what he termed "the praerogative powers."⁴¹ Moreover, in his *Notes on the State of Virginia*, he denounced in round terms those in the general assembly of Virginia who had proposed, at a time of great distress in 1776 and again in 1781, conferring temporary emergency powers in the Roman manner on a dictator. "One who entered into this contest from a pure love of liberty, and a sense of injured rights," Jefferson observed, "who determined to make every sacrifice, and to meet every danger, for the re-establishment of those rights on a firm basis, who did not mean to expend his blood and substance for the wretched purpose of changing this master for that, but to place the powers of governing him in a plurality of hands of his own choice, so that the corrupt will of no one man might in future oppress him, must stand confounded and dismayed when he is told, that a considerable portion of that plurality had meditated the surrender of them into a single hand, and in lieu of a limited monarch, to deliver him over to a despotic one!"

In making his argument, Jefferson took care to respond to the case advanced by the proponents of the dictatorship, intimating, to begin with, that he understood the linkage between Machiavelli's defense of the Roman institution and Locke's case for prerogative: there is, he insisted, no provision for such an office within the constitution of Virginia which not only "provides a republican organization" but "proscribes under the name of *prerogative* the exercise of all powers undefined by the laws." To

40. The Virginia Constitution [June 1776], in Boyd, *Papers*, 1: 329-65 (esp. 341-42, 349-50, 359-60).

41. Jefferson's Draft of a Constitution for Virginia, 1783, in Boyd, *Papers*, 6: 294-308 (esp. 298-99).

those who reiterated Machiavelli's appeal to "the necessity of the case," he responded that "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." In any event, he added, "the necessity" faced by his fellow Virginians was neither "palpable" nor "irresistible." In answering those who followed Machiavelli in asserting Roman precedent, he contended that "it had proved fatal." Rome was "a republic, rent by the most bitter factions and tumults, where the government was of a heavy-handed unfeeling aristocracy, over a people ferocious, and rendered desperate by poverty and wretchedness." In that polity, there were "tumults which could not be allayed under the most trying circumstances, but by the omnipotent hand of a single despot. Their constitution therefore allowed a temporary tyrant to be erected, under the name of a Dictator; and that temporary tyrant, after a few examples, became perpetual." In Jefferson's estimation, when his fellow Virginians contemplated electing a dictator, they came close to turning their backs on America's nascent experiment in republicanism. As he put it, "the very thought alone was treason against the people; was treason against mankind in general; as rivetting for ever the chains which bow down their necks, by giving to their oppressors a proof, which they would have trumpeted through the universe, of the imbecility of republican government, in times of pressing danger, to shield them from harm."⁴²

To this one might add that, throughout his life, Jefferson was an exceedingly strict constructionist in expounding the Constitution.⁴³ "I own," he told James Madison quite early on, "that I am not a friend to a very energetic Government. It is always oppressive."⁴⁴ No one spoke with greater force in favor of what Locke called governance "by establish'd *standing Laws*, promulgated and known to the People." And yet Jefferson, as president, was

42. Cf. Jefferson, *Notes on the State of Virginia*, pp. 126-29 (Query XIII), with Machiavelli, *Discorsi* 1.34, in *Tutte le opere*, pp. 116-17.

43. See Mayer, *Constitutional Thought of Jefferson*, pp. 185-294.

44. Letter to James Madison on 20 December 1787, in Boyd, *Papers*, 12: 438-43 (at 442).

prepared to sanction what, he had no doubt, was a breach of the Constitution, and he justified his act in negotiating the Louisiana Purchase and that of Congress in ratifying the treaty and in appropriating the requisite funds in a manner indicating his recognition that Machiavelli, Hobbes, Locke, Montesquieu, Bolingbroke, Blackstone, and Lolme were correct in supposing that necessity dictates, even within a republic, the presence of a prince capable of meeting the emergencies forever incident to human affairs. He, too, believed that the world is in constant motion.⁴⁵

In pondering "whether circumstances do not sometimes occur, which make it a duty in officers of high trust, to assume authorities beyond the law," Jefferson argued that the question was "easy of solution in principle, but sometimes embarrassing in practice." As he put it, "A strict observance of the written laws is doubtless *one* of the high duties of a good citizen, but it is not *the highest*. The laws of necessity, of self-preservation, of saving our country when in danger, are of higher obligation. To lose our country by a scrupulous adherence to written law, would be to lose the law itself, with life, liberty, property and all those who are enjoying them with us; thus absurdly sacrificing the end to the means." In *The Federalist*, Alexander Hamilton had hinted at something of the sort, alluding to the precedent set by Rome's dictatorship, arguing that the distinction between a workable republic and one incapable of providing for domestic tranquillity and the common defense turns largely on the provisions made to ensure the "decision, activity, secrecy, and dispatch" necessary to this end, and contending that the president's extended term of office would enable a public-spirited executive "to expose himself" when necessary, to save "the people from very fatal consequences of their own mistakes," and to procure for himself "lasting monuments of their gratitude" for having had "courage and magnanimity enough to serve them at the peril of their displeasure."

