

AN HONEST HEART AND A KNOWING HEAD:
A STUDY OF THE MORAL, POLITICAL, AND EDUCATIONAL THOUGHT OF
JEAN-JACQUES ROUSSEAU AND THOMAS JEFFERSON

by

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An Honest Heart and a Knowing Head: A Study of the Moral, Political, and Educational Thought of Jean-Jacques Rousseau and Thomas Jefferson

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The picture of democracy we get from both Thomas Jefferson and Jean-Jacques Rousseau is one that is characterized by potentiality or possibility: the development of democracy and the cultivation of virtuous, republican citizens are processes of perpetual becoming, or perpetual improvement and progress towards an ideal form of freedom. My primary objective is to demonstrate an affinity in principle between the moral, political, and educational thought of Thomas Jefferson and Jean-Jacques Rousseau. While similarity is demonstrable, I do not claim that Jeffersonian republicanism and Rousseauian republicanism are merely ideological or theoretical carbon copies; each is, in fact, distinct in its own right and the two are, at times, seemingly disparate, if not incompatible. Nevertheless, I suggest that the core of the Jeffersonian vision of republican government—perhaps best defined nearly four decades after Jefferson’s death by Abraham Lincoln as a government “of the people, by the people, and for the people”—sits comfortably alongside Rousseau’s theory. In fact, we might say that Jefferson’s theory is something of an indirect adaptation of Rousseau’s overly romanticized vision of a pastoral sort of republicanism—a much more practical adaptation to the unique circumstances of late eighteenth and early nineteenth century America, no doubt, but an adaptation nonetheless.

Jefferson and Rousseau each embrace a notion of transcendent moral and political right and each subscribes to a natural rights philosophy informed by that standard. However, scholars either reject the Rousseauian overtones in Jefferson’s thought or fail to appreciate fully those facets of his thought that substantiate the heretofore unrecognized affinity between Rousseauian and Jeffersonian idealism. While there have been a few (misguided) attempts to show that Jefferson was, historically, quite the Rousseauist, that is not my aim; rather, I wish to show that Jefferson’s moral and political thought has more in common with Rousseau’s at the level of principle than many scholars (and perhaps Jefferson himself) seem ready to recognize.

For Gene
and
Elliot

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INTRODUCTION

We of the United States are constitutionally and conscientiously democrats. We consider society as one of the natural wants with which man has been created; that he has been endowed with faculties and qualities to effect its satisfaction by concurrence of others having the same want; that when, by the exercise of these faculties, he has procured a state of society, it is one of his acquisitions which he has a right to regulate and control, jointly indeed with all those who have concurred in the procurement, whom he cannot exclude from its use or direction more than they him.¹

Born a citizen of a free State, and a member of the sovereign, the right to vote in it is enough to impose on me the duty to learn about public affairs, regardless of how weak might be the influence of my voice on them. Happy whenever I meditate about Governments, always to find in my inquiries new reasons for loving that of my country.²

I. The Sage of Monticello and the *Enfant Terrible* of the Enlightenment: Strange Bedfellows?

My primary objective is to demonstrate an affinity between the moral, political, and educational thought of Thomas Jefferson and Jean-Jacques Rousseau. While similarity is demonstrable, I do not claim that Jeffersonian republicanism and Rousseauian republicanism are merely ideological or theoretical carbon copies; each is, in fact, distinct in its own right and the two are, at times, seemingly disparate, if not incompatible. Nevertheless, I suggest that the core of the Jeffersonian vision of republican government—perhaps best defined nearly four decades after Jefferson’s death by Abraham Lincoln as a government “of the people, by the people, and for the people”—sits comfortably alongside Rousseau’s theory. In fact, we might say that Jefferson’s

¹ Thomas Jefferson to Pierre Samuel Dupont de Nemours, 24 April 1816, in Merrill D. Peterson, ed., *Thomas Jefferson: Writings* (New York: Library of America, 1984), 1387. Hereafter, *Writings*.

² Jean-Jacques Rousseau, *Social Contract*, Preface, Book I, in *The Basic Political Writings*, trans. Donald A. Cress (Indianapolis, IN: Hackett, 1987). Hereafter, *SC*.

theory is something of an indirect adaptation of Rousseau's overly romanticized vision of a pastoral sort of republicanism—a much more practical adaptation to the unique circumstances of late eighteenth and early nineteenth century America, no doubt, but an adaptation nonetheless.

While I try to relate Jefferson's republican vision to Rousseau's by way of careful textual analysis, I do not mean simply to point out parallel or ostensibly parallel passages in the texts. Textual similarities do exist and I highlight them as needed. However, my primary aim is to call attention to the ways in which Rousseau and Jefferson overlap at the level of principle, or the ways in which their respective moral and political theories converge. It is my contention that an examination of either figure outside of their historical context is wholly inadequate. Likewise, simply studying Rousseau's *Social Contract* or Jefferson's *Notes on the State of Virginia*, will ultimately afford the reader very little in the way of a systematic understanding of either man's moral and political philosophy. While Rousseau had the luxury of remaining aloof and virtually disengaged from public life, Jefferson did not. Jefferson's theory might not always agree with his practice, but this much is to be expected, especially from a man who was wrapped up in the politics of revolution for the better part of two decades and who would, in one way or another, be embroiled in political controversy for the rest of his life.

Another of my goals—an ambitious goal, to be sure—is to offer a more precise account of Jefferson's moral and political thought. In particular, I mean to profile the coherence and unity of Jefferson's thoughts on the relationship between natural rights, republicanism, and moral virtue. I seek to glean from Jefferson's political philosophy a better understanding of his thoughts on the quality of character that is necessary to the

preservation of liberty and a democratic way of life.³ This entails an exploration of several facets of Jefferson's thought: from his understanding of natural right and conventional right⁴ to the primacy of majority rule; his nuanced emphasis on the importance of civic virtue of a particular type and a separate, but no less significant emphasis on the importance of moral virtue; and the often overlooked (or at least underemphasized) notion of a rationalized or "republicanized" Christianity (something akin to Rousseau's "civil religion").

Notwithstanding the fact that Jefferson mentions Rousseau explicitly only a few times, I believe there is ample evidence to demonstrate that Jefferson eventually came to embrace certain aspects of the Genevan's moral and political thought. Indeed, the transplantation of Rousseauian romanticism into Jefferson's thought was most likely indirect: although Jefferson was acquainted with Rousseau's works—and even esteemed the friendship and opinion of one of Rousseau's greatest defenders, the Baroness de Staël-Holstein⁵—he never went to any great length to expound on or appropriate the

³ On the question of whether Jefferson was in fact much of a political philosopher at all, see Eva Brann, "Was Jefferson a Philosopher?" in *Law and Philosophy: The Practice of Theory: Essays in Honor of George Anastaplo*, ed. John A. Murley (Athens, OH: Ohio University Press, 1992), 654-670. Brann characterizes Jefferson as the Enlightenment's "deliberate dilettante" and insists that, despite the seemingly "shallow, obtusely idiosyncratic, [and] willfully unreflective" nature of his writings, there is nevertheless "implicit" coherence, "unity and wholeness" in his thought. (669) See also Michael P. Zuckert, *The Natural Rights Republic: Studies in the Foundation of the American Political Tradition* (Notre Dame, IN: University of Notre Dame Press, 1996). On the Declaration of Independence as a document of political philosophy, see Harry V. Jaffa, "On the Education of the Guardians of Freedom," *Modern Age*, Vol. 30 (Spring, 1986): 137 and Zuckert, 13-40.

⁴ The influence of Locke on Jefferson's understanding of natural right (and rights) is not to be denied. In fact, the Lockean persuasion in Jefferson's revolutionary writings is unmistakable. For an unsurpassed treatment of this topic, see Zuckert, *The Natural Rights Republic*. See also Zuckert, *Natural Rights and the New Republicanism* (Princeton, NJ: Princeton University Press, 1998). For a rejoinder to critics who deny (or discount) the significance of Locke's influence on Jefferson, see Zuckert, "Response," in *Thomas Jefferson and the Politics of Nature*, ed. Thomas S. Engeman (Notre Dame, IN: University of Notre Dame Press, 2000): 191-210.

⁵ See Germaine de Staël's *Letters on the Works and Character of J.J. Rousseau* (London: G.G.J. and J. Robinson, 1789)

philosopher for his own purposes. Moreover, it is unclear exactly how much of Rousseau's writings Jefferson actually knew well. Still, a careful reading of Jefferson reveals more than a mere coincidental similarity to Rousseau's views on morality and politics.⁶

The Rousseauian variety of republicanism borrows heavily from multiple sources, the ancients and Montesquieu most notably (though Rousseau certainly makes no room for representative institutions in his ideal).⁷ Given John Adams's penchant for the ancients (and for Montesquieu, Harrington, and other analysts of the virtues and vices of classical republicanism), it is no surprise to find in his writings what amounts to an outright rejection of genuinely democratic government, a rejection that is indeed quite un-Rousseauian to say the least. On the other hand, Jefferson's republicanism, it seems, lies somewhere between the pastoral and the pragmatic,⁸ somewhere between the Rousseauian Alpine idyll and Adams's officious brand of federalism. It is this golden mean that I seek to find in the Sage of Monticello.

II. Linking Rousseau and Jefferson

If much of Jefferson's moral and political philosophy can be linked to Rousseau's, why

⁶ Paul Rahe makes a similar move by demonstrating a certain theoretical and practical indebtedness on the part of Jefferson to Machiavelli. Jefferson rarely mentions the Florentine in his correspondence but Rahe successfully shows that certain elements of Jefferson's republicanism can be indirectly derived from Machiavelli's *Discourses on Livy*. Though at times Rahe seems to exaggerate the extent to which Jeffersonian political theory overlaps with Machiavellian political science, his inferences are nonetheless valid. See Paul A. Rahe, "Thomas Jefferson's Machiavellian Political Science," *The Review of Politics*, Vol. 57 (Summer, 1995): 449-481.

⁷ Indeed, Jefferson seems to have accepted representative government only begrudgingly. See Benjamin R. Barber, "Education and Democracy: Summary and Comment," in *Thomas Jefferson and the Education of a Citizen*, ed. James Gilreath (Washington, DC: Library of Congress, 1999), 134-52.

⁸ "Pragmatic" in the obsolete sense of the word but also, to a certain extent, in the modern sense.

does the Virginian never really discuss the Genevan in detail? After all, Jefferson often made an effort to show his zeal for the works of Sidney and Locke, among others. Indeed, Jefferson makes reference to the authors of such “elementary books of public right”⁹ too frequently to keep count. It would seem, then, that any supposed affinity with Rousseau would be better documented in Jefferson’s public papers and, especially, in the extant private correspondence. Mentions of the Genevan in Jefferson’s writings are scant at best, although Jefferson likely had good political motivations for concealing (or at least subduing) his enthusiasm, especially after 1788. For instance, the infamous letter to Philip Mazzei of 24 April 1796 caused considerable controversy for Jefferson.¹⁰ Following the letter’s unauthorized publication, Jefferson took more than a little flak: Federalist supporters and those itching for war with France were quick to mark Jefferson as a Jacobin sympathizer. In fact, an anonymous engraving even went so far as to depict Jefferson as failing to protect the Constitution: “The Providential Detection” depicted him as an “agent of evil” serving up certain authors on the “Altar of Gallic Despotism”! Beneath the “altar” were the names of supposedly radical “revolutionaries” associated

⁹ TJ to Henry Lee, 8 May 1825, *Writings*, 1500-02.

¹⁰ In his letter to Philip Mazzei of 24 April 1796, Jefferson offers harsh criticism of the administrations of both George Washington and John Adams (and of the Federalists in general). “In place of that noble love of liberty and republican government which carried us triumphantly thro' the war,” he writes, “an Anglican, monarchical and aristocratical party has sprung up...Against us are the Executive, the Judiciary, two out of three branches of the legislature, all the officers of the government, all who want to be officers, all timid men who prefer the calm of despotism to the boisterous sea of liberty.” In *Papers of Thomas Jefferson*, Vol. 29, ed. Julian P. Boyd (Princeton, NJ: Princeton University Press, 1958), 82. Hereafter, *PTJ*. The letter, in which Jefferson likened the Federalists to tyrannical monarchs, was subsequently circulated by Mazzei in Italy and France without Jefferson’s permission. On 25 January 1797, the letter was published in Paris in the *Gazette Nationale ou Le Moniteur Universel* and included critical commentary on the Adams administration’s foreign policy toward France. Eventually, the letter reached Noah Webster and was published in the *Minerva* and the *Gazette of the United States*. Following publication in the *Minerva* and the *Gazette*, numerous Federalist newspapers across the country followed suit. See “Editorial Note,” *PTJ* 29:73.

with the Jacobites: Voltaire, Paine, William Godwin, Volney, James Monroe, the *Aurora*, and Rousseau.¹¹

The controversy over the Mazzei letter might help to explain the lack of any detailed commentary on Rousseau and other figures associated with the French Revolution (rightfully or not) during this time period (and beyond). Numerous anxieties abounded over the fragility of the young Republic and a divided sentiment prevailed over the propriety of an alliance with either Britain or France. Given the political tumult in America during the 1790s, if Rousseau was (wrongly) associated with Robespierre and the French Revolution (intellectually), then Jefferson would most likely have wanted to avoid mentioning the Genevan, at least in any public document or anything likely to be made public. After all, as Jefferson had been aware of as early as his sojourn to Paris, even private correspondence was liable to “miscarry.”¹²

Rousseau was indeed wrongly associated with the radical revolutionaries in France, at least intellectually. It is well known that Robespierre championed Rousseau’s writings and that Rousseau eventually came to be known as the intellectual “father of the French Revolution.” However misappropriated Rousseau was by the Jacobins, this much is true: Rousseau’s political writings, particularly those on natural equality and the primacy of majority rule (or, more broadly, the elusive concept of the “general will”) were indeed radical for the time. Yet in no way did Rousseau intend for his writings to be employed in the service of a bloody revolution, however democratic it proclaimed to be. To be sure, the Terror was certainly not a means Rousseau would have approved of, regardless

¹¹ “The Providential Detection” is reproduced in the Appendix and in *PTJ* 29:319.

¹² See Boyd, “Editorial Note,” *PTJ* 29:81.

of the legitimacy of the end in question.¹³

Jefferson was well acquainted with Rousseau's writings; this much is certain. But his relative lack of commentary on Rousseau is somewhat puzzling. If so much of Jefferson's moral and political thought can be found in Rousseau, why do we find a virtual dearth of support for this in Jefferson's correspondence? There are several possible explanations worth considering.

First, Jefferson's apparent lack of detailed commentary on Rousseau means nothing. Although Jefferson's correspondents broach the topic on occasion, he rarely offers up any explicit (much less substantive) remarks. Jefferson did not always respond to every question his correspondents asked. Nor did he always remark on their comments or criticisms. Thus, the absence of a statement or remark is not necessarily indicative of either agreement or disagreement (or indifference for that matter).¹⁴

Madame de Staël devoted considerable effort to defending Rousseau's writings, particularly in her 1788 panegyric *Lettres sur les Ouvrages et le Caractère de J.-J. Rousseau*. Jefferson's correspondence with Madame de Staël during his residence in Paris and upon his return to the United States suggests that he not only esteemed her as a friend, but that he also appreciated her acumen.¹⁵ Kevin Hayes notes that, "Jefferson's

¹³ Interestingly, John Adams seems to misunderstand Rousseau in his correspondence with Jefferson on several occasions. See, for instance, John Adams to TJ, 13 July 1813, in *The Adams-Jefferson Letters: The Complete Correspondence between Thomas Jefferson and Abigail and John Adams*, ed. Lester J. Capon (Chapel Hill, NC: University of North Carolina Press, 1988), 354-56. Hereafter, *AJL*. See also Adams to TJ, 16 July 1814, *AJL*:434-39. On one occasion, Adams seems to be in complete agreement with Rousseau: see Adams to TJ, 15 November 1813, *AJL*:400.

¹⁴ See Rahe, "Thomas Jefferson's Machiavellian Political Science."

¹⁵ See Gilbert Chinard, "La Correspondance de Madame de Staël avec Jefferson," *Revue de Littérature Comparée*, Vol. 2 (1922): 621-640.

friendship with Madame de Staël encouraged his interest in the writings of Rousseau.”¹⁶

Relying on George Leavitt’s Poplar Forest *Catalogue*, Hayes surmises that Jefferson “acquired Pierre Alexandre Peyrou’s edition of Rousseau’s *Œuvres Completes* as well as an edition of Rousseau’s correspondence, which together formed a thirty-eight volume collection.”¹⁷

Second, during the Enlightenment, many grand and controversial ideas were simply “in the air,” as Gilbert Chinard puts it. Chinard shows that although Jefferson was not, strictly speaking, a disciple of the French Enlightenment, something of an intellectual lineage can be traced through the *philosophes* (at least, to a point). However, Chinard is careful not to overemphasize the affinities between the Virginian and his intellectual brethren across the Atlantic (both in France and in Britain). While the English and Scottish philosophers and jurists undoubtedly played a direct role in the formation of Jefferson’s intellect in the 1760s, the ideas of d’Holbach, Helvétius, Rousseau, and

¹⁶ Kevin J. Hayes, *The Road to Monticello: The Life and Mind of Thomas Jefferson* (New York: Oxford University Press, 2008), 298.