In making this argument, Hamilton was exceedingly cautious: if one were to ignore Hamilton's allusion to the Roman

45. For a thorough examination of the role played by the prince in modern republican speculation, see Harvey C. Mansfield, Jr., *The Taming of the Prince: The Ambivalence of Modern Executive Power* (New York: The Free Press, 1989).

dictatorship, one could easily read the latter passage simply and solely as a defense of the executive veto. Jefferson was much more candid, specifying just what was involved. "It is incumbent," he wrote, "on those . . . who accept of great charges, to risk themselves on great occasions, when the safety of the nation, or some of its very high interests are at stake. An officer is bound to obey orders; yet he would be a bad one who should do it in cases for which they were not intended, and which involved the most important consequences." That "the line of discrimination between cases" might be "difficult," he was perfectly happy to acknowledge. His point was simply that "the good officer is bound to draw it at his own peril, and to throw himself on the justice of his country and the rectitude of his motives."⁴⁶

Anticipation, Resistance, and Revolution

The willingness of Harrington's Whig successors to embrace the notion of a unitary executive posed a grave difficulty for the proponents of republican liberty: how to prevent an abuse of what Locke called "Prerogative" on the part of an executive graced with dictatorial discretion. It was in part with this problem in mind that Locke asserted the right of popular resistance and made the people's representatives in the legislature and the executive ultimately accountable to the people themselves for their conduct in office. Like Machiavelli, the English philosopher was persuaded that the people are the best, if not the only, safe guardians of their own liberty.⁴⁷ Some would, he conceded, attack him for laying "the Foundation of Government in the unsteady Opinion, and uncertain Humour of the People." But such men were in error—and to demonstrate that this was the case, Locke

46. Cf. Letter to J. B. Colvin on 20 September 1810, in Ford, *Writings of Jefferson*, 9: 279-82, with Hamilton, *The Federalist*, pp. 471-83 (Nos. 70-71).

47. Note Machiavelli, *Discorsi* 1. 4-8, 58, in *Tutte le opere*, pp. 82-90, 140-42; consider Julian H. Franklin, *John Locke and the Theory of Sovereignty: Mixed Monarchy and the Right of Resistance in the Political Thought of the English Revolution* (Cambridge: Cambridge University Press, 1978); and see Nathan Tarcov, "Locke's *Second Treatise* and 'The Best Fence Against Rebellion,'" *Review of Politics* 43 (1981): 198-217 (esp. 211-17), and Thomas L. Pangle, "Executive Energy and Popular Spirit in Lockean Constitutionalism," *Presidential Studies Quarterly* 17 (1987): 253-65 (esp. 259-64).

borrowed and adapted the arguments made by Machiavelli against the very same objections. The many may be inclined to resist when “*generally ill treated*,” he contended, but they are “not so easily got out of their old Forms, as some are apt to suggest.” In fact, if anything, they are too steady in their opinions and too certain in their humors. For the people “are more disposed to suffer, than right themselves by Resistance,” and they are “not apt to stir” until “the mischief be grown general, and the ill designs of the Rulers become visible, or their attempts sensible to the greater part.” As a consequence, the many tend not to resist oppression until it is already too late for them to be effective; and even when they do, they nearly always fail to initiate the institutional reforms necessary to prevent a recurrence.⁴⁸

To counteract the “slowness” of the people; to lessen, if not expunge, their “aversion” to change; and to encourage them to anticipate oppression to come, Locke introduced a new rhetoric of popular resistance to be deployed by spirited and ambitious *grandi* of the sort that Machiavelli had deemed “worthy” to be princes. To arouse the ardor of these natural aristocrats and to elicit from them the requisite jealousy, vigilance, and *virtù*, he mocked the traditional Christian doctrine of “*Passive Obedience*” and “quiet Submission” to authority, and he rejected the classical commitment to communal solidarity and trust; and in their place, he exalted the prudence and foresight, the independence of mind, and the wiliness that had enabled Odysseus to rescue himself from the Cyclops Polyphemus.⁴⁹

Locke harbored no illusions concerning the few men endowed with what he called “a busie head, or turbulent spirit,” and he said nothing in their defense. He remained persuaded that reason is dependent on the passions and that “the busie mind of Man” can “carry him to a Brutality below the level of Beasts.” He had learned from long and painful experience that the human “imagination is always restless and suggests variety of thoughts, and [that] the will, reason being laid aside, is ready for every extravagant project.” “In this State,” Locke tells us, “he that goes

48. Locke, *Two Treatises of Government* 2. xix. 223-24, 230. Note also 2. xiv. 168, and *Some Considerations of the Consequences of Lowering the Interest and Raising the Value of Money*, in *The Works of John Locke* (London: Printed for T. Tegg, 1823), 5: 71.