¹⁷ Ibid. As Leavitt indicates, Jefferson’s Poplar Forest Library did contain a copy of Rousseau’s *Œuvres Completes avec Correspondance*, published in Geneva in 1782. See George A. Leavitt, *Catalogue of a Private Library Comprising a Rich Assortment of Rare and Standard Works...Also the Remaining Portion of the Library of the Late Thomas Jefferson, Comprising many Classical Works and Several Autograph Letters, Offered by his Grandson, Francis Eppes, of Poplar Forest, Va.* (New York: George A. Leavitt & Co., 1873), lot 654. However, the Leavitt catalog offers no clue as to when Jefferson actually requested or acquired the copy; it merely indicates that it was in his possession as early as, but no sooner than 1809 (the year in which Jefferson began to transfer books from Monticello to his retirement retreat at Poplar Forest). A better indicator is Jefferson’s own hand-written catalog of books from 1783 and 1789. In the catalog of 1783, Jefferson records: “*Œuvres de Rousseau*, 31 v., 12 mo. *et correspondance*, 3 v. 12. mo.” This entry indicates that Jefferson owned a total of 34 volumes by 1783. In the catalog of 1789, Jefferson records: “*Œuvres de Rousseau*, 31 v., 12 mo.,” presumably the same edition as that listed in the 1783 catalog. See Thomas Jefferson, “1783 Catalog of Books,” Original Manuscript from the Coolidge Collection of Thomas Jefferson Manuscripts (Massachusetts Historical Society, c. 1775-1812), 243; and Jefferson, “1789 Catalog of Books,” Original Manuscript from the Coolidge Collection of Thomas Jefferson Manuscripts (Massachusetts Historical Society, c. 1789), 49. Rousseau’s *Confessions* would not be published in its entirety until 1789. We know that upon his return from France, Jefferson requested that William Short dispatch to him a copy of the “continuation of Rousseau’s *Confessions*.” See William Short to TJ, 30 November 1789, *PTJ* 15:568 and TJ to William Short, 6 April 1790, *PTJ* 16:319. The second installment of the *Confessions* would likely have been bound into four volumes, thus making the total number of volumes thirty eight (and, thus, consistent with the entry recorded in Leavitt’s catalog).

Voltaire, among others, eventually worked their way into Jefferson's mind, albeit, as Chinard claims, in a far more indirect manner. We could easily "demonstrate," Chinard says, "through carefully chosen and apparently conclusive passages, that Jefferson was a disciple of Rousseau. It would be just as easy to prove that he was influenced by Montesquieu or by Voltaire, unless we preferred to show that he derived most of his ideas from Locke."¹⁸

Chinard's point is rather obvious; indeed, it seems almost a truism: by selectively extracting from one author's texts, it is possible to show, by way of comparison, that another author embraces the same views or supports the same conclusions. In short, it is often possible to make any given author say what we want them to say, if only we pick and choose their words carefully *and* consider them out of their proper context. Thus, Chinard's ultimate conclusion amounts to more than mere truism, for he is concerned to show (as all intellectual historians should be) that "influence" is not only a difficult thing to prove (even in what appears to be seemingly obvious cases), but that it can be especially misleading, if not dangerous. "There is very little hope," he says,

that we shall ever reach an approximate truth as long as the noxious word *influence* is not used with more discrimination, as long at least as we do not realize and bear constantly in mind that between men belonging to the same generation, there is necessarily some resemblance, some relationship, some intellectual kinship which accounts for the similarity of their views, more truly, if somewhat less obviously, than the admission of definite influences.¹⁹

The identification of discernable and precise "influences" is indeed a challenging enterprise, especially when an author affords his reader little in the way of explicit

¹⁸ Gilbert Chinard, *The Correspondence of Jefferson and Du Pont de Nemours, with an Introduction on Jefferson and the Physiocrats* (Baltimore, MD: The Johns Hopkins Press, 1931): ix (emphasis in original).

¹⁹ *Ibid.*, x (emphasis in original).

attributions or statements in which a debt of intellectual gratitude is explicitly announced.²⁰

III. The Plan of the Dissertation

Chapter One explores several key elements of Rousseau's republicanism. I begin with an analysis of Rousseau's account of democratic citizenship in an ideally constituted state and his understanding of political right. For Rousseau, democratic legitimacy turns on the ability of citizens to subordinate self-interest to the interest of the public, or the ability to recognize and act in accordance with a general will, or a political *volonté générale*. Presumably, since right is a transcendent norm, and since the general will of a community always tends toward political right, the general will can be found within every citizen. However, while the general will might be inside of every citizen, it is not necessarily the case that it will always be found. To be sure, finding the general will can prove to be rather difficult.

Finally, I explore the significance of Rousseau's civil religion and the vital role it plays in sustaining the social contract. Rousseau's remarks in the *Social Contract* have led many of his twentieth-century critics to conclude that what he defends is nothing short of democratic totalitarianism. A careful examination shows that this is, in fact, not true. Clearly, Rousseau sees enough utility in the civil religion to prescribe sanctions for conduct that might be subversive of social and political order. But if the civil religion is

²⁰ More often than not scholars are forced either to take the path of least resistance—in which case they attempt to prove their points by way of selective extraction and comparison—or they are compelled to engage in the painstaking task of scouring an author's entire corpus in the hopes of discovering the definitive link between that author and some other source. Depending on one's goals, either approach is likely to yield something fruitful. Still, Chinard's position seems undeniable: "We shall have to admit that there are times when ideas are 'in the air,' when they seem common property, and when the attribution to any one man of the paternity of any particular idea is well nigh impossible. The eighteenth century was undoubtedly such a period." Ibid., xi.

so important as to necessitate legal enforcement, it seems to make little sense for Rousseau to insist that the guiding principle behind the civil religion ought to be tolerance.²¹ After all, since the purpose of the civil religion is to bind citizens together, toleration seems to be counterintuitive. Religious toleration seems to imply something far more permissive than what he has in mind.

In Chapter One, I consider Rousseau's republican vision from the top down. That is, I consider the ways in which Rousseau's ideal state stands or falls solely on the basis of its political and social constitution. In Chapter Two, I consider the other half of Rousseau's theory, or the ways in which his ideal state is constituted from the bottom up. Rousseau's educational theory issues in a seemingly irreconcilable paradox (the so-called paradox of founding). This seeming paradox results from the often-misunderstood relationship between Rousseau's most notable artificers, namely, the *Social Contract's* legislator and *Emile's* tutor. Rather than viewing the educative ends of each artificer as mutually exclusive, I suggest a reading that identifies a necessary convergence between their respective "founding" and "fatherly" roles. This reading posits *Emile's* private tutor and the *Social Contract's* public legislator as civic analogues. The *Social Contract* supplies standards for judging political right and part of the means by which the foundations are to be laid in practice. *Emile* provides standards for judging and means for cultivating moral right in the individual. More importantly, *Emile* shows why such cultivation is necessary, in conjunction with sound institutions and the rule of law, to realize humanity's latent potential to advance toward, or approximate political right.

Chapter Three explores the ways in which Thomas Jefferson's moral and

²¹ "Tolerance should be shown to all those that tolerate others, so long as their dogmas contain nothing contrary to the duties of a citizen." Rousseau, *SC* IV.viii.

political thought eventually came to mirror much of Rousseau's. I begin with a rather broad but significant claim: Thomas Jefferson and Jean-Jacques Rousseau each embrace a notion of transcendent moral and political right and each subscribes to a natural rights philosophy that is informed by that standard. However, scholars either reject the Rousseauian overtones that are apparent in Jefferson's thought or fail to appreciate fully those facets of his thought that substantiate the heretofore unrecognized affinity between Rousseauian and Jeffersonian idealism. I intend to show that Jefferson's moral and political thought has more in common with Rousseau's at the level of principle than many scholars (and perhaps Jefferson himself) seem ready to recognize. Specifically, I consider three particular elements of Jefferson's political thought that parallel Rousseau's: Jefferson's understanding and defense of majority rule and the ways in which it mirrors Rousseau's conception of the general will; the Virginian's reluctant embrace of political representation; and his theory of generational sovereignty.

In Chapter Four, I consider Jefferson's understanding and critique of religion in general. Like Rousseau, Jefferson recognizes the importance of an unfettered mind and, accordingly, the Virginian is often highly critical of institutionalized religion. In fact, he and James Madison were regular allies in the assault on established religion in the Old Dominion. Nevertheless, Jefferson is neither the irreligious apostle of atheism many have painted him to be, nor is he committed to a disavowal of any and all religious influence in the public sphere. Indeed, Jefferson's private religion had a pronounced effect on his policies as President. Moreover, we see Jefferson's peculiar understanding of the Gospels and of Christianity in general weaved throughout his republicanism.

Though it evolves from the 1760s until his death in 1826, the role of religion in Jefferson's republicanism is unmistakable. I try to show that although Jefferson was not exactly an orthodox Christian—he did, in fact, reject much of what institutionalized Christianity had to offer—he was deeply committed to the fundamental moral principles embedded in the Christian tradition. Moreover, Jefferson firmly believed that the moral foundations of a pure, more rational form of Christianity were highly apposite, if not indispensable to the creation of virtuous, independent citizens in the American Republic. In other words, Jefferson recognized the value—indeed, the social utility—of an American civil religion grounded in the pure, unadulterated precepts of Jesus of Nazareth.

Chapter Five places Jefferson's theory of moral and civic education in the context of his republicanism. Jefferson was of the conviction that a properly educated citizenry—coupled with sound, stable, yet adaptable political institutions—was necessary, if not indispensable to the vitality and longevity of the new Republic. After placing Jefferson's thoughts on moral and civic education into context, I explore the ways in which his overarching theory parallels Rousseau's. I try to show that Jefferson's understanding of the educative function of fathers (and father figures) in both the private and public realms is not unlike Rousseau's. Among other things, Jefferson's emphasis on an affectionate form of pedagogy, instruction by example, his appeal to natural rights and utility, and the importance of cultivating autonomous, duty-minded individuals puts him in close company with Rousseau. I explore the ways in which Jefferson's own education, his public and private thoughts on the subject, and his prescriptions and practices with his

children, grandchildren, and other affectionate charges mirror much of what Rousseau prescribes in *Emile*.

Rousseau and Jefferson each speak to the need for a form of education that is designed to combat the ill-effects of excessive individualism; a form of education that promotes the values of liberal democracy while simultaneously impressing upon children the importance of community; a form of education that seeks to strike an appropriate balance between individual rights and the common good; a form of education that embraces at once individual independence and mutual interdependence. In many ways, Jefferson seems not only to pick up where Rousseau left off, but also fills in certain conceptual (and practical) gaps that Rousseau overlooked.

CHAPTER ONE

Rousseau's Republican Ideal: *Volonté Générale* and the Priority of Right

I. Introduction

Finding a way to mold morally autonomous individuals and getting them to apprehend and adhere to the transcendent form of political right are paramount objectives in Rousseau's project. In order to appreciate Rousseau's theory of moral and civic education—and in order to appreciate the theoretical import of the reading I offer—it is necessary to begin with an analysis of Rousseau's conception of republican citizenship. For Rousseau, democratic legitimacy turns on the ability of citizens to subordinate self-interest to the interest of the public, or the ability to recognize and act in accordance with a general will (a political *volonté générale*). Presumably, since right is a transcendent norm, and since the general will of a community always tends toward political right, the general will can be found within every citizen. However, while the general will might be inside of every citizen, it is not necessarily the case that it will always be found. To be sure, finding the general will can prove to be rather difficult, if not impossible at times.

If justice (or right) is a transcendent norm, and if human beings have been endowed by nature with the ability to grasp or apprehend this norm, then why is it the case that political right so often fails to be approximated in actual political societies? Notwithstanding the metaphysical complexities of a transcendent form of right, the failure to approximate the form in practice is, in large part, a failure—or rather, reluctance—of human will. But this failure cannot be explained away in terms of an inherently reluctant or defective will. We cannot simply lay the blame on volition alone, for acting in accordance with moral and political right requires virtue, and “[v]irtue

belongs to a being that is *weak by nature* and *strong by will*.”¹ In other words, humans are capable of virtue, that is, humans have the ability to become virtuous, though this ability (like all abilities) must be cultivated and reinforced, for there is much in civil society to seduce us from right.²

But it is necessary that individuals develop the ability to grasp right both as men and as citizens. In fact, the former is necessary to the latter, that is, an understanding of moral right is necessary to an understanding (or a judgment) of public or political right. Put differently, it is necessary that the individual learn to subject his will to the eternal precepts of moral right if he is to become a *de jure* citizen, or a citizen who is capable of finding within himself the general will that is particular to his community. Such a citizen, we might say, is morally autonomous insofar as he is capable of subjecting his private (particular) will to the public (general) will. A genuine citizen, on Rousseau’s account, is one who is subjected only to virtue.

In this chapter, I begin by offering a rather unconventional mathematical interpretation of *volonté générale*. Though it certainly requires a charitable reading of Rousseau, this interpretation serves to render his notion of a political *volonté générale* more plausible (or, at the very least, less cryptic). Given Rousseau’s affinity for both Platonism and geometry, it seems only fitting to suggest an interpretation that employs mathematical analogy as a means of clarifying an otherwise obscure concept.

¹ Jean-Jacques Rousseau, *Emile, or On Education*, trans. Allan Bloom (New York: Basic Books, 1979 [1762]), 444 (emphasis added). Hereafter, *Emile*.

² Rousseau, *Discourse on the Origin of Inequality*, in Rousseau, *The Basic Political Writings*, trans. Donald A. Cress (Indianapolis: Hackett, 1987). Hereafter, *SD*. All people of sound mind are capable of apprehending the transcendent form of right, but sometimes people are deceived by the *appearance* of right. Hence, the need for moral education. See David Lay Williams, *Rousseau’s Platonic Enlightenment* (University Park, PA: Pennsylvania State University Press, 2007) for an unparalleled analysis of Rousseau’s understanding of right as a transcendent norm.

After considering Rousseau's understanding of the general will, I explore several separate but related facets of his political theory, including his thoughts on representation in republican systems, his constitutionalism, and his case for a public or civil religion. Rousseau's republicanism is complex, to say the least, and a systematic treatment of each component is necessary in order to glean a more complete picture of his ideal state, or what Joshua Cohen refers to as a "free community of equals, a social-political world in which individuals realize their nature as free by living together as equals, giving the laws to themselves, guided in those lawgiving judgments by a conception of their common good."³

II. Putting the "I" into the "Common": *Volonté Générale* and the *Moi Commun*

Rousseau maintains that the common interest or, more specifically, the "common element" in the differing interests of a society's members is the sole basis from which governments should derive. If the object of the state's interest (i.e., the end for which a state exists) is the common good, then only the "general will [*volonté générale*]...can direct the State according to [that] object."⁴ But what exactly is *volonté générale*?

In the *Social Contract*, Rousseau says the *volonté générale* of a people is "always right and tends to the public advantage," notwithstanding the fact that public deliberations "are [not] always equally correct." Though we always will what is "for our own good," it is not the case that we "always see what that [good] is." Moreover, "the

³ Joshua Cohen, *Rousseau: A Free Community of Equals* (Oxford: Oxford University Press, 2010), 10.

⁴ SC II.i.

people is never corrupted, but it is often deceived, and on such occasions only does it seem to will what is bad.⁵ Rousseau goes on to say:

There is often a great deal of difference between the will of all and the general will; the latter considers only the common interest, while the former takes private interest into account, and is no more than a sum of particular wills: but take away from these same wills the pluses and minuses that cancel one another, and the general will remains as the sum of the differences.⁶

Rousseau's conception of *volonté générale* appears to turn on a notion of common human existence [*communauté*] or, more accurately, the *in-common* that is experienced by people living together in society. While civil society and politics are not natural,⁷ they are, nevertheless, features of the human condition that Rousseau does not deny. In other words, civil society is unavoidable and, as it turns out, integral to human happiness, or well-being.⁸ Since self-interest is man's primary motivator, it only stands to reason that individual interests will be at odds with one another invariably. Although individual, or particular interests will occasionally overlap and even coincide, the relative infrequency of such an occurrence makes politics an inescapable feature of civil society.

However, as a matter of right, it cannot be the case that politics is the final arbiter of difference: the illegitimate social compact described in the *Second Discourse*—a “trick of the rich played upon the poor”—is, after all, the product of a perverted political enterprise.⁹ Thus, Rousseau tells us, it became necessary for man to legitimate his

⁵ Ibid.

⁶ Ibid.

⁷ See *SD*, Part I.

⁸ Since we cannot return to the state of blissful ignorance and complete independence depicted in the *Second Discourse*, the mutual dependence characteristic of civil society becomes an indispensable feature of human life.

⁹ *SD*, 68.

chains, to justify his subjection, as it were. Man was compelled, of necessity, to reconcile natural right with conventional right, to abandon his natural freedom in exchange for civil freedom. But moral freedom requires people to find and adhere to a political *volonté générale* in themselves, and this demands that people recognize commonalities.

If people naturally have nothing in common (save for *amour de soi* and the sentiment of pity), but commonality is necessary to a well-ordered society, then people must be molded into beings “in whom the thought of the common is [or can be] realized.”¹⁰ That is to say, they must be denatured, or educated to be something unnatural if they are to exist in civil society.¹¹ The citizen (the denatured individual), then, is the very being in whom the common is realized completely. This agrees with Rousseau’s contention in *Emile* that, prior to socially instituted processes of denaturation, humans lived in a state of absolute existence or a state of being that was wholly inward.

If it is through denaturation that one becomes a citizen, then it is through the citizen that the “common is realized.”¹² Rousseau’s conception of *volonté générale* rests on this idea, though Strong urges us to resist interpreting Rousseau’s formulation of the social contract as a summation of individual wills into a “collective being.”¹³ Rather, Strong suggests an alternative reading: “at the moment of the social pact we take into ourself, as our self, a self that is common or general...[T]he social pact replaces in me the

¹⁰ Tracy B. Strong, *Jean-Jacques Rousseau: The Politics of the Ordinary* (Thousand Oaks: Sage Publications, 1994), 76.