49. Locke, *Two Treatises of Government* 2. xix. 223, 228.

farthest out of the way, is thought fittest to lead, and is sure of most followers." Consequently, the English philosopher readily acknowledges that "the Pride, Ambition, and Turbulency of private Men have sometimes caused great Disorders in Commonwealths" while "Factions have been fatal to States and Kingdoms." As for those who lay "the foundation for *overturning* the Constitution and Frame of *any Just Government*," he holds them responsible "for all those mischiefs of Blood, Rapine, and Desolation, which the breaking to pieces of Governments bring on a Countrey"; and in his judgment, this makes them "guilty of the greatest Crime" he can imagine "a Man . . . capable of."⁵⁰

But despite or, perhaps, even to some degree because of their shortcomings, Locke is eager to enlist these turbulent spirits under the banner of liberty—for he is confident that this natural aristocracy will understand how to make "the ill designs of the Rulers . . . visible" and their "attempts sensible" to the people as a whole. From studying the example that he provides in his *Two Treatises of Government*, they can learn how to unmask the tyranny that lies hidden under "ancient Names, and specious Forms." It was in pursuit of this Machiavellian end that Locke redeployed the natural rights theory devised for other purposes by that enemy of tumults Thomas Hobbes. The rhetoric that Locke employed in his great political tract, in particular his appeal to natural rights as a standard by which to judge the conduct of administration, is an instrument fashioned in such a manner as to enable busy heads to make "visible to the People" the "design" that underlies and accounts for "a long train of Abuses, Prevarications, and Artifices, all tending the same way." When enlightened by the jealous and watchful few, the many "cannot but feel, what they lie under, and see, whither they are going"; and when they both feel and see, "'tis not to be wonder'd, that they should then rouse themselves, and endeavour to put the rule into such hands, which may secure to them the ends for which Government was at first erected."⁵¹

That his "Doctrine" of anticipation, resistance, and revolution may be "destructive to the Peace of the World" Locke tacitly concedes. But, like Machiavelli, he demands that his readers

50. *Ibid.*, 1. vi. 58, 2. xix. 230.

51. *Ibid.*, 2. xix. 225, 230.

consider whether the peace so often inculcated from the pulpit can be distinguished from "Violence and Rapine," and he concludes that this peace is "maintain'd only for the benefit of Robbers and Oppressors." Moreover, in posing a rhetorical question, he employs an analogy between man and beast that would soon be appropriated in America by Jefferson. "Who would not think it an admirable Peace betwixt the Mighty and the Mean," he asks, "when the Lamb, without resistance, yielded his Throat to be torn by the imperious Wolf?"⁵²

The English philosopher resorts to sarcasm in this context because he clearly discerns an alternative to arbitrary rule. Civil disorder may, he confesses, be "an *Inconvenience . . . that attends all Governments whatsoever*," but that is only because "the Governours have brought it to this pass, to be generally suspected of their people." Such a condition is "the most dangerous state which" rulers "can possibly put themselves in." But "they are the less to be pitied, because it is so easie to be avoided," for it is "impossible for a Governor, if he really means the good of his People, and the preservation of them and their Laws together, not to make them see and feel it."⁵³

In restating, elaborating, and adapting Machiavelli's argument that the people are the best guardians of their own liberty, Locke stopped just shy of fully endorsing the case which the Florentine had made in defense of tumults, and he failed at the same time to reiterate the Florentine's closely related contention that, in a free state, liberty depends upon a frequent recurrence to first principles.⁵⁴ If there were some, such as Blackstone and Hume, who thought Locke a mite reckless in elaborating a rhetoric of popular resistance, there were others, chiefly among the radical Whigs, who were apparently persuaded that he had erred on the side of caution. They could cite the pronouncements of the Whig martyr Algernon Sidney in their defense;⁵⁵ and among the

52. Consider *ibid.*, 2. xix. 228 in light of Machiavelli, *Discorsi* 2. 2, 3. 1, in *Tutte le opere*, pp. 148-51, 195-97.

53. Locke, *Two Treatises of Government* 2. xviii. 209.

54. See Machiavelli, *Discorsi* 3. 1 (with 3 and 49), in *Tutte le opere*, pp. 195-99, 253-54.

55. After reading Neal Wood, "The Value of Asocial Sociability: Contributions of Machiavelli, Sidney and Montesquieu," in *Machiavelli and the Nature of Political Thought*, ed. Martin Fleisher (New York: Atheneum, 1972), pp. 282-307 (esp.

American colonists, the case that they made in defense of periodic civil disorder fell on especially fertile ground.⁵⁶ Like Sidney and his admirers on both sides of the Atlantic, Thomas Jefferson repeatedly echoed Machiavelli's conviction that corruption and lethargy can easily deprive a people of the capacity to defend their own liberty.⁵⁷

The Logic of Jefferson's Legislative Program

Some among Jefferson's contemporaries shared Alexander Hamilton's conviction "that there is always a body of firm patriots" and that they can easily "shake a corrupt administration."⁵⁸ Thomas Jefferson was not so confident. In writing to yet another correspondent on the subject of Shays' Rebellion, he observed, "God forbid we should ever be 20. years without such a rebellion." He was not especially disturbed by the ignorance of the people; he considered them fully capable of taking instruction. The real danger was that his compatriots would "remain quiet under" their "misconceptions." In this he perceived "a lethargy" which he described as "the forerunner of death to the public liberty." He asked, "What country can preserve it's liberties if their rulers are not warned from time to time that

282-98), consider Blair Worden, "The Commonwealth Kidney of Algernon Sidney," *Journal of British Studies* 24 (1985): 1-40 (esp. 13-38); Jonathan Scott, *Algernon Sidney and the English Republic, 1623-1677* (Cambridge: Cambridge University Press, 1988), and *Algernon Sidney and the Restoration Crisis, 1677-1683* (Cambridge: Cambridge University Press, 1991); and Alan Craig Houston, *Algernon Sidney and the Republican Heritage in England and in America* (Princeton: Princeton University Press, 1992), in light of Algernon Sidney, *Discourses Concerning Government* (London: Booksellers of London and Westminster, 1698) 2. 13-14, 24, 26, and see Walter Moyle, *An Essay on the Lacedaemonian Government* (1698), in *The Whole Works of Walter Moyle* (London: Printed for J. Briscoe, 1727), pp. 57-58.

56. See Pauline Maier, "Popular Uprisings and Civil Authority in Eighteenth-Century America," *William and Mary Quarterly*, 3rd series, 27 (1970): 3-35 (esp. 24-33).

57. Consider Thomas Jefferson, *Notes on the State of Virginia*, pp. 120-21, 161, 164-65 (Queries XIII, XVII, XIX), in light of Alfredo Bonadeo, *Corruption, Conflict, and Power in the Works and Times of Niccolo Machiavelli* (Berkeley: University of California Press, 1973); and Riccardo Breschi, "Il concetto di 'Corruzione' nei 'Discorsi sopra la prima deca di Tito Livio,'" *Studi Storici* 29 (1989): 707-35.

58. Speech on 22 June 1787, in *The Records of the Federal Convention of 1787*, ed. Max Farrand (New Haven: Yale University Press, 1911-37), 1: 381-82.

their people preserve the spirit of resistance?" And then he concluded, "Let them take arms. The remedy is to set them right as to facts, pardon and pacify them. 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."⁵⁹ It was with the danger of public lethargy in mind that Jefferson fashioned his great program of legislative reform for Virginia.⁶⁰

In 1776, when the general assembly asked him to revise the laws of the commonwealth in light of the decision to break with the mother country, Jefferson took his commission as an occasion for disassembling the artificial supports sustaining what little there was in that state reminiscent of England's *ancien régime*. To lessen the probability that the clergy would exercise through priestly guile an hegemony over the minds of his fellow citizens, he proposed disestablishing the Episcopalian church. As drafted, Jefferson's bill attacked "the impious presumption of legislators and rulers, civil as well as ecclesiastical, who, being themselves but fallible and uninspired men, have assumed dominion over the faith of others."⁶¹ In this fashion, Jefferson disposed of the clergy's pretensions to tutelage. He then struck a blow at inherited wealth and position. To lessen the likelihood that riches would corrupt and birth dazzle his fellow Virginians, Jefferson "laid the axe to the root of Pseudo-aristocracy" by convincing the assembly to outlaw entails and abolish primogeniture. Deprived of legal props, with their land and their other property being gradually divided by the succession of generations and ultimately dispersed, the great families of Virginia would wither and soon disappear.⁶²

59. Letter to William Stephens Smith on 13 November 1787, in Boyd, *Papers*, 12: 355-57.

60. See Ralph Lerner, "Jefferson's Pulse of Republican Reformation," *The Thinking Revolutionary: Principle and Practice in the New Republic* (Ithaca: Cornell University Press, 1987), pp. 60-90.

61. "The Revisal of the Laws, 18 June 1779: 82. A Bill for Establishing Religious Freedom," in Boyd, *Papers*, 2: 545-53.

62. See Letter from Thomas Jefferson to John Adams on 28 October 1813, in *The Adams-Jefferson Letters: The Complete Correspondence Between Thomas Jefferson and Abigail and John Adams*, ed. Lester J. Cappon (Chapel Hill: University of North Carolina Press, 1959), 2: 387-92. For the laws abolishing entails and

After eliminating the privileges reinforcing the power and influence of the clerical and secular *grandi* who stood as rivals to what he termed the "natural aristocracy," Jefferson concerned himself with promoting the advancement of young men of genius who might become genuinely worthy of high office. To encourage the emergence of a class of talented and well-informed individuals suited for public service, and to prepare ordinary Virginians for the task of selecting nature's noblemen from among the pretenders, he proposed "a systematical plan of general education."⁶³ From 1779 on, he urged the Virginia General Assembly to pass his Bill for the More General Diffusion of Knowledge and thereby establish throughout the commonwealth a system of publicly supported elementary schools.⁶⁴ In a curriculum lasting three years, these schools would instruct all of the state's young residents (male and female alike) not only in reading, writing, and arithmetic but also in the history of the spirited peoples who had pioneered free institutions—the Greeks, the Romans, the English, and their American successors. These schools were to be under the supervision of a visitor who would choose annually from among the children of parents who lacked the resources to provide for their son's further education "the boy, of best genius in the school" and send him on at state expense to study Greek, Latin, geography, and mathematics at one of the twenty grammar schools to be established within Virginia. After a year or two, "the best genius" was to be selected from among the scholarship students within each class at each of the grammar schools. The others would then be dismissed, and the one boy chosen would continue his studies until he had completed a six-year term. "By this means," Jefferson remarked, "twenty of the best geniusses will be raked from the rubbish annually, and be instructed, at the public expence, so far as the

primogeniture, see "Bill to Enable Tenants in Fee Tail to Convey their Lands in Fee Simple," 14 October 1776, and "The Revisal of the Laws, 18 June 1779: 20. A Bill Directing the Course of Descents," in Boyd, *Papers*, 1: 560-62, 2: 391-93.