¹¹ See also Patrick Riley, “Rousseau’s General Will,” in *The Cambridge Companion to Rousseau*, ed. Patrick Riley (Cambridge: Cambridge University Press, 2001), 124-53.

¹² Strong, 76.

¹³ *Ibid.*, 77.

self that could individually compact with a self that is common.”¹⁴ As such, the purpose of the social contract is the “free realization of the humanly common,”¹⁵ which allows the citizen to be common, to experience the common, in common. Rousseau’s *volonté générale* thus derives from the common and has as its goal (or object) the common; it is the “expression of [a] common self...the self that [one] find[s] in others.”¹⁶

Rousseau’s political *volonté générale*, then, is not merely an expression of a collective opinion (or an opinion of all). Instead, it is an extension of the self, or a self that recognizes itself in others. There are many things that *volonté générale* is not: it is neither the will of the majority, nor is it the will “of all.”¹⁷ Rousseau is careful to differentiate the *générale* from the *particulière* (like his theologian predecessors¹⁸) in terms of the will’s object, and he concludes that the individual’s will is general only if its object is the common. Thus, a political *volonté générale* cannot concern itself with anything that does not involve the common. “Each of us,” Rousseau says, “puts in common [our] person and all [our] power under the supreme ordering of the general will; and we receive corporeally each member as a part indivisible from the whole...[T]his act produces a moral and collective body...[from which it] receives...its unity, its common ego [*moi commun*], its life and its will.”¹⁹

¹⁴ Ibid.

¹⁵ Ibid.

¹⁶ Ibid., 83.

¹⁷ *SC*, II.iii.

¹⁸ For a thorough (and indispensable) treatment of the theological origins of Rousseau’s general will, see Patrick Riley, *The General Will before Rousseau: The Transformation of the Divine into the Civic* (Princeton University Press: Princeton, 1986).

¹⁹ *SC*, I.vi.

Though naturally perfect beings, Rousseau contends that men must be transformed, or denatured in order to be conducive to harmonious social existence. That is, they must be made into something unnatural much like a child must be socialized to be what he or she *ought* to be. Thus, Rousseau's aim in denaturing individuals is presumably to generalize their will over time without severely restricting freedom.²⁰ Rousseau must then locate what Patrick Riley terms a "non-willful will," or a will that is capable of reconciling the individual's natural freedom with what the individual *ought* to be in civil society.²¹ The solution suggested by Rousseau—denaturation—is decidedly pedagogical: an appropriate moral and civic education is the only thing capable of creating a virtuous citizen—that is, an individual who is sufficiently capable of inserting the *I* into the *common*.²²

I propose a view of Rousseau's *volonté générale* that derives from a fusion of the *moi commun* and the need for denaturation. It is typically held that Rousseau's conception of *volonté générale* ends in paradox; I maintain that it does not. It seems that denaturation (understood to be a process of moral and civic education that instills in the individual a strong sense of the *moi commun*) forces the individual toward a form of existence that would otherwise be unattainable.

That there exists some general end toward which the volitions of a community's members—all of whom share the *in-common*—will proceed through trial and error is

²⁰ Riley, "Rousseau's General Will," 126.

²¹ Ibid.

²² Riley alludes to this connection only cursorily, noting that the very notion of *volonté générale* described by Rousseau consists in two distinct ideas: that which is *générale* refers to the "rule of law" and "[a] civic education...that draws [individuals] to the common good," while *volonté* refers to those civil associations that are the "most voluntary act[s] in the world." See Patrick Riley, "A Possible Explanation of Rousseau's General Will," in *The Social Contract Theorists: Critical Essays on Hobbes, Locke and Rousseau*, ed. Morris (Rowman and Littlefield, 1999), 167-90.

unmistakable: the general good or general welfare of all is the goal of a political society in which the members have been properly educated or denatured. It is (or should be) quite apparent that recognition of the *in-common* will be very difficult (if not impossible) in the absence of sufficient denaturation. In other words, it is possible to recognize the general good as a desirable end only if a society's members are properly educated. Whether they ought to be in agreement with the general will is immaterial. A properly educated group of individuals will extend their public will only to that which concerns the common, or that which is general. This is not to say that the general volitions of a group that recognizes and assigns primacy to the *in-common* will always be universally good, or satisfactory to all; they will, however, be just precisely because their object is the *in-common* and their general will is in fact particular to them alone.

Much like the general volitions of God are always just (despite the fact that some fail to find grace or that some unfortunately do not reap the benefits of God's grace),²³ the general volitions of a community of properly educated individuals will always be just, but only for that particular community. It is crucial that Rousseau's *volonté générale* be understood in this way. Where Malebranche takes God's will to be naturally and essentially general, Rousseau takes man's will to be something that must be made to be general.²⁴ Rousseau likens this to the task of "squaring the circle," though I argue that his conception requires a slightly different geometrical interpretation if it is to be free from ambiguity.

A central source of ambiguity in Rousseau's conception of *volonté générale* is in his supposed contention of its infallibility. This, I argue, is partially resolved by

²³ See Riley, *The General Will before Rousseau*.

²⁴ *Ibid.*, 130-131ff.

examining carefully the precise language employed by Rousseau. In the *Social Contract*, Rousseau asserts: “Il s’ensuit de ce qui précède que la volonté générale est toujours droite...”²⁵ Translators often render this as “the general will is always right,” which, then, seems to ascribe to *volonté générale* a universal correctness or infallibility. As F.A. Taylor points out, such a translation “makes it appear that the question is already settled, as if Rousseau’s hypothesis was purely academic.”²⁶

Several translators²⁷ render this phrase more appropriately, paying closer attention to the nuances of the French language and in turn making Rousseau’s thought more accessible, though not necessarily less paradoxical. Instead of rendering “est toujours droite” literally as “is always right,” more precise translations acknowledge the distinction between *droit* functioning as a noun (e.g., *main droite*) and an adjectival *droit* affixed to an abstract concept (such as *volonté générale*). In the latter case, *droit* qualifies *volonté générale* and thus cannot refer to correctness (i.e., rightness as opposed to wrongness). Instead, *droit* is to be translated as something like “upright” or “straight,” much like the German *Recht*²⁸ may be rendered. To say that *volonté générale* is always upright—or better, that *volonté générale* is always “in the right” (i.e., always “wishes to do the right thing”²⁹)—is to accord Rousseau’s conception more integrity. It is, after all, rather awkward to suggest that, on the one hand, the volitions of a people are always

²⁵ SC, II.iv.

²⁶ F.A. Taylor, “A Note on Rousseau, *Contrat Social*, Book II, Chapter 3,” *Mind* 53:233 (January 1950), 82-84.

²⁷ Compare Harrington, trans. (Knickerbocker Press, 1893); Tozer, trans. (New York: Swan Sonnenschein: 1895); Cole, trans. (Everyman’s Library); Bondanella, trans. (New York: Norton, 1988).

²⁸ The German *Recht*, like the French *droit*, is problematic for English translators. Like *droit*, *Recht* can refer to a right or set of rights (*Rechte*, pl.), or it can describe position. *Recht* can also refer to moral uprightness, such as being in the right (*im Recht sein*).

²⁹ Taylor, 83.

(universally) correct, and, on the other hand, that *volonté générale* varies from community to community.

Considering Rousseau's conception of *volonté générale* in the way I have described serves not only to disambiguate his thought in the *Social Contract*; it also provides a basis from which an alternative—and perhaps more plausible—interpretation or conceptualization can be drawn. If the general will is always in the right, then it must be inferred that it always tends toward the right. If it can be inferred that education invariably shapes human existence as we know it in civil society, then it can be argued that a group of sufficiently educated (or denatured) individuals who share strong common bonds—what Rousseau would identify as a “community”—forces *volonté générale* to go to its limit, so to speak. Thus, it seems that Rousseau is simply mistaken in his analogy: what he wants to do is in fact not “square the circle,” but rather “circle the square.”

To say that such a community forces the general will to a limit is rather ambiguous and requires clarification. Borrowing the language of calculus, the general will can be thought of as a geometric expression enclosed within a boundary, an expression that can be said to approach a limit. Although details of the formal definition of a limit are unnecessary, an intuitive understanding of the concept is indispensable. A definition that requires only a fair amount of mathematical precision is as follows: a limit is a number whose numerical difference from a mathematical function is arbitrarily small for all values of the independent variables that are sufficiently close, but not equal to given prescribed numbers, or that are sufficiently large positively or negatively.

If the general will is always in “the right,” then “the right” must be something that is formally perfect or harmonious, something capable of maximizing without

compromise the freedom of all members of the community. “The right,” then, can be given a definite shape (it can be formalized). If the general will is an expression that is bounded by a maximizing or perfect shape, and the general will can be said to approach a limit, then the shape within which the general will is bound must be a circle (for a circle is the only geometric shape capable of fully maximizing the area within a boundary).

For the general will to approach its limit—for the general will to be truly generalized—a process of denaturation or civic education is necessary. However, it is impossible for the general will ever to reach circularity; it is possible only for circularity to be approached. Hence, it can never reach perfection and can never be universalized. Nowhere does Rousseau imply the contrary; in fact, he states that although the general will cannot err, citizens may at times mistake their private wills for the general will.

Consider the mathematical design described above: a limit, by definition, is a value at which a given function will never arrive; it will simply approach its limit (for, in mathematical terms, reaching a limit implies that a function is undefined). In the case of the above design, we might say that “will” is modeled as an *n-gon* (a polygon with *n* sides) inscribed within “the right” (a circle, which maximizes the area within which freedom is contained³⁰). The *n-gon* becomes more circular (more general) as sides are added. Though the *n-gon* may have an infinite number of sides added (making it more general) it will most certainly never reach circularity. Eventually it will (or could) reach a point at which its sides are so large in number that it appears to be circular. That is,

³⁰ A circle, it seems, is the intuitive choice for such a model, for in the *Social Contract*, Rousseau insists that what is required is “a form of association which defends and protects with all common forces the person and goods of each associate, and by means of which each one, while uniting with all, nevertheless obeys only himself and remains as free as before.” *SC* I.vi. In the state of nature, individual freedom is bounded only by nature. From this it follows that anything other than existence in the state of nature implies less-than-perfect freedom, or a freedom that is bounded more rigidly. Though the general will may at times dictate restrictions on individual freedom, the general will simultaneously preserves the freedom of all.

over time the difference between the perimeter and the circle's circumference ($2\pi r$) will be arbitrarily small.

It should be noted that the *n-gon*'s sides do not represent a quantity of individuals. Instead, the *n-gon*'s sides represent commonalities among an arbitrary number of individuals within a community. The point here is that the general will is more likely to be realized when a group of people exhibits a sufficient degree of commonality. Determining precisely the degree to which these commonalities should be shared (and precisely what they are) is another question altogether.

III. Rousseau's Constitutionalism and the Problem with Representation

While Rousseau accepts that several forms of government might be counted as genuinely republican, he does not embrace direct democracy as one of those possibilities.³¹ Popular, democratic government might be suitable on a very small scale where citizen concerns are extremely localized, but the typical republic (and even the ideal sort of republic Rousseau romanticizes) is not amenable to such a regime. Rousseau does mention citizen assemblies at various points, but this in no way suggests that he favors direct democratic rule. The function of the sovereign assembly is not necessarily to debate and deliberate; rather, the assembly is designed simply to reaffirm the sovereign body's commitment to the general law (i.e., the constitution, or the social contract).³² By implication, the assembly may decline to uphold its commitment to the social contract by

³¹ See *SC* II.vi, n.5.

³² See Ethan Putterman, *Rousseau, Law, and the Sovereignty of the People* (Cambridge: Cambridge University Press, 2010), Chapter Two. As Putterman suggests, the assemblies may in fact engage in discussion and deliberation. However, the assembly's agenda is typically pre-determined and, as such, cannot be considered genuinely democratic.

a majority vote. However, Rousseau does not expressly indicate the procedure by which a revocation of the social contract might occur, nor does he explain how the assembly would go about suspending or altering the present form of government. The assembly's main purpose, then (if not its only purpose), is to reaffirm the tenets of the social contract and the legitimacy of the present form of government (and, by extension, the laws passed by the present administration).³³ On Joseph Schwartz's reading of Rousseau, "[t]he assemblies are ritual institutions that promote moral education and rejuvenation. They do not engage in political debate and decision making."³⁴ Likewise, as John Noone puts it, "[t]autologically stated, every *legitimate* law is a reaffirmation of the social contract."³⁵

In the mid-eighteenth century, Rousseau observed something of a malfunction, if not a total failure of Europe's representative bodies to govern effectively. Seeing no viable alternative to disconnected representation in territorially expansive nation-states, Rousseau concluded that genuine republicanism was simply unattainable where citizens were too far removed from their government. Only in the smallest towns or cities could democratic self-government be sustained.³⁶ In Rousseau's estimation, corrupt deputies

³³ See *SC* IV.xviii: "I am presupposing here what I believe I have demonstrated, namely that in the state there is no fundamental law that cannot be revoked, not even the social compact. For if all the citizens were to assemble in order to break this compact by common agreement, no one could doubt that it was legitimately broken." See also, *SC* III.xiii: "In addition to the extraordinary assemblies that unforeseen situations can necessitate, there must be some fixed, periodic assemblies that nothing can abolish or prorogue, so that on a specified day the populace is rightfully convened, by law, without the need for any other formal convocation."

³⁴ Joseph M. Schwartz, *The Permanence of the Political: A Democratic Critique of the Radical Impulse to Transcend Politics* (Princeton, NJ: Princeton University Press, 1995), 61.

³⁵ John B. Noone, Jr., "The Social Contract and the Idea of Sovereignty in Rousseau," *The Journal of Politics*, Vol. 32, No. 3 (1970), 703 (emphasis in original).

³⁶ Rousseau is convinced that the Corsicans are in that rare, but "fortunate condition which makes possible the establishment of a good constitution." In addition to being relatively small and homogenous—two of the conditions necessary to prevent popular rule from degenerating into political chaos—the Corsican people are "[f]ull of health and vigor, [and] they can give themselves a government which will keep them healthy and vigorous." "Plan for a Constitution for Corsica," in *The Collected Works of Rousseau*, Vol. 2,

and self-serving monarchs rarely, if ever had the common good in mind and, as a result, the plight of most European nation-states was a condition of perpetual conflict and war.

Thus, Rousseau was convinced that only a league or federation of European states could abate this condition and permit monarchs and legislative bodies to return to the business of governing for the common good. In other words, there existed among the European powers a Hobbesian state of nature—a condition in which resources were often scarce and violent competition between states was plentiful; a condition in which no competent, recognized authority existed to adjudicate disputes between powers. Rousseau recognized the gravity of such a miserable condition and, in response to a proposal by the Abbé de Saint-Pierre (with whom Rousseau is in partial agreement), Rousseau deduced that a federative league of independent states was not only the best practical solution, but also the arrangement that would best accord with principles of political right. The various nation-states would remain completely sovereign over their internal affairs, ceding to the federation only those powers necessary to preserve international peace and maintain comity.³⁷

Roger D. Masters and Christopher Kelly, eds., Christopher Kelly, trans. (Hanover, NH: University Press of New England, 2005), 123.

³⁷ See Rousseau, *A Lasting Peace through the Federation of Europe* (1761) and *The State of War* (ca. 1756). Interestingly, Rousseau's idea for a federative league of independent states is not unlike that of Thomas Jefferson and other anti-federalist thinkers who favored a looser association of American states (i.e., a confederation) prior to the ratification of the Constitution.

In order to persuade his fellow delegates of the necessity of a stronger federal union, Alexander Hamilton posited something of a Hobbesian state of nature with respect to the confederation: “[N]othing can be more evident, to those who are able to take an enlarged view of the subject, than the alternative of an adoption of the new Constitution or a dismemberment of the Union.” *Federalist 1*. Hamilton wanted to make a case for the utility of the Union and, at the end of *Federalist 1*, he seems to present a choice that is not unlike the dichotomy offered by Hobbes: either the state of nature or submission to an absolute sovereign. For Hamilton, the confederation was tantamount to a state of nature; a strong, federal union would be far more capable of affording protection because of the strength it derives from its unity and, as such, it made more sense to submit to sovereignty of the Union.

James Madison received Rousseau's plan for perpetual peace with some reservation. Though he credits Rousseau with being a “distinguished philanthropist,” Madison dismisses the Genevan's scheme as practically impossible, as something that “will never exist but in the imagination of visionary

Setting his thoughts on a federative union aside momentarily, the problem of representation looms large in Rousseau's political thought. Rousseau's rejection of representative government stems from his theory of the general will as the guidepost for legislative action. "Sovereignty," he says, "cannot be represented for the same reason that it cannot be alienated. It consists...in the general will, and the will does not allow of being represented. It is either itself or something else; there is nothing in between. The deputies of the people, therefore, neither are nor can be its representatives; they are merely its agents."³⁸ Since all acts of the legislative body are acts of the sovereign (and sovereignty cannot be alienated), it only follows that such legislative acts cannot be delegated to a representative body. Nevertheless, Rousseau accepts that representation, in some form, is a practical necessity in all but the smallest republics. Large deliberative bodies are difficult to convene and operate in even the best of conditions. As such, republics must resort to representation out of necessity: "The cooling off of patriotism, the activity of private interest, the largeness of states, conquests, the abuse of government: these have suggested the route of using deputies or representatives of the people in the nation's assemblies."³⁹

philosophers." Confident that, had Rousseau lived long enough to witness the Constitution of the United States come into being, "[Rousseau's] judgment might have escaped the censure to which his project has exposed it." Oddly enough, Madison seems to reject Rousseau's project for the wrong reasons. Believing Rousseau to prescribe only external remedies (i.e., the establishment of a federation) and no internal remedies, Madison concludes that Rousseau ought to have recommended "[a]s the first step towards a cure, the [regeneration of the government]." Since the disease (war) is a "hereditary" condition of the government, the remedy is to oblige the government to restrain itself and become "subordinate to...the will of the community," rather than the ambition of self-serving rulers. James Madison, "Universal Peace," in *The National Gazette*, 2 February 1792. Elsewhere, Rousseau embraces the very approach Madison accuses him of discounting. Perhaps this is attributable to Rousseau's failure to qualify his remarks in *Perpetual Peace* or perhaps Madison simply failed to recall Rousseau's arguments in the *Social Contract*.

³⁸ SC III.xv.

³⁹ Ibid. See also SC II.i; III.xiv; IV.vi; IV.vii.

On Joshua Cohen's reading, Rousseau's argument against representation is best understood not simply as an argument of principle—the general will cannot be alienated and, for the same reason, cannot be represented—but as an extension of the arguments condemning slavery.⁴⁰ Rousseau denounces slavery on the grounds that it severely cripples or eliminates altogether the slave's ability to will. Accordingly, the absence of a will implies an inability to incur obligations.⁴¹ As such, the “right of slavery is null, not simply because it is illegitimate, but because it is absurd and meaningless. These words, *slavery* and *right*, are contradictory. They are mutually exclusive.”⁴² But Cohen argues that representative government ought not to be likened to slavery, for there is nothing inherent in a system of representation that would necessarily entail an alienation or destruction of a citizen's will. If this were the case, then Rousseau would appear to be inconsistent with respect to his remarks on government representing the sovereign.⁴³ In fact, it is possible for the government to represent the sovereign if the government is understood merely to be executing the will of the sovereign as expressed through the law.⁴⁴ Elected officials or deputies cannot represent the sovereign's will because this would require such officials to determine the content of the will, which is the responsibility (and the right) of the people.

⁴⁰ Cohen, 148.

⁴¹ Rousseau, *SC* I.iv.

⁴² *Ibid.* (emphasis in original).

⁴³ *SC* III.xv. Cited in Cohen, 149.

⁴⁴ Cohen, 149. Cohen contends that “Rousseau may have thought [this] plausible because he was imagining a relatively small number of well-defined laws, not the legislative and regulatory profusion of the modern administrative state.”

Still, Cohen maintains that Rousseau could not (and did not) whole-heartedly reject representative government as a viable alternative to the direct participation of citizens. For Rousseau, it was certainly plausible that citizens might be able to express their political preferences through representatives. “It is fully consistent,” Cohen argues, “with the logic of representation that judgments about who is the best representative express citizens’ substantive views, held on reflection, about the representatives’ views on the common good and how best to achieve it, and not simply preferences rooted in considerations of rational advantage.”⁴⁵ On this interpretation, it does not follow that citizens are devoid of a political will when they are represented; the general will that is presumably inside of every citizen can, in theory, be legitimately located in representative bodies.

Though he does not make the connection in any of his writings, the principles behind Rousseau’s prescriptions for a federative union of European states may very well alleviate many of his worries over representation. If Rousseau’s concerns derive primarily from the idea that sovereignty cannot be alienated—on this point Rousseau is axiomatic and unyielding—then perhaps the solution is to minimize the points in a republic where sovereignty is diminished or where representation seems necessary. This, of course, does nothing to change the fact that sovereignty is being alienated to some extent (and there seems to be no real way around this), but it does help to lessen the severity of the alienation. In other words, if the ideal is for people to assemble and legislate in person (as opposed to employing representatives to act on their behalf), then the second best solution—or the solution that comes as close as possible to the ideal—is

⁴⁵ Ibid.

to divide the nation into smaller subsidiaries wherever possible. The idea here is not simply to minimize the use of representatives; Rousseau thinks that is certainly a good idea, but it is not an end in and of itself. The point is to keep citizens as close as possible to the issues that affect them directly and personally so that they may have a legitimate stake in law making, so that they can experience genuine self-government—so that they may, as Rousseau puts it, truly be both citizens and subjects.⁴⁶

IV. The Civil Religion: Republican Breach? Or the Tie that Binds?

The third—and ostensibly most unrepublican—element of Rousseau’s theory is his account of the civil religion. In a move that is typical of the Genevan’s style, Rousseau at once decries the social and political forces that have hitherto restrained the human mind—a hallmark feature of Enlightenment thinking—and simultaneously points up the merits of a civil religion that compels at least an outward profession of faith, or a public acceptance of the civil religion’s articles, despite one’s privately held beliefs. Rousseau’s insistence on the establishment of a civil religion seems to be at odds with his thoughts on freedom of conscience and the axiom that conviction cannot be coerced. As such, the prescriptions of the *Social Contract* and the treatment of religion offered in Book IV of *Emile* seem to produce an outline for a rather unrepublican enterprise.

In this section, I consider two possible interpretations of Rousseau’s civil religion and the role it plays in his republican theory. I conclude that both interpretations are plausible and need not be thought of as mutually exclusive. The first interpretation derives from Terence Ball’s reading of Rousseau. Ball posits that the chapter on the civil religion was not merely an afterthought, as some critics have suggested; rather, the

⁴⁶ SC I.vi.

chapter serves as something of a “test—a final examination, as it were—for the reader. Its purpose is to determine whether the reader has learnt to speak the language of the legislator, so as not to need (and indeed be immune from) the conjuring tricks and illusions on which earlier founders had to rely.”⁴⁷ If Ball is correct, then Rousseau’s prescriptions for the civil religion cannot be taken too seriously. In fact, in the ideal republican state, a civil religion would be superfluous at best. At first, the people would be persuaded by the legislator and he would likely need to appeal to divinity in the course of founding the republic. However, over time, the people would presumably come to learn the language of the legislator—that is, the language of political right—and would eventually be able to dispense with the civil religion altogether. If the civil religion remains necessary to the republic, then the people do not know as much as they should and, as such, could not be deemed capable of genuine self-government.

Like the first interpretation, the second suggests that Rousseau’s inclusion of the chapter on the civil religion in the *Social Contract* was not merely an afterthought; the civil religion plays an integral role in his republicanism. However, this interpretation downplays the notion that Rousseau ultimately conceived of an ideal state wherein the civil religion was unnecessary. Such a state might be ideal, but not even Rousseau could envision a time or place in which human beings might govern themselves successfully on the basis of reason alone. That citizens should cast off the yoke of burdensome religious institutions was certainly an integral feature of Rousseau’s romantic vision. But Rousseau understood human nature all too well to hold out for such a possibility. Just as James Madison intimated in his famous dictum—“If men were angels, no government

⁴⁷ Terence Ball, *Reappraising Political Theory: Revisionist Studies in the History of Political Thought* (Oxford: Oxford University Press, 1995), 125.

would be necessary. If angels were to govern men, neither internal nor external controls on government would be necessary.”⁴⁸—Rousseau recognized and appreciated the need to bind and restrain even the best of peoples.

When considering Rousseau’s treatment of religion in the *Social Contract*, it is important to remember that Rousseau’s tendency toward hyperbole often obscures his true intentions. Rousseau’s tendency to overstate ideas has landed him in hot water with numerous twentieth century critics who allege, among other things, that the Genevan is nothing less than a democratic totalitarian.⁴⁹ Some of Rousseau’s twentieth-century defenders, however, have shown that the totalitarian impulses in the Genevan’s political theory amount to very little, if anything substantive.⁵⁰

With respect to the civil religion, nowhere is this more apparent than in Rousseau’s remarks concerning intolerance and the need for public adherence to the articles of faith. When Rousseau claims that the sovereign lacks the ability to oblige any citizen to believe sincerely in the articles of faith, he reaffirms his commitment to the notion that beliefs cannot be induced or compelled, that conscience cannot be coerced.⁵¹ Though some critics might have balked at such reasoning in Rousseau’s time, the modern reader will hardly bridle at such a claim. When Rousseau goes on to suggest that the sovereign may banish the non-believer—“not for being impious but for being unsociable,

⁴⁸ James Madison, *Federalist 51*.

⁴⁹ See Ernest Barker, *Essays on Government* (Oxford: Oxford University Press, 1951); Robert Derathé, “La Religion civile selon Rousseau,” *ASJR* 25 (1962): 161-80; J.L. Talmon, *The Origins of Totalitarian Democracy* (New York: Norton, 1970); Maurizio Viroli, “The Concept of *Ordre* and the Language of Classical Republicanism in Jean-Jacques Rousseau,” in Pagden, ed., *The Languages of Political Theory in Early-Modern Europe* (Cambridge: Cambridge University Press, 1990), 159-78.

⁵⁰ See Richard Dagger, “Understanding the General Will,” *Western Political Quarterly* 34 (1981): 359-71; Ball, 126-7.

⁵¹ SC IV.viii.

for being incapable of sincerely loving the laws and justice, and of sacrificing his life, if necessary, for his duty”⁵²—we might understand Rousseau to be implying something less appalling than what he actually says, but his remarks are still troubling. Finally, when Rousseau prescribes death for the person who outwardly behaves as a non-believer in defiance of the laws, ought we to take his words at face value? Given that Rousseau often resorts to hyperbolic language in order to emphasize a point, it seems reasonable to suggest a more cautious, charitable reading. As is often the case with Rousseau, there seems to be very little grey area when it comes to matters of principle and he often opts for rhetorical force over cogency and levelheadedness.

To be sure, the general will and the legislative procedures Rousseau prescribes are the primary means of ensuring republican virtue and governmental accountability; but the civil religion still functions as an ancillary mechanism to sustain virtue and keep a people whole, so to speak. On this reading, then, it seems that the closer the legislator gets a people to the ideal of political right, the less the civil religion will figure into the equation. Likewise, over time, as a people refines its understanding of and implementation of principles of political right, the role of the civil religion will gradually diminish, though likely never fade completely.

Rousseau’s account of the civil religion in the *Social Contract* and *Emile* begins with a fundamental question: Is there any social utility in religion? That is, does religion serve some useful social purpose and, if so, does the state have a legitimate reason to regulate certain aspects of this religion? Setting aside the question of legitimacy for a moment, Rousseau believes that a certain form of state-sponsored religion is conducive—

⁵² Ibid.

indeed, necessary—to achieving the political ends he describes in the first half of the *Social Contract* and in Book V of *Emile*.

Yet there is more to Rousseau's civil religion than meets the eye. Rousseau's account of the relationship between state and religion—and his concise, if not distorted and over-simplified, historical treatment of religion—underscores the social and political utility of religion with respect to the founding and maintenance a republic. The civil religion is a peculiar political device used to cultivate civic morality in citizens rather than any particular inward belief. Presumably, the sort of civil or public religion Rousseau has in mind would serve less of a sacred and more of a secular purpose. Like the array of patriotic rituals and devices Rousseau prescribes, the civil religion stands to unite citizens who share several common attributes, including, but not limited to language, ancestry, customs, and laws—in short, a national identity. The civil religion is designed to work as a socio-political glue, so to speak. Its primary function—if not its only function—is to unite citizens around a common, rational moral base for the sake of social and political stability. Thus, it seems as if the fundamental tenets of the civil religion are just sacred enough to appeal to citizens' common beliefs and customs, while just secular enough to preserve freedom of conscience. Viewed in such a way, Rousseau's civil religion does not appear to be as unrepugnant (or even totalitarian) as some of his modern critics think.

In the *Second Discourse*, Rousseau insists that the foundation of government must rely on a “more solid base than reason alone.” In order to unite individuals into a body politic—in order to create and bind a people—a founder (Rousseau's great “legislator”) must have some recourse to divinity, as it is “necessary...for the public repose that the

divine will intervene to endow the Sovereign authority with a sacred and inviolable character that might deprive subjects of the fatal Right to dispose of it. If Religion had performed only this good for men, it would be enough for them all to have to cherish and adopt it.”⁵³

But religion had ultimately failed to produce the good that Rousseau has in mind. In the pagan world, Rousseau says, religious wars had a much different character than typical eighteenth century wars. In Ancient Greece and in pre-Christian Rome, nations were predominantly theocratic: gods were summoned to fight for mortals, not vice versa. Hence, there were seldom any “jealous gods” to be found. But during the first millennium, and especially after the fall of Rome, Judaism and Christianity introduced a form of religion in Europe that was, at least initially, distinctly separate from the state. This dualism would give rise to significant social and political strife in the centuries following the fall of Rome. Rousseau was certainly not the first to recognize the problems inherent in such a dualism; Hobbes saw it long before, but his solution was not something Rousseau was willing to countenance. For Hobbes the solution was rather simple: the Sovereign was to be the supreme civil and ecclesiastical authority in the state. Rousseau rejects this solution for practical and principles reasons, primarily due to the fact that Christianity is contrary to and irreconcilable with the political system Hobbes proposes.”⁵⁴

⁵³ *SD*, Part II.

⁵⁴ “Of all the Christian writers,” Rousseau says, “the philosopher Hobbes is the only one who clearly saw the evil and the remedy, who dared to propose the reunification of the two heads of the eagle and the complete restoration of political unity, without which no state or government will ever be well constituted. But he should have seen that the dominating spirit of Christianity was incompatible with his system, and that the interest of the priest would always be stronger than that of the state.” *SC* IV.viii.

Some of Rousseau's critics argue that his thoughts on religion and politics may be divorced from one another, that religion plays an important, though distinct and separate role from politics. Others see Rousseau's benign brand of religion as the driving force behind the construction of his ideal state and the cultivation of moral and civic virtue. Rousseau's approach to the problem is not exactly straightforward. On Rousseau's account, there are typically two mistaken views when it comes to the question of how the relationship between church and state ought to be regulated (if at all). To be sure, Rousseau positioned himself somewhere in between two extremes when it came to religion and politics: to one side of the debate were the sectarians (*le parti devout*) and to the other the secularists (*le coterie philosophique*). Eighteenth century proponents of state-sponsored religion, such as William Warburton, understand Christianity to be the only true means of support for the body politic. The second view is diametrically opposed to the first, and essentially claims that no state-sponsored religion can ever be useful to the body politic. This view can be attributed, in large part, to the likes of Pierre Bayle⁵⁵ and even Voltaire, both of whom were quite skeptical not of religion per se, but of faith that could not be justified by reason.

The problem of reconciling these two opposing views certainly has a long history, of which Rousseau was well aware. Rousseau argues that both views are mistaken and he seeks to find a solution that will work in his ideal republican state. In other words, he wants to find a non-institutionalized brand of religion that will ensure social order and perpetuate habits (and sentiments) of sociability among citizens. His goal is to harness all that is socially useful in religion—namely, those moral precepts that are conducive to good, republican order—while dispensing with the miraculous and mystical elements

⁵⁵ Rousseau specifically responds to the claims Bayle makes in *Pensées sur la comète* (1682).

that, on his account, only lead to zealotry and conflict. In short, Rousseau seeks a rationalized or republicanized form of public religion.

In order to understand Rousseau's position, it is helpful to consider the various forms of religion discussed in Book IV of the *Social Contract* and *Emile's* "Profession of Faith of a Savoyard Vicar." First, there is the so-called religion of man. According to Rousseau, there is some social utility in this religion but not nearly enough. For instance, the religion of man teaches some degree of toleration, though it does have a significant drawback: this religion teaches a dangerous sort of passivity toward evil and unjust rulers ("true Christians are made to be slaves," Rousseau says).⁵⁶ The religion of man is essentially the simple religion of the Gospels—what Christopher Bertram calls a "non-doctrinaire Christianity"⁵⁷—but it is also the interpretation of the Gospels by the likes of St. Paul, St. Augustine, and many others (interpretations that Rousseau thinks have done nothing but complicate the Gospels).⁵⁸ Christianity's Achilles Heel is its other-worldliness, or its indifference to the civil and political affairs of this world. Although it preaches a universal morality and even seems conducive to worldly peace (at least in theory), Rousseau shows little optimism when it comes to institutionalized Christianity. In fact, Rousseau's pessimism lines up neatly with his rejection of a universal general will: although he commends Christianity for the idea of a universal morality, Rousseau believes that there is a great difference between "men as they are" and men as they can to

⁵⁶ *SC* IV.viii.

⁵⁷ Christopher Bertram, *Rousseau and the Social Contract* (New York: Routledge, 2003), 183.

⁵⁸ As I demonstrate in Chapter Four, Thomas Jefferson's understanding of the Gospels and his criticism of the impure, if not corrupt interpretation given to them by the early church fathers and medieval theologians bears a striking resemblance to Rousseau's views.

be. In other words, individuals will, more often than not, fail to comply with this universal morality because there is simply no good, practical reason for them to do so.