63. See "Autobiography," in Ford, *Writings of Jefferson*, 1: 66.

64. See "The Revisal of the Laws, 18 June 1779: 79. A Bill for the More General Diffusion of Knowledge," in Boyd, *Papers*, 2: 526-35. For a later version, see Letter to Joseph C. Cabell on 9 September 1817, with draft of "An Act for Establishing Elementary Schools," in *The Writings of Thomas Jefferson*, ed. Andrew A. Lipscomb and Albert Ellery Bergh (Washington, D. C.: Thomas Jefferson Memorial Association, 1903-4), 17: 417-41.

grammar schools go." Upon completion of this extended course of study, ten of the twenty would receive public support to go on to study "all the useful sciences" at the university level. "By that part of our plan which prescribes the selection of the youths of genius from among the classes of the poor," Jefferson observed, "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."⁶⁵

The proprietor of Monticello drafted this proposal decades before he first conceived the notion of establishing a university in the Piedmont region of central Virginia.⁶⁶ At the time, the only institution of higher education in the state was his own *alma mater*—the College of William and Mary. Persuaded that this institution, as constituted, failed to meet Virginia's needs in the new era of independence, he urged a thoroughgoing reform of its bylaws and of the curriculum "to aid and improve that seminary, in which those who are to be the future guardians of the rights and liberties of their country may be endowed with science and virtue, to watch and preserve the sacred deposit." To this end, Jefferson set out to change what had been an Anglican establishment into an institution wholly secular—with a thoroughly modern course of study including mathematics as well as political and natural science. To achieve this, he argued for dropping the chairs in theology and oriental languages. After his reform, there would be eight professorships—one to give instruction in moral philosophy, the laws of nature and of nations, and the fine arts; and others to teach law and police, history, mathematics, anatomy and medicine, natural philosophy and natural history, ancient languages, and modern languages.⁶⁷

Unfortunately, despite considerable and persistent effort on Jefferson's part, his "systematical plan of general education" never passed into law. The general assembly did make a feeble attempt to encourage the establishment of elementary schools on

65. Jefferson, *Notes on the State of Virginia*, pp. 146-49 (Query XIV).

66. For the history of Jefferson's efforts on behalf of education, see Merrill D. Peterson, *Thomas Jefferson and the New Nation: A Biography* (Oxford: Oxford University Press, 1970), pp. 145-52, 961-88.

67. See "The Revisal of the Laws, 18 June 1779: 80. A Bill for Amending the Constitution of the College of William and Mary, and Substituting More Certain Revenues for Its Support," in Boyd, *Papers*, 2: 535-43.

the local level, and Jefferson was able to effect a partial reform of the College of William and Mary in 1779 when he served as a Visitor to that ancient institution.⁶⁸ But these meager accomplishments left him unsatisfied.⁶⁹ To John Adams, in 1813, he expressed his dismay that his "system" had never been enacted. "The law for religious freedom . . . having put down the aristocracy of the clergy, and restored to the citizen the freedom of the mind, and those of entails and descents nurturing an equality of condition among them, this on Education would have raised the mass of the people to the high ground of moral respectability necessary to their own safety, and to orderly government; and would have compleated the great object of qualifying them to select the veritable aristoi, for the trusts of government, to the exclusion of the Pseudalists."⁷⁰ Despite its virtues, Jefferson's plan never recommended itself to the general public.

Ultimately, Jefferson had to settle for the establishment at Charlottesville of the University of Virginia on lines similar to those laid out in his plan to transform the College of William and Mary.⁷¹ It is indicative of the Machiavellian roots of his program

68. See "Autobiography," in Ford, *Writings of Jefferson*, 1: 66-70.

69. See Letter to Dr. Joseph Priestley on 27 January 1800, and A Memorandum (Service to My Country), in Ford, *Writings of Jefferson*, 7: 413-16, 475-77.