Nevertheless, the religion of man is good and pure. Unfortunately, this form of religion is not conducive to good citizenship because people are generally too concerned with the other world (i.e., the Kingdom of God). As such, this religion fails to bring people together well enough to form and sustain a sufficiently strong political community. It should be noted that Rousseau does not reject the principles and teaching of pure, unadulterated Christianity. In the *Letters Written from the Mountain*, Rousseau attempted to refine the views he expressed in the *Social Contract* and *Emile*, largely to no avail. Although his views changed little after 1762, Rousseau does claim in the *Letters* that he is concerned not with theological disputations or matters of personal conviction, but solely with social and political order. This, of course, did little to alleviate the anxiety of those who saw his views as hostile to the teachings of the Church and the authority of Louis XV; still, Rousseau's remarks in the *Letters* help to clarify his position on the civil religion. The type of morality espoused by Roman Catholicism would be sufficient to produce lasting peace among men, but only if all men adhered to Church's precepts. As Bertram puts it,

the very need for political association arises from the fact that this condition of spontaneous compliance with universal morality does not obtain. The Christians whom we find among us are not saints, they are men, and subject to the passions of men. Men need political institutions. Those institutions, in turn, need affective support from citizens and they cannot get enough of this from the religion of man.⁵⁹

The next religion Rousseau considers is the religion of the citizen. The upshot to this religion, he says, is that it tends to produce extreme social unity. In such a political

⁵⁹ Bertram, 184.

community, to obey the civil law is to obey God. In other words, when a citizen loves God they simultaneously love the laws and vice versa. On the face of it, such unity seems desirable given Rousseau's ultimate objective. The problem is that this religion can obviously become extremely exclusive; it can also easily become tyrannical or even genocidal. What is more, the religion of the citizen tends to produce far too many superstitious practices and beliefs, none of which are capable of satisfying and unifying the entire body politic. The existence of numerous superstitions and beliefs can make people zealous and the result is that people become too bent on defending their faith and less determined to defend the political ideals they presumably share in common. Moreover, this religion is likely to produce dangerous and permanent divisions between believers and non-believers, or those who believe themselves to be saved and those who are believed to be damned. Such a religion, on Rousseau's view, cannot be a good practical choice, nor can it possibly support a rational sort of civil creed, or a set of rational articles of faith to which all citizens can assent.⁶⁰

Finally, Rousseau offers a treatment of what he calls the religion of the priest. There is absolutely no social utility in the religion of the priest and the greatest drawback is that it creates something of a dual allegiance: citizens must constantly profess loyalty to both a civil government and an ecclesiastical government, and each institution will undoubtedly have competing beliefs, interests, and demands that are difficult, if not impossible to reconcile. Here, Rousseau might agree with Hobbes in asserting that the religion of the priest is flawed because it obfuscates a person's allegiances: a subject is ruled by two separate and opposing sovereigns, each of whom commands distinct and

⁶⁰ SC IV.viii. In Chapter Four, I explore Jefferson's views on this sort of rationalized or republicanized brand of Christianity.

even contradictory duties. “Everything that destroys social unity is worthless,” in Rousseau’s opinion, and proselytizing does just that: it destroys social unity.⁶¹

The three forms of religion Rousseau discusses in the *Social Contract* are all inadequate for different reasons. However, religion itself is of the utmost importance; no state can be founded without some form of a civil religion, which nurtures sentiments of sociability and allows citizens to live peaceably together (in part due to common belief). But what does this civil religion look like? If Rousseau’s scheme is situated somewhere between the secular and the sacred, where exactly does it lie? In other words, how much religion is Rousseau willing to countenance in a republic and what form ought religion to take if the republic is to remain free? Rousseau’s prescriptions for a civil profession of faith in the *Social Contract*—and the religious views he attributes to the fictional Savoyard Vicar in *Emile*—derive from the ideas he articulates in his letter to Voltaire of 18 August 1756. Victor Gourevitch argues that, of all the religious views Rousseau attributes to his characters—Julie, Wolmar, the Savoyard Vicar, and numerous others—the letter to Voltaire remains “Rousseau’s most authoritative discussion of religious issues, the discussion in the light of which careful readers will assess his numerous other discussions of these issues.”⁶²

In the letter to Voltaire, Rousseau engages with a number of topics, including the recent Lisbon earthquake, the poverty of metaphysics, and the difference between “vulgar” and “refined Epicureanism.”⁶³ As Gourevitch points out, Rousseau’s

⁶¹ Ibid.

⁶² Victor Gourevitch, “The Religious Thought,” in Riley, ed., *The Cambridge Companion to Rousseau* (Cambridge: Cambridge University Press, 2001), 194. See also Victor Gourevitch, “Rousseau on Providence,” *The Review of Metaphysics*, Vol. 53, No. 3 (2000): 565-611.

⁶³ Gourevitch, “The Religious Thought,” 214.

Epicureanism and “the sober ‘optimism’ that Rousseau defends” to Voltaire are by and large derived from Lucretius’ teachings in *De Rerum Natura*.⁶⁴ However, Rousseau parts company with the classical Epicurean model in at least one respect: he is more concerned with the plight of those who fail to find comfort in the Epicurean denial of Providence and the bitterness it seems to impart on the world.⁶⁵ Though Rousseau’s Epicureanism may be of the “refined” variety, he “tends, by and large, to speak of political life and of religion as desirable in themselves rather than instrumentally, and [he assigns] them a far more central role than his Epicurean models do.”⁶⁶

In the letter, Rousseau also marks out the difference between convictions or privately held beliefs and public behavior, as well as the legitimate scope of state authority with respect to the establishment of religious doctrine. The sovereign, he says, is not permitted to intrude in the realm of personal belief. Such an intrusion would neither be possible nor desirable. As such, it makes little sense for the state to endorse or prescribe a creed that professes beliefs to which all (or at least a vast majority) of citizens cannot assent. If personal conviction or conscience cannot be coerced by the state, then the same ought to hold true for public conduct. Thus, in the letter to Voltaire, Rousseau states unequivocally that, since religion is necessary to political society, and since a legislator “cannot too forcefully attack the superstitions that disturb society, nor too much respect the Religion that upholds it,”⁶⁷ a civil profession of faith is what is needed. The

⁶⁴ Ibid.

⁶⁵ See Rousseau, *Reveries of a Solitary Walker*, V; VI.

⁶⁶ Gourevitch, 215.

⁶⁷ “Letter from Rousseau to Voltaire,” 18 August 1756, in *The Collected Writings of Rousseau*, Vol. 3, Roger D. Masters and Christopher Kelly, eds., Judith R. Bush, Roger D. Masters, Christopher Kelly, and Terence Marshall, trans. (Hanover, NH: University Press of New England, 1992), 120.

civil religion would not interfere with the free exercise of religion within the state, provided that such exercises are neither subversive of the state's legitimate authority nor indicative of intolerance. Rousseau's civil professions of faith—a general creed that embraces only “those social maxims [all citizens] would be bound to acknowledge”⁶⁸—is perfectly compatible with the notion of religious pluralism. Certain religious maxims (i.e., the maxims of fanatics) would, of necessity, be rejected in the civil profession of faith, though not as a matter of right belief, but rather as a matter of sedition.⁶⁹

The civil profession of faith is not intended to convince any citizen of the rightfulness of any religious doctrine, for it is impossible to convince anyone in matters of religion. Instead, the civil profession of faith is merely a tool to persuade, and the distinction Rousseau draws between being convinced and being persuaded is significant. Gourevitch's explanation of the difference is exceptional and bears quoting at length.

The contrast, he says,

between being convinced and being persuaded corresponds to the contrast...between reason proper and sentiment, as well as with the contrast that [Rousseau] goes on to draw between demonstration proper and proofs of sentiment. To convince and to demonstrate is to establish “physical” certainty; to persuade and to offer proofs of sentiment is to establish “moral” certainty. The lawgiver must invoke the gods in order to persuade the vulgar whom he cannot convince; the Savoyard Vicar claims no more than that he is persuaded by his Profession of Faith.⁷⁰

The lawgiver or legislator has very little recourse to reason, for the masses cannot fully comprehend him.⁷¹ The legislator's only appeal, then, is to divinity, for this seems to be the only thing capable of persuading a sufficient number of people. But why? The

⁶⁸ Ibid., 121

⁶⁹ Ibid.

⁷⁰ Gourevitch, 211.

⁷¹ In the next chapter, I offer a detailed analysis of the legislator's role in founding a republic.

vulgar masses stand in need of divine revelation; their religious beliefs are sincere, yet unprovable. Still, these beliefs and the piety that accompanies them are reassuring; just as Julie's piety is something of "an opiate [for her] soul,"⁷² so too is the common religion of the people. Thus, the legislator must not only appeal to this in the founding of a republic, he must also see to it that, after the founding, the common religion of the people is neither hindered nor too heavily buttressed by the state.

The great legislator, like Wolmar, stands above the people in two peculiar ways: he understands the language and principles of political right and is capable of putting these principles into practice to found a virtuous state; and he is sufficiently enlightened so as not to need the opiate-like consolation of religion (he is, after all, God-like). Wolmar, an atheist and a domestic analogue to the legislator, recognizes and even appreciates Julie's religious devoutness; though he himself is a non-believer, he still goes so far as to attend worship services with her regularly and participate in the community's practices. But Wolmar's church attendance and his support of the community's traditions and practices are nothing more than a façade: Wolmar, being the "intellect" of Clarens, understands that the people, including his wife, stand in need of the solace and relief their religion provides, and this is indeed one of the strongest bonds they share. Wolmar's "religiosity," then, is nothing more than a Machiavellian sort of appearance that is meant to comfort or reassure the peasants of Clarens.

⁷² Rousseau, *Julie, or the New Heloise*, in *The Collected Works of Rousseau*, Vol. 6, Roger D. Masters and Christopher Kelly, eds., Philip Stewart and Jean Vaché, trans. (Hanover, NH: University Press of New England, 1997), 697.

IV. Conclusion

While modeling Rousseau's conception of the general will in mathematical terms is disambiguating to a certain extent, it also raises several worries. First, a rather typical interpretation of Rousseau suggests that the "denaturing" required to realize the general will renders individuals starkly unindividualistic, that the commonality required to produce a general will is too demanding, and that such a society—a society of extremely undifferentiated individuals—is terribly unattractive. On the other hand, in *Emile* it seems that Rousseau in fact preserves individuality while simultaneously instilling a *moi commun* that is sufficient to produce a general will. I have suggested a mathematical model of Rousseau's general will simply to give the concept more clarity.⁷³ A careful reading of *Emile* is required in order to alleviate each of the aforementioned concerns and sharpen what is otherwise obscured by Rousseau's cryptic language in the *Social Contract*.

Rousseau's ambivalence toward representation is understandable, given his refusal to admit that the will can ever be alienated. Though not fully developed in his writings, the idea of subsidiarity seems to ease some of Rousseau's concerns. Ultimately, Rousseau's objections to representation are principled, but, as Cohen has shown, these principled objections might very well not be as forceful as they seem. Presumably, in the type of federative union Rousseau describes, each member state would operate independently of the others with respect to its domestic affairs; the union's function

⁷³ Rousseau's language in the *Discourse on Political Economy* seems to support the mathematical analogy I have made. "[P]ersonal interest," he says, "is always inversely proportional to duty, and increases in direct proportion as the association grows narrower and the commitment less sacred; invincible proof that the *most general* will is also the *most just*, and...the voice of the people is indeed the voice of God." *Discourse on Political Economy*, in *The Collected Writings of Rousseau*, Vol. 3, Roger D. Masters and Christopher Kelly, eds., Judith R. Bush, Roger D. Masters, Christopher Kelly, and Terence Marshall, trans. (Hanover, NH: University Press of New England, 1992), 144 (emphasis added).

would simply be to regulate those affairs that the several states could not perform on their own. Rousseau's writings on this subject are limited, and in those writings, the internal organization of each state is left to be determined. Nevertheless, it seems only logical to extend the principles of federalism as far as practicable. Whether this is a truly palatable option for Rousseau is a separate—and likely unanswerable—question.

Finally, Rousseau's thoughts on the utility of public religion are difficult to decipher. Clearly, Rousseau sees enough utility in the civil religion to prescribe sanctions for conduct that might be subversive of social and political order. But if the civil religion is so important as to necessitate legal enforcement, it seems to make little sense for Rousseau to insist that the guiding principle behind the civil religion ought to be tolerance.⁷⁴ After all, since the purpose of the civil religion is to bind citizens together, toleration seems to be counterintuitive. Religious toleration seems to imply something far more permissive than what Rousseau has in mind.

The point is that for Rousseau, a civil religion entails at least an outward profession of belief in certain social dogmas—dogmas that happen to have a theological component (i.e., belief in an omnipotent and just God, punishment of the wicked). Since Christianity dominated much of eighteenth-century Europe, most people would have accepted these very basic, core beliefs. As such, these particular theological foundations would have been rather useful in promoting social cohesion because most people endorsed and shared them. In another part of the world where Christianity was not the dominant religion, perhaps some other dogmas would suffice.

It might be asked whether the theological component of the civil religion is in fact

⁷⁴ "Tolerance should be shown to all those that tolerate others, so long as their dogmas contain nothing contrary to the duties of a citizen." *SC* IV.viii.

necessary.⁷⁵ Can a civil religion be something that has either a very loose or weak theological foundation, or something that even has no theological foundation at all? In other words, can it be something purely secular—something that requires adherence to certain social dogmas, but social dogmas that are devoid of any theological connotations whatsoever?

⁷⁵ After all, the word religion derives from the Latin *religare*, which has no theological connotation. Etymologically, the word comes from *ligare*, meaning to bind or tie. The prefix “re” means “again” or implies some repetition. *Religare*, then, simply means to bind back together.

CHAPTER TWO

Fathers as Founders and Founders as Fathers: Rousseau, Civic Education, and the Problem of Making Citizens and Men

A father, when he engenders and feeds his children, does with that only a third of his task. He owes to his species *men*; he owes to society *sociable men*; he owes to the state *citizens*.¹

When [Rousseau] called upon his readers to choose between man and the citizen he was forcing them to face the moral realities of social life. They were asked, in fact, not to choose, but to recognize that the choice was impossible, and that they were not and would never become either men or citizens.²

I. Introduction

Rousseau's educational theory, as spelled out in the *Social Contract* and *Emile*, is at once systematic and irregular: systematic insofar as each treatise requires as a condition for success submission to an alien will; systematic to the extent that Rousseau delineates with precision the steps and conditions necessary to effect his prescriptions; systematic to the extent that both are remarkably consistent with respect to procedure and desired

¹ Rousseau, *Emile*, 49 (emphasis added). On my reading, Rousseau's maxim can be stated as follows: what we owe to one another, as parents and citizens, is nothing less (and nothing more) than the production of morally autonomous individuals who apprehend and act in accordance with the transcendent norms of right. Two important though controversial ideas emerge from this maxim (the content and full implications of which cannot be explored here): first, the idea that parents incur an obligation not merely to raise their children, but to help cultivate in them a sufficient degree of moral autonomy. In Rousseau's opinion, this is a debt acquired by virtue of our primary natural right (the right to liberty), and it is a debt we cannot simply write off. Second is the related, though arguably more controversial notion of transcendent right. Notwithstanding his lack of systematicity (in comparison with the likes of Kant or Hegel) and his more practically oriented approaches to "political science" in the *Constitutional Project for Corsica* and *Considerations on the Government of Poland*, Rousseau is decidedly not the positivist some make him out to be. Hanley, for example, in an otherwise remarkable analysis of Rousseau and Adam Smith on the "science" of nation building, fails to appreciate both the deontological and Platonic underpinnings of Rousseau's political thought *as a whole*. See Ryan Hanley, "Enlightened Nation Building: The 'Science of the Legislator' in Adam Smith and Rousseau," *American Journal of Political Science*, Vol. 52, No. 2 (2008): 219-234. For a convincing (and unparalleled) defense of Rousseau as a Platonist, see Williams, *Rousseau's Platonic Enlightenment*.

² Judith N. Shklar, *Men and Citizens: A Study of Rousseau's Social Theory* (Cambridge: Cambridge University Press, 1969), 214.

outcome (freedom); irregular—indeed paradoxical—insofar as each text proposes an exercise in total control³ that seems to produce two diametrically opposed forms of freedom, or two existences (the one partial, the other whole). When considered independently, the prescriptions stand on solid ground, theoretically; when combined, Rousseau's prescriptions issue in a seemingly irreconcilable paradox.⁴

This seeming paradox results from an often overlooked, but significant connection between two of Rousseau's most notable artificers, namely the *Social Contract's* legislator and *Emile's* tutor. The legislator stands to be the father of a nation, the founder of public freedom, as it were; the tutor is quite literally the father of a man, or the founder of private, individual freedom. The ends of each artificer seem incompatible and the two forms of freedom—civil and natural—incongruent. At first glance, Rousseau's educational paradox seems to turn solely on the ends of his artificers rather than their means. In the *Social Contract*, the legislator exists in order to establish in the individual a complete and total dependence on the community. In *Emile*, the tutor seeks to accomplish the opposite: rather than inculcating a sense of total dependence on others,

³ David Gauthier, *Rousseau: The Sentiment of Existence* (Cambridge, MA: Cambridge University Press, 2006), 66.

⁴ Much ink has been spilled on the subject of Rousseau's paradoxes. Rousseau is seen as either vacillant and imprecise in his opinion of the arts and sciences and religious toleration, for example; or he is simply taken to be the holder of two incommensurate (if incompatible) convictions—for example, his insistence on the need for public virtue, on the one hand, and his seeming embrace of the solitary life, on the other. For Rousseau the vacillator, see, among others, Victor Gourevitch, "Rousseau on the Arts and Sciences," *Journal of Philosophy* 69 (1972): 737-54. For Rousseau as a deliberately incommensurate and contradictory social and political theorist, see Shklar, *Men and Citizens* and Jean Starobinski, *Jean-Jacques Rousseau: Transparency and Obstruction* (Chicago: University of Chicago Press, 1988). Shklar insists that Rousseau's paradoxes are unavoidable byproducts of his pessimistic outlook on civil society and humanity in general. I reject this interpretation as it pertains specifically to Rousseau's theory of moral and civic education and I concur with Ruth Grant's reading of Rousseau as a theorist of moral integrity. Contra Shklar, Ruth Grant concludes that the "Rousseauian ideal [of integrity] is [not] withdrawal from public life." See Ruth W. Grant, "Integrity and Politics: An Alternative Reading of Rousseau," *Political Theory*, Vol. 22, No. 3 (August 1994): 414-443. For a more comprehensive analysis (and a rejection of views that hold Rousseau to be hopelessly and pointlessly paradoxical), see Stephen G. Salkever, "Interpreting Rousseau's Paradoxes," *Eighteenth Century Studies*, Vol. 11, No. 2 (1978): 204-226.

his aim is to forestall denaturation in the individual, effectively cutting off the mechanisms by which dependencies are born.

But this is precisely where the difficulty arises: when the self-sufficient, whole individual is introduced to civil society—a world in which vice, vanity, and dependence abound—how will it be possible for Emile to remain free and independent? If Rousseau is correct to assume civil society is inevitable and necessary, the two educational prescriptions appear to yield a paradox. The legislator does not “create” citizens [*citoyens*], as it were, but facilitates the production (and reproduction) of citizens via the establishment of good institutions and laws.⁵ The tutor, on the other hand, cultivates natural freedom and moral autonomy in a child by way of a negative education (an education the content of which is firmly grounded in nature and experience). At least, this is the standard reading of Rousseau Judith Shklar would have us embrace: that attempts to create both men and citizens were, in Rousseau’s view, impracticable and that both of Rousseau’s utopias ultimately reveal the impossibility of creating *either* men or citizens.

I question the validity of such a reading and explore the means by which Rousseau’s apparently incompatible prescriptions might be reconciled. I consider two possible interpretations of his educational theory and conclude, by way of a synthesis of these interpretations, that there is indeed no paradox at all. Rather than viewing the educative ends of each artificer as mutually exclusive, I suggest a reading that identifies not merely a possible but a necessary convergence between the “founding” and “fatherly” roles of each figure.

⁵ Men become “what they should become by means of law.” *SC*, II.vii.

The first possible interpretation takes the work of the legislator to be necessarily prior and superior to that of the tutor and suggests that the work of the tutor would, in the grand scheme of things, be superfluous. The implication is that approaching the ideal of the *Social Contract*—approximating political right—requires moral and civic education to be imparted solely from the top down.

The second interpretation suggests the opposite: the work of the tutor is necessarily anterior and superior to that of the legislator. This interpretation locates the results of Emile's education prior to the ideal social and political order founded in the *Social Contract*. The logic of this interpretation simply suggests that men must be made men before they can be made citizens. On this reading, approaching the ideal would require moral and civic education to be imparted solely from the bottom up.

My goal, however, is not simply to explore several alternative explanations of Rousseau's educational theory; rather, I intend to show that the so-called paradox of founding⁶ is nonexistent. Thus, I offer a third interpretation that synthesizes the first two: since moral goodness is necessary to moral virtue, and moral virtue is necessary to civic virtue, the legislator's work is necessarily anterior, though not inferior to the tutor's. The legislator's work—the founding of a political order based on principles of political right—necessarily precedes the work of the tutor, or the founding of moral right within

⁶ Or, as Bonnie Honig understands it, the “paradox of politics.” Honig is rightly skeptical of the very real temporal problem inherent in any theory of political founding, namely, the question of whether good law must necessarily precede good citizens (or vice versa). However, Honig dismisses altogether the possibility of settling the temporal question in Rousseau's thought and, ultimately, rejects any potential reconciliation of his paradox. Notwithstanding the question of “democratic legitimation” (or the supposed betrayal of the democratic ideal posed by Rousseau's legislator), Honig's conclusion seems misguided. Like so many other interpreters of Rousseau's founding paradox, Honig hones in on his discussion of the legislator in *SC* II.vii, to the exclusion of nearly all of Rousseau's other pertinent writings on the matter (particularly *Emile*). See Honig, “Between Decision and Deliberation: Political Paradox in Democratic Theory,” *American Political Science Review*, Vol. 101, no. 1 (2007): 1-17.

the individual. This interpretation posits *Emile*'s private tutor and the *Social Contract*'s public legislator as civic analogues. The end of each artificer is similar, though each operates on a different level. By itself, the legislator's work can only accomplish so much. Likewise, the tutor's work in educating an individual to moral autonomy and goodness in a corrupt society, however exemplary the individual may be, is only so useful.

II. Founders as Fathers: The Art of the Legislator, or "To Persuade without Convincing"

In the *Second Discourse*, Rousseau purports to discover the causes of moral and political disparities among men.⁷ Natural man is a simple creature with no desires beyond immediate satiation; he is "numerical unity...the absolute whole which is relative only to itself or its kind."⁸ Natural man is dependent only on himself, though at times he may pity others; indeed, he may be able to see himself in others, but he never requires their recognition. On Rousseau's account, self-love [*amour de soi*] and natural *amour propre* inevitably degenerate into unnatural *amour propre*⁹ and natural man, in turn, degenerates

⁷ *SD*, 33, 38.

⁸ *Emile*, 39.

⁹ Rousseau does not suggest *amour propre* is entirely unnatural. The disastrous psychological consequences of making vain comparisons to others is evident enough, though it is rather odd to read Rousseau as being so naïve as to suggest the mere act of comparing oneself to others is unnatural. John Rawls adopts what he calls a "wide view" of Rousseau's conception of *amour propre* and he clarifies the distinction quite nicely: "*amour propre*...is a need which directs us to secure for ourselves equal standing along with others and a position among our associates in which we are accepted as having needs and aspirations which must be taken into account on the same basis as those of everyone else." This is simply to say that we naturally recognize "the rightful limits that [others'] needs and rightful claims impose on us...provided our equal standing is accepted and made secure in social arrangements." Unnatural *amour propre* is the perversion of this need and is revealed "in such vices as vanity and arrogance, in the desire to be superior to and dominate others, and to be admired by them." Rawls, *Lectures on the History of*

into civil man. In his notes to the text, Allan Bloom underscores the centrality of *amour propre* to *Emile* and appreciates the relational feature Rousseau attributes to it.¹⁰

However, Bloom seems to overlook the very point at which Rousseau makes the (albeit subtle) distinction between natural and unnatural *amour propre*:

The sole passion natural to man is *amour de soi* or *amour propre* taken in an *extended sense*. This *amour propre* in itself or relative to us is *good and useful*; and since it has no *necessary* relation to others, it is in this respect *naturally neutral*. It becomes good or bad only by the *application made of it* and the *relations given to it*.¹¹

Rousseau's point is not simply to demonstrate the incompatibility of natural and civil freedom. To be sure, the man who lives according to nature and the man who lives in perpetual dependence on others are opposed; the social necessarily entails an annihilation of the natural. However, "[f]orced to combat nature or the social institutions, one must choose between making a man or making a citizen, for one cannot make both *at the same time*."¹² This not only encapsulates Rousseau's indifference to schemes of public and private education, it also seems to capture the core of what is presumably his paradox.

For Rousseau, there are two ways to approach the problem of moral and civic education, though neither will yield perfect results. Moreover, our approach will depend entirely on the condition in which we find a given people. On the one hand, we can approach the problem with an eye toward making a particular society the best it can be,

Political Philosophy (Cambridge: Harvard University Press, 2007), 198-99. Cf. N.H. Dent, *A Rousseau Dictionary* (Oxford: Blackwell, 1992) and Grant, "Integrity and Politics."

¹⁰ See *Emile*, 483-4 and Bloom's note at 484 n.17.

¹¹ *Emile*, 92 (emphasis added). Cf. *Emile*, 125.

¹² *Ibid.* (emphasis added).

that is, we can work within the insurmountable constraints a society already faces.¹³ On the other hand, Rousseau thinks we might be able to augment this approach by asking: What, if anything, can be done to bring a society to the point where it can begin to approach the ideal?

Since civil society is unavoidable and necessary, any sound theory of moral and civic education must “take men as they are and laws as they can be.”¹⁴ It makes no sense to consider man’s potentiality apart from the influence of either social convention or nature.¹⁵ However, that the foundation of civil society is necessarily grounded in conventional right does not imply that natural right is unimportant or unrecoverable. It does mean the human condition is such that conventional right is necessary to the partial, or approximate recovery of natural right. Man’s potential is doubly constrained by convention (the laws) and by his natural constitution, but when convention seeks constantly to operate against rather than in conjunction with man’s natural constitution, this is a recipe for disaster.

It might seem that political right requires convention to operate against man’s nature; there is, after all, a reason why the legislator is deemed “necessary.”¹⁶ But this is only half of the picture Rousseau wishes to paint. If submission to “the supreme direction of the general will,”¹⁷ is the ostensible solution to the problem of creating

¹³ This is Rousseau’s approach in *Corsica* and *Poland*. For a recent treatment of this subject, see Jeffrey Smith, “Nature, Nation-Building, and the Seasons of Justice in Rousseau’s Political Thought,” *The Review of Politics* 68 (2006): 20–48.

¹⁴ *SC*, Preface.

¹⁵ Cf. *Discourse on Political Economy*.

¹⁶ *SC*, II.vii.

¹⁷ *Ibid*.

citizens, how are individuals in Rousseau's prepolitical society capable of responding to such a call? The legislator is to educate an uncorrupted society in a way that allows them to locate and follow the general will that is inside of them. But the existence of such a society is taken for granted in the *Social Contract*—it is already there, untainted, waiting to receive what the legislator has to offer. However, no such society actually exists. In a non-ideal world, a world plagued by decadence and corruption, we must ask: How might such a society come into being? One possibility is to consider the legislator's work as both necessary and sufficient to the foundation of a political order based on principles of political right.¹⁸

On such a reading, the work of the legislator—the establishment of good institutions and a civic morality (a civic ethos)—would be necessarily anterior and superior to anything any hypothetical tutor(s) might hope to accomplish. To be sure, the sufficiency of the legislator would seem to render all other “educations” unnecessary or superfluous at best. The original compact, or the original convention from which a society comes into being might give the “body politic existence and life,” but it would still be necessary to “give it movement and will” by means of legislation, “[f]or the original [convention]...in no respect determines what [the body politic] ought to do for its preservation.”¹⁹ In other words, the social compact is sufficient to constitute a people, but social convention alone is unlikely to comport with the eternal and immutable precepts of right—standards that issue directly from God, as it were, but are nevertheless not immediately recognizable by all. Indeed, “if we knew how to receive so high an inspiration, we should need neither government nor laws. Doubtless, there is a universal

¹⁸ Such a conclusion is possible only if we consider the *Social Contract* apart from *Emile*.

¹⁹ SC, II.vi

justice emanating from reason alone; but this justice, to be admitted among us, must be mutual.”²⁰ Here, the “laws of justice” are, in certain respects, akin to Locke’s natural law. Likewise, the means by which humans apprehend Rousseau’s “universal justice” are not unlike the means by which humans grasp Locke’s natural law, namely via reason. But it is one thing to say the principles of right can be found in the hearts of men everywhere and that the capacity for reason is innate; it is another thing to assume either an instinctual apprehension of right or an innately perfect faculty of reason. Reason is necessary but insufficient for the apprehension of right. It is a capability and, like all capabilities, must be cultivated. A person must be brought from childhood to the age of reason; reason does not simply emerge unassisted

If the social compact can constitute a people but cannot make everyone reasonable enough to apprehend transcendent right, something else must be necessary. Indeed, “[c]onventions and laws are [necessary] to join rights to duties and refer justice to its object,”²¹ but this, it seems, is simply another way of saying the object of justice (the common good) must be demonstrated to a people via binding (tacit) agreements that take the form of fundamental, supreme laws—laws that are, in spirit and form, grounded in the eternal precepts of right. A people may, over time, by social convention constitute itself as a people; but if a people is not reasonable enough to apprehend right, that is, to know always how to distinguish mere desires or preferences from true interests, how can it possibly give itself a political constitution? If a people does not truly know “what it

²⁰ Ibid. Though the arguments are by no means identical, James Madison’s claim in *Federalist 51* echoes Rousseau on this point: “[W]hat is government itself, but the greatest of all reflections on human nature? If men were angels, no government would be necessary.” Cf. James Madison, *Federalist 43*.

²¹ SC, II.vi.

wills, because it rarely knows what is good for it,”²² how can a people possibly engage in, much less succeed at the project of foundational statecraft? Here, Rousseau is quite emphatic:

The general will is always *in the right*, but the judgment which guides it is not always enlightened...[I]ndividuals see the good they reject; the public wills the good it does not see. *All stand equally in need of guidance*. The former must be *compelled* to bring their wills into conformity with their reason; the latter must be *taught* to know what it wills. *If* that is done, public enlightenment leads to the *union of understanding and will* in the social body: the parts are made to work exactly together, and the *whole* is raised to its highest power. This makes a legislator *necessary*.²³

The fallibility of human reason is, from time to time, bound to cause public judgment to go awry and, notwithstanding the knowledge that they betray the public good, individuals are likely to be seduced by self-interest. Thus, all (the individuals *and* the public) “stand in need of guidance,” which is simply to say education is necessary not merely for the sake of utility and order, but to unite “understanding and will,” that is, for the public both to know and to will the common good.

Only a wise legislator can fulfill the public’s need for guidance. Rousseau likens this figure to an “engineer...who invents the [constitutional] machine” which helps to “mould” the people into the citizens they ought to be.²⁴ But the people are unlikely to recognize a legislator’s superior wisdom and they will likely be incapable of grasping his abstractions, for his “*ideas*...[are] too general” and the objects to which they refer “too

²² Ibid.

²³ Ibid. (emphasis added).

²⁴ Ibid., II.vii.

remote.”²⁵ Like the authors of *The Federalist*, Rousseau is acutely aware that people are motivated first and foremost by interest²⁶:

[E]ach individual, having no taste for any other plan of government than that which suits his particular interest, finds it difficult to realize the advantages he might hope to draw from the continual privations good laws impose. For a young people to be able to relish sound principles of political theory and follow the fundamental rules of statecraft, the effect would have to become the cause; the social spirit, which should be created by these institutions, would have to preside over their very foundation; and men would have to be before law what they should become by means of law.²⁷

Since reason will be ineffectual in the legislator’s attempts to “persuade” the public, he must “have recourse to an authority of a different order.”²⁸ Like children, only immediate and palpable interests motivate a public; it is incapable of being persuaded by ideas it cannot comprehend. Thus, the legislator must repair to divinity as the source of his wisdom, for this is the only means by which he can “persuade” a people that its submission to the “laws of the State [and]...of nature” is both necessary and (ostensibly) voluntary.²⁹ It should go without saying that while the legislator must have recourse to divinity, his knowledge of moral and political right must nevertheless be genuine. It is easy to fool a mass of individuals who are, more or less, as reasonable as children, but

²⁵ Ibid.

²⁶ Though I can only broach the topic here, it is worth noting that Madison did not fully embrace the view that interests alone motivate human conduct. While it might not be entirely evident from Madison’s contributions to *The Federalist*, he, unlike Hamilton, did in fact make greater room for the power of ideas (and ideals) in his political theory. Like Jefferson, Madison took interest to be a significant motivator for human action and conduct, but in no way did either man see interest as the most significant force at work. For an unsurpassed treatment of this subject as well as a brief (though, I think, not entirely correct) assessment of Rousseau’s theory of public opinion vis-à-vis Madison’s, see Colleen Sheehan, *James Madison and the Spirit of Republican Self-Government* (Cambridge: Cambridge University Press, 2009).

²⁷ *SC*, II.vii.

²⁸ Ibid.

²⁹ Ibid.

indulgence, extravagance, and trickery are capable of producing at best only a transient foundation. “Idle tricks,” Rousseau says, “form only a passing tie; only [the] wisdom [of great men] can make it lasting.” Truly admirable is the “genius which presides over [institutions] *made to endure*.”³⁰

Yet, it seems a legislator can only accomplish so much by establishing good institutions, however much these institutions comport with right, for the human condition is such that “what right sanctions” will inevitably conflict with “what is prescribed by interest.”³¹ That Rousseau takes the legislator to be necessary in no way implies the legislator is sufficient. “Individuals must be *compelled*,” while the “public... must be *taught* to know what it wills.”³² The public is taught, as it were, through institutions and foundational law; individuals must be compelled to learn.³³

It appears to be the case that the perpetuation of institutions and the fortification of civic morality, though conducive to political stability, are insufficient to guarantee “justice and utility may in no case be divided.”³⁴ Founding-legislation (a political constitution) may comport to a greater or lesser degree with the principles of political right *in form*, but this in no way warrants political right *in practice*. The founding of a political order that is merely based on principles of right is not ipso facto a political order

³⁰ Ibid. (emphasis added).

³¹ Ibid., Preface.

³² Ibid., II.vi (emphasis added).

³³ Individuals must be compulsorily educated “to bring their wills into conformity with their reason.” (Ibid.) Of course, Rousseau is not merely referring to compulsory education, but also the force of law.

³⁴ Ibid., Preface.

that accords with right. Such a founding is thus neither complete nor genuine.³⁵ Nor can political right be established unilaterally or from one direction: a legislator may establish a constitutional foundation that provides a modicum of public “goodness,” but it is not possible to legislate public virtue. A legislator might make a public “good” by giving it a sound constitutional foundation, but he is capable of nothing more. All he can do (and all institutions can do) is “teach” the public “to know what it wills.”