70. Letter from Thomas Jefferson to John Adams on 28 October 1813, in *The Adams-Jefferson Correspondence*, 2: 387-92.

71. For the overall plan as it developed, see "Report of the Commissioners for the University of Virginia (Rockfish Gap Report)," 4 August 1818, in *Early History of the University of Virginia As Contained in the Letters of Thomas Jefferson and Joseph C. Cabell*, ed. Nathaniel F. Cabell (Richmond: J. W. Randolph, 1856), pp. 432-47; and "An Exact Transcript of the Minutes of the Board of Visitors of the University of Virginia during the Rectorship of Thomas Jefferson," 5 May 1817 to 7 April 1826, in Lipscomb and Bergh, *Writings of Jefferson*, 19: 361-499 (esp. 407-8, 413-16, 433-51, 454-61). In the mid-1790s, Jefferson toyed with the idea of shifting the Academy of Geneva to Virginia; in 1800, he began talking of establishing a new, thoroughly modern university in the Piedmont. See Letters to François d'Ivernois on 6 February 1795 and to Dr. Joseph Priestley on 18 and 27 January 1800, in Ford, *Writings of Jefferson*, 7: 2-6, 406-10, 413-16; Letter to Littleton Waller Tazewell on 5 January 1805, in Thomas Jefferson, *Writings*, ed. Merrill D. Peterson (New York: Library of America, 1984) 1149-53; and Letter to Joseph C. Cabell on 9 September 1817, with draft of "An Act for Establishing Elementary Schools," in Lipscomb and Bergh, *Writings of Jefferson*, 17: 417-41. In this connection, see Letter to Messrs. Hugh L. White and Others on 6 May 1810, in *The Writings of Thomas Jefferson*, ed. H. A. Washington (New York: J. B.

that he insisted that, had he been given the option, he would have preferred the general education of the many to the higher education of the few. To one close collaborator, he wrote, "Were it necessary to give up either the Primaries or the University, I would rather abandon the last, because it is safer to have a whole people respectably enlightened, than a few in a high state of science, and the many in ignorance. This last is the most dangerous state in which a nation can be. The nations and governments of Europe are so many proofs of it."⁷² But Jefferson was denied the opportunity to choose. Though disappointed, he could nonetheless take consolation from the prospect that, at the university which he had instituted, the future leaders of Virginia would receive a proper political education and imbibe Machiavelli's politics of distrust as they read Algernon Sidney's *Discourses of Government*, John Locke's *Second Treatise*, the Declaration of Independence, *The Federalist*, Washington's Farewell Address, and the Virginia Resolutions of 1799 while attending the lectures of an orthodox Whig.⁷³ As Jefferson put it in a letter to James Madison, "In the selection of our Law Professor, we must be rigorously attentive to his political principles." Before the Revolution, this would have been easy, he explained, for "our lawyers were then all Whigs." Even now, he added, "they suppose themselves, indeed, to be Whigs, because they no longer know what Whigism or republicanism means. It is in our seminary that that vestal flame is to be kept alive."⁷⁴

Lippincott, 1853-55), 5: 520-22. To this project, he turned his attention a few years after he left the presidency. At first, he focused on the establishment of an academy in Albemarle County. See Letter to Peter Carr on 7 September 1814, in Lipscomb and Bergh, *Writings of Jefferson*, 19: 211-21. Perhaps the clearest testimony of the degree to which Jefferson was dedicated to this project is the fact that, though very nearly bankrupt, he nonetheless kept his promise and left his library to the university. See "Thomas Jefferson's Will," in Lipscomb and Bergh, *Writings of Jefferson*, 17: 465-70 (at 469), 19: x. See also Merrill D. Peterson, *Thomas Jefferson and the New Nation*, pp. 961-88, 989-92, 1006-1007.

72. Letter to Joseph C. Cabell on 13 January 1823, in *Early History of the University of Virginia*, pp. 266-68.

73. See "An Exact Transcript of the Minutes of the Board of Visitors of the University of Virginia during the Rectorship of Thomas Jefferson," 4 March 1825, in Lipscomb and Bergh, *Writings of Jefferson*, 19: 460-61.

74. Letter to James Madison on 17 February 1826, in Lipscomb and Bergh, *Writings of Jefferson*, 16: 155-59 (at 156-57).

Popular Education, Ward Republics, and Political Jealousy

The same set of concerns that animated first Machiavelli and then Locke account for Jefferson's frustration at the failure on the part of the framers of the Constitution to include a bill of rights within the document.⁷⁵ He harbored few illusions regarding the strength of parchment barriers as a bulwark against tyrannical rule, but he did think them useful as a rallying point against oppression on the part of a corrupt and distant government. "Above all things," he wrote with this question in mind, "I hope the education of the common people will be attended to; convinced that on their good sense we may rely with the most security for the preservation of a due degree of liberty."⁷⁶ Citizens who were fully informed of their rights were much more likely to be able to defend those rights.

Jefferson's commitment to the freedom of the press is explicable in precisely the same terms. In his letter to Edward Carrington, he argued, with regard to tumults, that "the way to prevent these irregular interpositions of the people is to give them full information of their affairs thro' the channel of the public papers, and to contrive that those papers should penetrate the whole mass of the people." He was persuaded that "the basis of our governments" is "the opinion of the people" and that "the very first object should be to keep that right." "Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government," he wrote, "I should not hesitate a moment to prefer the latter. But I should mean that every man should receive those papers and be capable of reading them."⁷⁷

Thirty years subsequent to his presentation of the Revisal of the Laws to the Virginia General Assembly, after observing the manner in which his political enemies in New England had

75. See Letters to James Madison on 20 December 1787, to Alexander Donald on 7 February 1788, to George Washington on 4 November 1788, to Francis Hopkinson on 13 March 1789, and, again, to James Madison on 15 March 1789, in Boyd, *Papers*, 12: 438-43, 570-72, 14: 328-32 (at 328), 649-51, 659-63.