Since the generality of the popular will—the extent to which the popular will conforms to the standards of transcendent right (or, the extent to which it approaches the “limit” of right)—is the surest measure of political legitimacy, it can hardly be concluded that the work of the legislator is sufficient. In creating “good enough” citizens, the legislator accomplishes only half of what is necessary. Political right demands a legitimate popular will, which requires uncompromised public reason, which is to say that if individuals can guard against natural reason³⁶ being swayed by *amour propre*, they will be more capable of placing the “I into the *common*.”³⁷

Ultimately, political right demands more than “good enough” citizens; it requires public virtue, something the legislator simply cannot legislate. This problem did not escape Rousseau. In fact, he was well attuned to the difficulties associated with locating, let alone molding an uncorrupted people into a bona fide nation, or a political order that

³⁵ A genuine founding is not something that is accomplished with the stroke of a pen (or even an act of force). That the United States was not necessarily “founded” with the drafting and ratification of the Constitution in 1787-88 is obvious. However, the conceptual license I take with the term “founding” is, I believe, warranted. Moreover, casting the act of political founding in such exaggerated terms is consistent with Rousseau’s own tendency toward hyperbole.

³⁶ Pure, or natural reason is reason aided by compassion; impure, or unnatural reason is reason compromised by unnatural *amour propre* and the passions, and is marked, for example, by a failure to extend *amour de soi* to others. See *SD*, 54-5.

³⁷ *Emile*, 39-40.

comports with right. If the creation of “good enough” citizens fails to meet the demands of justice, then we must consider a different approach. We must ask whether it is necessary and sufficient to create men before we create citizens so that interest may comport with right. In the next section, I consider the possibility of just such a bottom-up approach to moral and civic education, or the question of whether a founding of moral right in the individual is necessary and sufficient to the foundation of political right.

III. Fathers as Founders: “Steep them in the water of the Styx...”

It is typical to read Rousseau as saying that the creation of both men and citizens is impossible. Creating an ideal individual—one who is self-sufficient and good, and who willingly bears the “yoke of necessity”—would seem to involve shielding that individual from the corrupting effects of a society afflicted with unbridled *amour propre*. The creation of ideal citizens, on the other hand, requires a society to be engineered such that individuals are capable of supplanting their private interests for the interests of the common. Yet, as we have seen, the latter assumes the existence of an uncorrupted society, a clean slate, so to speak, wherein a wise legislator simply sets an institutional machine into motion. Since human nature is not a blank slate—since there are innate features of the human psyche that cannot simply be overridden by institutional design and positive educational mechanisms—it seems the deeper question is not: What is the best way to mold citizens or educate people for citizenship?³⁸ Instead, we should ask: Given that “there is, at the bottom of all souls, an *innate* principle of justice and moral

³⁸ This question amounts to nothing more than: How do we go about shaping human beings so that they conform to a misguided standard of political right?

truth...prior to all...maxims of education,”³⁹ and, given that humans are weak by nature and easily seduced by temptations contrary to right, what is the best way to cultivate and preserve, to the greatest extent possible, the natural disposition to goodness?

Rousseau suggests that we cannot make men and citizens “at the same time.”⁴⁰ However, that we cannot make both simultaneously in no way implies that we cannot (and should not) attempt to make both. Even in an ideal situation, institutions are capable only of producing merely “good enough” citizens. But we cannot hope to make ideal men (men who are good *and* virtuous) apart from civil society and political institutions. Thus, the non-ideal scenario requires something supplemental to the foundation of good institutions. If justice and the happiness [*bonheur*] of society are taken to be the ultimate ends of any legitimate political order, and since right dictates that the object of the general will is the common good, it follows that the popular will ought to aim for justice and public happiness (which can only mean that each individual must also will the same).

This brings us to the crux of Rousseau’s problem: how to get self-interested individuals to apprehend the true form of justice and will public happiness. Unfortunately, neither object is visible or palpable, so neither is likely to move the individual. But if the sentiment of justice is indeed innate and if properly cultivated reason can galvanize this sentiment, perhaps the prospects for justice and public happiness might not be as bleak as they seem. What we need is to find a way to work

³⁹ Rousseau, “Moral Letters,” in *Collected Writings of Rousseau*, vol. 12, eds., Roger D. Masters and Christopher Kelly, trans. Christopher Kelly (Hanover, NH: University Press of New England, 2006): 175-203.

⁴⁰ *Emile*, 39.

with nature, rather than against it; we must find a way to cultivate and preserve the latent capacity for goodness in human beings.

Where we go wrong, Rousseau believes, is in our very attempt to create men and citizens simultaneously.⁴¹ Our fundamental error is to ignore the priority of moral right to political right, or to deny that political right, though established by convention, must comport with moral right.⁴² Natural right implies a right to freedom (man's primary right), a right that is sacred and inviolable, but the necessity of social order demands the natural right to freedom be circumscribed; civil man must recognize the fact of interdependence and the impossibility of maintaining his absolute existence. Conventional right thus becomes sacred, but we must not fail to judge it based on the degree to which it approximates and preserves natural right. The fact of interdependence and the necessity of sociability in no way negate man's right to freedom; these conditions simply place conventional limits on natural freedom.

Thus, it seems that in order to make the individual both a man and a citizen, he must be educated like Emile, for only then will he be able to learn—to *know*—his rights and duties *and* those of humanity. The education Emile receives as a child enables him to become first a *man*: a being who is self-sufficient, independent, and cognizant of his natural rights and duties—a being who is good *for himself*. Second, this education helps Emile to become a *sociable man*: a being who recognizes and respects the rights of others and is mindful of his duties—a being who is *morally good*, that is, not merely good for

⁴¹ According to Rousseau, this is Locke's fundamental error. Although he praises Locke on several occasions, Rousseau ultimately believes that Locke's method (and, by implication, the method of educating "gentlemen" that was common throughout Europe at the time) is backwards and inappropriate. See John Locke, *Some Thoughts Concerning Education*.

⁴² See SC, I.i: "[T]he social order is a sacred right which is the basis of all other rights. Nevertheless, this right does not come from nature, and must therefore be founded on conventions."

himself, but good *for others*. This much can be accomplished if the tutor is diligent and ensures that Emile's education consists not in precepts or commands, but in experience. Finally, as we shall see, this education also enables Emile to become a *citizen*.

Ultimately, Rousseau is concerned to cultivate in Emile the natural sentiments civil society tends to erode.⁴³ If Emile's primary right (and primary interest) is liberty, this is where his education should begin. Rather than begin with reason (as Locke would have it), Rousseau follows nature's course and begins with sensation. Accordingly, Emile enters the age of reason free from dependence on the opinions of others. He will have experienced childhood as it was meant to be experienced; he will have learned what it means to be good and decent, to respect and honor the dignity of humanity.

Experiencing childhood in its natural grandeur serves a dual purpose for Emile: it helps him to find true happiness (for man's miseries consist largely in seeking happiness in all the wrong ways and all the wrong places) and it teaches him to "bear the yoke of necessity." This, Rousseau believes, is the key to producing not merely an individual, but a genuinely sociable man.⁴⁴

In learning to secure his own happiness and not extend his desires beyond his capabilities, Emile will, theoretically, remain whole and sufficient unto himself.

⁴³ Rousseau's aim is not, as some have claimed, to create a civilized savage. Emile's natural sentiments might, in Rousseau's estimation, be on a par with those of savage man, but the ultimate goal is to cultivate and preserve Emile's natural reason and liberty. Though Rousseau's moral sense psychology is apparent across his works, a thorough treatment of the topic is taken up in *Emile*, wherein the tutor is concerned with "the cultivation of a sort of sixth sense called *common sense*, less because it is common to all men than because it results from the well-regulated use of the other senses, and because it instructs us about the nature of things by the conjunction of all their appearances." *Emile*, 157.

⁴⁴ Rousseau's exhortation to fathers everywhere is simple: "Men, be humane. This is your first duty...Fathers, do you know the moment when death awaits your children? Do not prepare regrets for yourself in depriving them of the few instants nature gives them. As soon as they can sense the pleasure of being, arrange it so that they can enjoy it, arrange it so that at whatever hour God summons them they do not die without having tasted life." *Emile*, 79.

However, Emile will be unable to find happiness as an adult unless he learns to conquer his passions.⁴⁵ Heretofore, the tutor will have protected Emile from the “empire of the passions” and helped him to secure a certain emotional disposition, a Stoic “inner calm,” as it were. “But,” the tutor says, “it is in vain that I have dipped your soul in the Styx; I was not able to make it everywhere invulnerable. A new enemy is arising which you have not learned to conquer and from which I can no longer save you. This enemy is yourself.”⁴⁶ Prior to the age of reason, Emile was bound only by the constraints nature imposed on him. Now Emile is also subjected to his desires, “bound to all the attachments” he chooses to give himself. If he is to remain free, he must learn to impose constraints upon his heart, for the disorders of life “[arise] from our affections far more than from our needs.”⁴⁷

If Rousseau is correct and the heart indeed has its own appetites, then we must learn to satisfy them. However, since it is not always clear exactly how to satisfy these appetites, it is possible to mistake what we desire for what we need. Likewise, it is possible to succumb to desires that result in the creation of certain necessary attachments (in Emile’s case, his attachment to Sophie). With the extension of our desires comes an inevitable diminution of our capacity to fulfill them. Man’s genuine needs are few, but

⁴⁵ To impart this lesson, the tutor appeals to Emile’s one and only passion, namely his beloved, Sophie. “What would you do...if Sophie [were] dead?” he asks, to which Emile responds with indignation. After reassuring Emile that Sophie is alive and well, the tutor reveals the point behind this lesson and what is to follow: “The passion with which [Emile] is preoccupied no longer permits him to give himself to purely *reasoned* conversations as he had before. I have *to interest him by this very passion* to make him attentive to my lessons. This is what I have done by the terrible preamble.” *Emile*, 442 (emphasis added).

⁴⁶ Ibid.

⁴⁷ Ibid., 443.

by his own volition, man develops numerous, crippling dependencies.⁴⁸ In giving himself over to his beloved—in creating an attachment (albeit a necessary one in the end)—Emile comes to grips with the fact that he will eventually lose Sophie; he comes to apprehend the transitory nature of all things and all relationships in this world.

What, then, is Emile to do? How can he remain happy in a world of uncertainty and anxiety, a world of *inquiétude* and merely transitory relationships? What is to become of the self-sufficient man, the whole and complete being whose existence is now, of his own free will, partial and incomplete, dependent, as it were, on the will of his beloved? This is a pivotal moment—if not *the* pivotal moment—in the education of a man, for it is here that Emile learns the road to true happiness. “You must be happy,” the tutor reiterates, for

[happiness] is the goal of every being which senses. That is the first desire which nature has impressed on us, and the only one which never leaves us. But where is happiness?...[W]hen I took you in my arms at your birth and, calling to the Supreme Being to be witness of the commitment I dared to contract, dedicated my days to the happiness of yours, did I myself know what I was committing myself to? No, I only knew that in making you happy, I was sure to be. In making this useful quest for you, I was making it for both of us in common.⁴⁹

The tutor is not unaware of the nature of the commitment he made at Emile’s birth. It is he alone who voluntarily obligated himself to helping Emile learn to be a happy child, a child that would, someday, be able to find happiness on his own as an adult. The tutor is not ignorant of the content of his obligation, but he is far from certain precisely how

⁴⁸ Ibid.

⁴⁹ Ibid., 442.

things will turn out. And this makes perfect sense, for Rousseau does not fail to ascribe fallibility even to his *gouverneurs*, who are, after all, only human.⁵⁰

The tutor knows he has committed himself to Emile's happiness, which implies that the tutor knows what human happiness is. As it turns out, human happiness is not all that complex, though it is rather difficult to attain. Yet happiness is elusive only because we choose to make it so: "[U]nhappiness consists...in the disproportion between our desires and our faculties. A being endowed with senses whose faculties equaled his desires would be an absolutely happy being."⁵¹ Of course, no such *human* being exists. Thus, the road to true happiness consists not in suppressing desire, but in "diminishing the excess...and putting power and will in perfect equality."⁵² This is the best the tutor can hope for, which suggests that even in the ideal world human potential is not unlimited. Emile will become an adult who knows how to keep his desires proportional to his faculties; he will neither desire what he cannot have nor try to have that which he ought not to desire.

We must bear in mind that the tutor is a proxy, or surrogate father who voluntarily incurs the obligation of raising Emile. In doing so, he expressly consents to the terms such a commitment necessarily entails. But the tutor goes one step further: he commits himself to Emile's *happiness*, both present and future. So the question is this: Though the tutor expressly commits himself to Emile's happiness, is such a commitment already (and necessarily) implied by the promise? Can one even promise to undertake a commitment to raise a child without simultaneously promising to fulfill, to the best of

⁵⁰ Even the legislator is but an "extraordinary *man in the state*." *SC*, II.vii (emphasis added).

⁵¹ *Emile*, 80.

⁵² *Ibid.*

one's ability, the obligation to ensure the child's well-being? Put differently, is an obligation to ensure a child's well-being embedded within the more general promise to "raise" a child? In voluntarily agreeing to take on the duties of Emile's actual parents, the tutor agreed therewith to be bound by a certain authority—not the authority of Emile's parents, but rather a supreme moral authority.

While the obligation to raise Emile derives from the tutor's explicit promise, his consent obligates him not merely to raise Emile, but to ensure his well-being, that is, to make him a morally autonomous individual—a *man*.⁵³ The tutor's responsibility is to help Emile get to the point where he can find his own happiness, to cultivate Emile's capacity to discover his own imperatives. The tutor helps, but he neither cossets nor coddles; nor does he positively assist. Emile learns under the artifice of the tutor, though he never utters those potentially destructive words, "*aidez-moi*," nor is he compelled to do so. The tutor's obligation is indeed grounded in an act of voluntary consent, yet from the beginning the content of that obligation seems to have derived from something deeper—namely, from the recognition of a uniquely human need, a need that extends beyond the care and protection necessary to infant survival, beyond the need for an adult to render assistance to a being incapable of caring for itself. This uniquely human need is love: though unable to speak at birth, an infant's cries are not merely cries for help; they are also, and more importantly, disguised, though resonant utterances of "*aimez-moi*." The human capacity for autonomy can be cultivated neither by precept nor by positive assistance alone. Full development of the capacity requires the help of others, to be sure,

⁵³ Actual parents, however, do not expressly consent, nor do they need to. Likewise, the tacit consent of actual parents is neither required nor possible. Actual parents voluntarily incur the obligation to ensure their children's well-being insofar as the act of conception is purely voluntary. However, there must be a point at which voluntarism fails to account for the obligations parents have to their offspring.

but this help must be rendered in a particular form, namely the form of love. Hence, the tutor's guidance—his governing—consists not in *le donner de l'aide*, but in *le donner de l'amour*.

Just as the tutor had to find the strength necessary to raise Emile—that is, to give Emile the love that the cultivation of autonomy requires—Emile must now find that same strength in himself if he is to find happiness. But, again, happiness is a rather elusive thing, particularly for those with weak hearts and uncontrollable passions. Indeed, one must be courageous in seeking happiness.⁵⁴ Emile must learn to conquer his affections; he must learn “to put power and will in perfect equality,” lest he permanently enslave himself to his passions; he must learn to galvanize his will and be strong—he must learn to be *virtuous*. And the virtuous man is simply the man who can “conquer his affections,” for in learning to do so, such a man “follows his reason and his conscience...does his duty...keeps himself in order, and nothing can make him deviate from it.”⁵⁵

Rousseau's point, I think, is rather simple (if controversial): freedom and virtue are two sides of the same coin. In order to be truly free, the passions must be circumscribed and the heart reigned in by reason. The more we are enslaved to the passions, the weaker we become (and the more our desires expand). However, Rousseau is not advocating suppressing the passions, for the passions are natural and even good if controlled; suppression is wholly unnatural and undesirable. Only when we allow

⁵⁴ The tutor cautions Emile: “My child, there is no happiness without courage nor virtue without struggle...Strength is the foundation of all virtue. Virtue belongs to a being that is weak by nature and strong by will. It is in this that the merit of the just man consists.” *Emile*, 444.

⁵⁵ *Ibid.*, 444-5.

ourselves to be enslaved by the passions do they become problematic (or bad). Although we can neither subdue the passions nor eliminate the causes, we can control their effects on the will.

Assuming he can learn to circumscribe his passions, Emile will have become the morally virtuous being he ought to be. But citizenship requires more: Emile must experience the world as it is, behind the mask; and he must learn to judge and act in accordance with a certain standard of political right. Emile will study the moral and political vices of other peoples, after which he will return home to become a father; then, and only then, will he rightfully become both a man *and* a citizen. Let us turn now to the final stage of Emile's education and examine the link between the legislator and the tutor and the convergence of their "fatherly" roles.