76. Letter to James Madison on 20 December 1787, in Boyd, *Papers*, 12: 438-43 (at 442).

77. Letter to Edward Carrington on 16 January 1787, in Boyd, *Papers*, 11: 49.

employed the town meetings to rally the populace of that region against his embargo, Jefferson added an amendment to his original proposals. For the purpose of establishing local elementary schools, he had long supported dividing the counties into "hundreds" or "wards." Now, he sought the institution of such small districts for another end as well: they were, he believed, ideally suited for the establishment of self-government within the localities; and as such, they could do much to form the political character of the nation's citizens and to head off political lethargy and corruption. Here again he had in mind Machiavelli's defense of *tumulti*. The wards were designed to make the general public attentive to political affairs: they were to function as "a regularly organized power" enabling the people "to crush, regularly and peaceably, the usurpations of their unfaithful agents," free "from the dreadful necessity of doing it insurrectionally."⁷⁸ "By making every citizen an acting member of the government, and in the offices nearest and most interesting to him," Jefferson attempted to "attach him by his strongest feelings to the independence of his country, and its republican constitution."⁷⁹ As he put it, "Where every man is a sharer in the direction of his ward-republic, or of some of the higher ones, and feels that he is a participator in the government of affairs, not merely at an election one day in the year, but every day; when there shall not be a man in the State who will not be a member of some one of its councils, great or small, he will let the heart be torn out of his body sooner than his power be wrested from him by a Caesar or a Bonaparte. . . . As Cato, then, concluded every speech with the words, *Carthago delenda est* [Carthage must be

78. See Letters to John Tyler on 26 May 1810, to Samuel Kercheval on 12 July and 5 September 1816, and to John Taylor on 21 July 1816, in Ford, *Writings of Jefferson*, 9: 276n-78n, 10: 37-45, 45n-46n, 50-55; Letter from Thomas Jefferson to John Adams on 28 October 1813, in *The Adams-Jefferson Letters*, 2: 387-92; Letter to Joseph C. Cabell on 2 February 1816, in Washington, *Writings of Jefferson*, 6: 540-44; Letter to Major John Cartwright on 5 June 1824, in *The Memoirs, Correspondence, and Private Papers of Thomas Jefferson*, ed. Thomas Jefferson Randolph (London: H. Colburn and R. Bentley, 1829), 4: 405. See also Letter to Joseph C. Cabell on 28 November 1820, in *Early History of the University of Virginia*, pp. 184-88. The passage quoted in the text is to be found in the second of the two letters to Samuel Kercheval.

79. Letter to Samuel Kercheval on 12 July 1816, in Ford, *Writings of Jefferson*, 10: 37-45 (at 40-41).

destroyed],’ so do I every opinion, with the injunction, ‘divide the counties into wards.’”⁸⁰

It is essential to recognize that Jefferson did not give primacy to political participation as an end in itself.⁸¹ His desire to foster self-government in the localities had the same roots as his long-standing commitment to states’ rights. Like the Anti-Federalists, he wished to minimize the responsibilities of those elements of the government set at a great distance from the people and to maximize vigilance on the part of the people by fostering popular control of local affairs. His animating principle is visible in the passage that he inserted in his draft of the Kentucky Resolutions of 1798, arguing that “confidence is everywhere the parent of despotism,” that “free government is founded in jealousy, and not in confidence,” and that “it is jealousy and not confidence which prescribes limited constitutions, to bind down those whom we are obliged to trust with power.”⁸²

This Machiavellian predilection for distrust helps explain why Jefferson looked on the Supreme Court of the United States with such suspicion, railing against what he perceived as a propensity for judicial “despotism” and “oligarchy.” It was Jefferson’s conviction that to concede political supremacy to courts composed of men appointed to office for life would be to make the Constitution “a mere thing of wax in the hands of the judiciary, which they may twist and shape into any form they please.”⁸³ It was his conviction that “to consider the judges as the ultimate arbiters of all constitutional questions” was “a very dangerous

80. Letter to Joseph C. Cabell on 2 February 1816, in Washington, *Writings of Jefferson*, 6: 540-44.

81. Cf. Hannah Arendt, *On Revolution* (New York: Viking Press, 1963), pp. 111-285 (esp. 115-37, 234-85), with Jean Yarbrough, “Republicanism Reconsidered: Some Thoughts on the Foundation and Preservation of the American Republic,” *Review of Politics* 41 (1979): 61-95 (esp. 84-92). Arendt’s argument has beguiled many a scholar: see Pocock, *Machiavellian Moment*, pp. 506-52 (esp. 550); Richard K. Matthews, *The Radical Politics of Thomas Jefferson: A Revisionist View* (Lawrence, KS: University Press of Kansas, 1984), pp. 77-95 (esp. 83-90); and Garrett Ward Sheldon, *The Political Philosophy of Thomas Jefferson* (Baltimore: Johns Hopkins University Press, 1991), pp. 53-111.

82. Draft of the Kentucky Resolutions, [October] 1798, in Ford, *Writings of Jefferson*, 7: 304.

83. Letter to Spencer Roane on 6 September 1819, in Ford, *Writings of Jefferson*, 10: 140-43.

doctrine indeed," for there was and could be "no safe depository of the ultimate powers of society but the people themselves." And he insisted that, "if we think them not enlightened enough to exercise their control with wholesome discretion, the remedy is not to take it from them, but to inform their discretion by education."⁸⁴

Precisely the same concern with promoting popular vigilance dictated the desire, which Jefferson shared with the Anti-Federalists and with many a Federalist as well, that the individual citizens of the United States be armed and that they be organized locally under their own officers as a militia. Those who proposed the pertinent provisions in the various state bills of rights, those who enacted the relevant state laws, and those who requested, framed, and ratified what we now know as the Second Amendment to the federal constitution took as a given William Blackstone's exposition of the parallel passage in the English bill of rights. In the United States of America, as in England, the individual's right to bear arms was deemed an "auxiliary right" comparable to freedom of speech and freedom of the press. It was established as a legal or even constitutional right because it was thought essential as a safeguard for the more fundamental, natural rights to life, liberty, and property. To be precise, the right to keep and bear arms was "a public allowance, under due restrictions, of the natural right of resistance and self-preservation, when the sanctions of society and laws are found insufficient to restrain the violence of oppression."⁸⁵ Even those who greatly feared political turmoil recognized that measures aimed at suppressing tumults or rendering them impossible or exceedingly difficult might open the way for an elimination of public liberty.⁸⁶

84. Letter to William Charles Jarvis on 28 September 1820, in *The Works of Thomas Jefferson*, ed. Paul Leicester Ford (New York: G. P. Putnam's Sons, 1904-5), 12: 161-64.

85. William Blackstone, *Commentaries on the Laws of England* (Oxford: The Clarendon Press, 1765-69), 1: 119-41 (with special attention to 139).

86. Cf. Robert E. Shalhope, "The Ideological Origins of the Second Amendment," *Journal of American History* 69 (1982): 599-614, with Lawrence Delbert Cress, "An Armed Community: The Origins and Meaning of the Right to Bear Arms," *Journal of American History* 71 (1984): 22-42, and see David T. Hardy, "The Second Amendment and the Historiography of the Bill of Rights," *Journal of Law and Politics* 4 (1987): 1-62, and Joyce Lee Malcolm, *To Keep and Bear Arms: The Origins of an Anglo-American Right* (Cambridge, MA: Harvard University Press,

Jefferson never strayed from the position that he outlined in his missive to Edward Carrington. In his last communication, a letter that he drafted in declining an invitation to attend festivities scheduled for the fiftieth anniversary of America's Declaration of Independence, he wrote of that event:

May it be to the world, what I believe it will be, (to some parts sooner, to others later, but finally to all,) the signal of arousing men to burst the chains under which monkish ignorance and superstition had persuaded them to bind themselves, and to assume the blessings and security of self-government. That form which we have substituted, restores the free right to the unbounded exercise of reason and freedom of opinion. All eyes are opened, or opening, to the rights of man. The general spread of the light of science has already laid open to every view the palpable truth, that the mass of mankind has not been born with saddles on their backs, nor a favored few bootied and spurred, ready to ride them legitimately, by the grace of God.⁸⁷

From the outset, Jefferson's goal was to prevent America's *grandi* from becoming wolves who would treat their fellow citizens as if they were sheep. Because he was mindful of the Machiavellian dictum that a legislator must presume all men wicked, he was persuaded that the only way to accomplish this end was to see to it that the American people were never in any fashion sheeplike at all. Such was for Jefferson, as it had been for Machiavelli, Locke, and their admirers before him, the central core of his understanding of the spirit that one must foster if one is to sustain republican liberty.

1994). If I am correct in asserting (Paul A. Rahe, *Republics Ancient and Modern: Classical Republicanism and the American Revolution* [Chapel Hill: University of North Carolina Press, 1992], pp. 254-59, 321-34, 347-56, 409-747) that Whigs of all stripes, in America as well as in Britain, were united in accepting Blackstone's dictum (*Commentaries on the Laws of England*, 1: 135) that "the public good is in nothing more essentially interested, than in the protection of every individual's private rights," the current dispute between those who interpret the Second Amendment in terms of individual rights and those who stress communal duties is an artifact of contemporary scholarship grounded on a dichotomy than would have made little, if any sense to anyone in the eighteenth century. The revolutionary generation disliked standing armies and saw them as a threat to liberty. Even when they conceded the necessity of such an army, they wanted to see the individual citizens armed and organized as a militia in such a way as to help provide for the common defense while safeguarding the right to revolution.

87. Letter to Roger C. Weightman on 24 June 1826, in Ford, *Writings of Jefferson*, 10: 390-92.