IV. Linking the Tutor and the Legislator: Creating the *Patrie*, or The Problem of Perpetual Founding

Jean Bloch identifies the tension between *Emile* and the *Social Contract* as a tension between opposing theses of private and public education.⁵⁶ Like Shklar, Bloch suggests that although Rousseau appears to have wanted to reconcile this tension by way of synthesis, he actually never intended to do so. I argue that such a reading is misguided, that men can indeed be made citizens though, as Rousseau rightfully maintains, not simultaneously. It might seem as if one is not a citizen unless one is first a man. To the contrary, the making of a citizen actually requires both the artifice of the legislator and the artifice of the tutor. It requires first the making of a man, a morally autonomous

⁵⁶ Jean Bloch, *Rousseauism and Education in Eighteenth-Century France* (Oxford: Voltaire Foundation, 1995), 9-10.

individual: one who can conquer his affections; one who is not enslaved to his passions; one who is not subjected to the opinions of others; one who knows right and *is* subjected to virtue. Just as the moral individual is capable of conquering his affections and recognizing both his rights and duties to others, a citizen is capable of the same. This simply amounts to finding the general will that is inside of oneself, or knowing how to act in accordance with moral and public right despite self-interest. Thus, both public and private virtue seem to amount to the same thing: being and doing good not only for oneself, but also for others.⁵⁷

However, an important question remains: How are we to reconcile Rousseau's apparently incommensurate positions in the *Social Contract* and *Emile*? Rousseau appears to be endorsing both public and private education, though he clearly indicates it is not possible to succeed at both. William Boyd illustrates this discrepancy by pointing to Rousseau's subjects in both *Emile* and *Poland*.⁵⁸ In the former, Rousseau's concern is education of the individual, or private education with the purpose of bringing the individual to his fullest potential. In the latter, Rousseau's aim is to offer practical prescriptions for a people incapable of receiving the legislator's instruction (a people too corrupted by the deleterious effects of *amour propre*). Henry Perkinson suggests that this view fails to account for Rousseau's true intentions, spelled out only subtly in *Emile*:

⁵⁷ This seems to be the point of the scene in Book V where Emile breaks his promise to Sophie and arrives late as a result of having to render aid to an injured man and his pregnant wife. To a piqued Sophie, Emile emphatically declares: "[Y]ou are the arbiter of my fate...You can make me die of pain. But do not hope to make me forget the *rights of humanity*. They are *more sacred* to me than yours'." The example of Emile helping the injured man and the pregnant woman seems to suggest a "can implies ought" maxim. Emile had an obligation to Sophie insofar as he promised to meet her at a certain time; he was thus morally obligated to make good on that promise. However, since human life was at stake *and* Emile was capable of rendering aid, his obligation to Sophie was overridden. See *Emile*, 439-441ff.

⁵⁸ See William Boyd, *The Educational Theory of Jean-Jacques Rousseau* (New York: Russell & Russell, 1963)

“The public institute does not and cannot exist, for there is neither country nor patriot. The very words should be struck out of our language.”⁵⁹ A comparison of this translation (Perkinson’s own) to Allan Bloom’s is revealing: “Public instruction no longer exists and can no longer exist, because where there is no longer *fatherland* [*patrie*], there can no longer be citizens. These two words, fatherland and citizen, should be effaced from modern languages.”⁶⁰

While the first translation points to Rousseau’s distrust of illegitimate governments and their inability to produce true citizens, Bloom’s translation suggests something more significant, something more in tune with Rousseau’s (perhaps overly-romanticized) republican vision: the need not simply to educate the individual toward the goal of perpetuating the common good, but to educate the individual in a way that is conducive to reclaiming or rediscovering the seemingly lost principles of republican citizenship. At the very least, Rousseau wants to piece together and reinforce the last remaining vestiges of the republican ideal; he wants to find a new way to mold morally responsible and civically virtuous citizens. Although Perkinson’s analysis does suggest that Rousseau’s ultimate aim was always citizenship in a legitimate political society, Rousseau’s affinity for *patrie* clearly escapes him.

Having become an ideal man, Emile will become an ideal citizen by doing two things. First, he will leave his beloved Sophie temporarily to travel the world and study foreign political orders. Second, upon his return, Emile will become a father. In the course of his observations, he will learn to assess the merits of positive political right

⁵⁹ *Emile*, cited in Perkinson, 91.

⁶⁰ *Emile*, 40 (emphasis added).

(laws and institutions) according to standard (transcendent) principles of political right, for “[i]t is necessary to know what ought to be in order to judge soundly about what is.”⁶¹ But there lies a difficulty in such an enterprise: in order to get Emile to care sincerely about positive political right, it is not enough simply for him to know the standards by which to measure it; he must also have a palpable *interest* in both.

Rousseau takes “interest” to be the primary motivator for human conduct and, accordingly, this is where Emile’s education began. As a child, he learned only useful things and his rudimentary reasoning skills were cultivated in conjunction with his natural sentiments via experience, as was his simple yet unrefined understanding of basic rights and duties.⁶² Emile’s adolescent education consisted in transforming these experiences and sensations into perceptions or ideas, in cultivating and sharpening his reasoning skills, and in acquiring a broader understanding of his rights and interests and the ways in which they relate to the rights and interests of others. Now, as a young man, interest must remain the primary mover. Thus, regarding the purely civic component of Emile’s education, Rousseau insists that the “greatest difficulty” lies in getting Emile to have a sincere interest in “answering these two questions: What importance does it have for me? and What can I do about it?”⁶³

In order to be an ideal citizen, Emile must be able to acknowledge the common interests his community. He must be capable of supplanting his private interest for the common good. As an ideal citizen, Emile will remain as free as he was prior to

⁶¹ Ibid., 458.

⁶² Some notable examples include, among others: the lesson in property rights with the gardener, the cake race (a lesson in personal excellence), and the scene with the magician (a lesson in humility).

⁶³ *Emile*, 458.

becoming an adult not because he will have submitted his will to the will of all, but because his moral constitution is such that the voice of right will always be audible. Moreover, he will have the courage to be strong in his will; he will have the strength of will always to do what is right—he will be virtuous. The true citizen, then, is the very being in whom the common is realized completely.⁶⁴

Although Emile is self-sufficient by the end of his education, Rousseau rightfully insists that civil society is necessary and the tutor insists Emile not abandon it. According to Bloch, although Rousseau detested the miserable failures of eighteenth century public education, he actually favored public over private education, claiming that it would never be possible for the privately educated man to become virtuous.⁶⁵ In no uncertain terms, the tutor urges Emile to submit to the general will, to revere and serve the *patrie*. While not necessarily enabling Emile to become virtuous, the *patrie* has afforded him the opportunity to develop his potential and, accordingly, the tutor exhorts Emile to recognize and honor the commitment he has tacitly incurred.⁶⁶

Yet, if public education is indeed the best way to teach individuals to supplant their private interests for the common good, it must still be the case that such an undertaking is possible only in an uncorrupted society.⁶⁷ It seems that the ideal citizen cannot be constructed from the samples provided by civil society, samples that are

⁶⁴ This is consonant with Rousseau's claim that, prior to the establishment of civil society, human existence was wholly inward, "an existence defined by the absence of the in-common." See Strong, 52.

⁶⁵ Bloch, 12-13.

⁶⁶ See *Emile*, 473: "Where is the good man who owes nothing to his country? Whatever country it is, he owes it what is most precious to man—the morality of his actions and the love of virtue." Cf. Aristotle, *Politics*, 1253a.

⁶⁷ Bloch, 13. Cf. *Discourse on Political Economy*.

ostensibly corrupted beyond repair. For Rousseau, the only way to produce a genuine citizen is to educate him as nature would educate him *were there no civil society* and then introduce him to civil society once he is capable of apprehending the meaning and significance of his duties. Emile's entrance into early adulthood is thus a pivotal point in his education. In order for Emile to be integrated effectively into civil society, the tutor must desist in sheltering him from the rest of the world; he must no longer prevent Emile from bearing witness to men *as they are*: denatured (in a corrupt way) and dissembling.⁶⁸ What Emile will now learn is that, unlike most others, he does not live behind a guise. He is not a slave to *amour propre* and, like natural man, Emile experiences complete freedom and autonomy because he is not dependent on others for help and recognition.

At this point the negative education of the tutor ceases and is replaced by self-discipline.⁶⁹ However, because Emile is truly autonomous, a problem arises: if he is to enter civil society *and* remain uncorrupted, he must permit the tutor to continue educating him. Yet, his autonomy precludes him from being involuntarily subjected to the tutor's will. Rousseau is confident the tutor's work will have succeeded up to this point and foresees the obstacle that is Emile's autonomy. Emile must voluntarily consent to the tutor's educative authority if he is to learn how to deal with civil men, or men who live behind masks in a world of false appearances. Since "Emile is not made to remain always solitary" and, "[a]s a member of society he ought to fulfill its duties,"⁷⁰ Emile must contract with the tutor. Only in doing so will Emile learn to be his "own master and

⁶⁸ See *Emile*, 230.

⁶⁹ Geraint Parry, "Emile: Learning to Be Men, Women, and Citizens," in *The Cambridge Companion to Rousseau*, ed. Patrick Riley (Oxford: Oxford University Press, 2001), 259.

⁷⁰ *Emile*, 327.

to obey not [his] senses but [his] reason.”⁷¹ In short, Emile’s education guarantees that since he is self-sufficient and free from the baneful effects of *amour propre*, he will find it easy to suppress his private will for the sake of the common good (for his education has allowed him to retain that which is natural, namely *pitié*, or the extension of *amour de soi* to others).

Let us return now to Rousseau’s understanding of *patrie*. Geraint Parry insists that Emile’s political education is not meant to compel him to engage in politics.⁷² This conclusion is typical of many interpretations and seems consistent with the tutor’s speech on political right in Book V. However, ending here fails to account for the true significance of the tutor’s exhortation not only for Emile to serve the common good, but also to become a father. For Rousseau, the first society is the family: “[it] is...the prototype of political societies; the leader is the image of the father, the populace [that] of the children.”⁷³ This conception mirrors precisely the relationship between tutor and pupil: the tutor establishes an artificial bond that appears natural, though once Emile reaches adulthood the bond is altered and Emile remains united to the tutor voluntarily. Yet, this also mirrors the relationship between the legislator and the people in the *Social Contract*. Thus, we must ask: Is the tutor analogous to the legislator or is one necessary to the other? The analogy seems to hold, though in reality the work of the legislator would in fact be necessary to the existence of the tutor. Moreover, it seems that the work of the tutor would be necessary to get a people to the point where the legislator’s work is

⁷¹ Ibid., 325.

⁷² Parry, 260.

⁷³ SC, I.ii. Cf. Rousseau’s remarks on paternal right and filial obligation in *SD*, 73.

no longer needed (an ideal, of course, and a condition which is unlikely to be met; but approximation of the ideal is the point, not perfection).

The final words of *Emile*, I think, point to the possibility of the tutor *qua* legislator at the level of the individual, for there is indeed nothing in the *Social Contract* to suggest the legislator stands over and above the community.⁷⁴ The tutor is, at least symbolically, the “father” of a nation by first being a father to Emile. When Emile’s “functions as a man begin”—when he becomes a father—the tutor effectively becomes *a* legislator (though perhaps not *the* legislator). The parallel is thus: the tutor (the ideal father) educates his pupil (his son) to be an ideal father who, by emulation, serves as an example for his own son (and other future fathers),⁷⁵ thereby creating what we might call a literal *patrie*, a fatherland, or a land of fathers. Emile’s own exhortation to his tutor to continue instructing others testifies to Emile’s true aim in society, his true civic duty:

My master, congratulate your child. He hopes soon to have the honor of being a father...God forbid that I let you also raise the son after having raised the father...But remain the master of the young masters...I need you more than ever now that my functions as a man begin. You have fulfilled yours. Guide me so that I can imitate you.⁷⁶

Still, the possibility of fathers creating ideal men and citizens depends first upon the existence of a socio-political order in which to rear children into morally autonomous adults. Institutions must be established first in order for popular sovereignty to be actualized, that is, in order to have a formal mechanism in and through which public deliberation can occur, and a means by which the popular will can be gauged. But the

⁷⁴ See n.50 above.

⁷⁵ See *Emile*, 161: “He is made for guiding, for governing his equals...”

⁷⁶ *Ibid.*, 480.

popular will, in order to be legitimate, must be general: its content must conform to (or closely approximate) “the transcendent idea of justice.”⁷⁷ Thus, the foundations⁷⁸ of political right seem multidimensional. There are necessarily two sides to any genuine founding: the institutional and the individual. The legislator “founds” from the top down, working against nature, establishing good institutions—institutions that “mould” an uncorrupted people and all subsequent generations. But, while the legislator’s efforts might replace complete natural freedom by a partial moral freedom, there is only so much his “legislating” can accomplish. The tutor, on the other hand, “founds” from the bottom up, working with nature, establishing the foundations for moral autonomy.

On such a reading, the tutor’s work seems to compliment, if not succeed that of the legislator insofar as it produces moral freedom. The legislator can only get a people to the cusp of the age of reason; the tutor, however, is capable of getting the child through youth, to the age of reason, and into adulthood. The logic is thus: from the legislator’s *legislating*, the tutors; then, from the tutors, *self*-legislators; then the work of the legislator in conjunction with the work of the tutors. To be sure, a wise legislator is needed first, but since public virtue is necessary to political right, tutors are needed after the initial founding.⁷⁹ There is a point at which the educative means and ends of the legislator and tutor converge. A genuine founding is thus a founding-in-perpetuity, a process of perpetual becoming at both the institutional and individual levels. The legislator’s educative task is to found institutions based on principles of political right.

⁷⁷ Williams, 113.

⁷⁸ There is no “foundation” or “founding,” but rather only “foundations” and “foundings.”

⁷⁹ Since “the social order is a sacred right which is the basis of all other rights,” and since “this right does not come from nature,” it is necessary that it “be founded on conventions.” SC, I.i.

However, the sovereign must will actual legislation, just as Emile must will on his own to leave the tutor and become a father. Hence, the legislator is analogous to the tutor: he leaves when a people will to legislate on their own, just as the tutor takes his leave when Emile wills to go off and emulate him. The point, then, is that just as a child can become morally autonomous only if he receives a proper education from the earliest stages of development, so too can a people become truly self-governing only if it receives what the legislator has to offer at an early stage of development.

V. Conclusion

I would like to conclude by returning to Shklar's remarks on reconciling Rousseau's paradox. Shklar insists that we are not obliged to attempt reconciliation, that we must appreciate the impossibility of "mak[ing] both men and citizens." Viewing the texts in the way I have suggested should not necessarily incline us to settle on such a conclusion. Rousseau did not create two mutually exclusive models for education; rather, his ultimate goal was the reform of public education as a means to the end of legitimate republican government, or a political order perpetually founded in accordance with principles of political right. Still, there is some truth in Shklar's conclusion: given the "moral realities of social life,"⁸⁰ such a reform would be largely impossible. Where are we to begin? Fashioning the education of one or a few individuals to comport with Rousseau's standards would ultimately do little (if any) public good.

The real question, then, is: How might we begin to educate *all* educable individuals the way Emile is educated? Rousseau begins with a clean slate, where

⁸⁰ Shklar, 214.

mothers, in a sense, sell their children to the state. Indeed, Rousseau must begin with a clean slate, a child untainted by the ill effects of bourgeois civil society, for he cannot hope to reeducate an individual who has already been corrupted.⁸¹ The tutor “natures” Emile, so to speak, and then, by traveling the world, “denatures” him in order to bring him into civil society. The point, then, for Rousseau, is to reform from within: like Emile, individuals must be educated according to nature within the constraints of an existing political constitution, for this is the only way to create a genuine *patrie*, and there must be a *patrie* before there can be genuine *citoyens*.

Rousseau’s prescriptions aim to “generalize” the individual or particular wills in a society. Both the legislator and the tutor are necessary to approach the democratic ideal. But to say that we must cultivate good men who can become good citizens still leaves much to be determined. Here we have Rousseau’s response to those who object to his system of private education. Of Emile, a boy educated for himself, they ask: What use is he to others? His use, I think, is in reforming others: Emile becomes a father and the ultimate responsibility of a father is to serve as an exemplary model for his child, a child that will in turn serve as a model for others. Fathers will emulate Emile as Emile emulates the tutor, thus paving the way for a genuine *patrie*. Educated in this way, people in the *patrie* will become dependent on laws just as children become dependent on things: “If the laws of nations could, like those of nature, have an inflexibility that no

⁸¹ There is, however, good reason to believe that such “reeducation,” though extremely difficult, would not be impossible. Rousseau seems to demonstrate this much in the *Confessions* and, in a slightly more systematic way, in Book IV of *Emile* (to wit, the “Profession of Faith of a Savoyard Vicar”).

human force could ever conquer, dependence on men would then become dependence on things again.”⁸²

Ultimately, the point is that people must be governed.⁸³ Moreover, there lies within Rousseau’s political theory a deep and unsettling irony: it turns out that the best way to govern—the best way to lead a people, collectively and as individuals, to the highest degree of freedom attainable in civil society—is through artifice and contrivance. Artifice and contrivance are necessary not because evil inheres in human nature, but because humans are naturally predisposed to self-love and self-interest. If left unchecked, self-love can easily degenerate into *amour propre* and, under certain conditions, can produce a dangerous indifference toward humanity in the individual. In Rousseau’s view, unbridled *amour propre* is the fundamental problem *in*, though not necessarily *with* civil society, and it is the fundamental obstacle to moral and political right.

I have suggested that the best way to understand Rousseau’s theory of moral and civic education is not in terms of two mutually exclusive choices—of creating either citizens or men—but in terms of a convergence between two necessary educational means and ends. The *Social Contract* gives us the standards by which we are to judge political right and it gives us part of the means by which the foundations of political right are to be laid in practice. *Emile* provides us with the missing pieces of the puzzle: it provides the standards by which we can judge and the means by which we can cultivate

⁸² *Emile*, 85.

⁸³ Rousseau’s *gouverneurs*—the legislator, the tutor, Sophie, Julie (and perhaps even Mme. de Warrens)—are all “educators” insofar as they all “rule” but do not command. It remains to be determined by what moral authority these *gouverneurs* act.

moral right in the individual; it shows why such cultivation is necessary, in conjunction with sound institutions and the rule of law, to realize humanity's latent potential to advance toward, or approximate political right.

CHAPTER THREE

Rousseauian Romanticism in the Moral and Political Thought of Thomas Jefferson

I. Introduction

In Chapter One, I explored several facets of Rousseau's political theory in order to illuminate his republican ideal more broadly. In Chapter Two, I tried to show how Rousseau's theory of moral and civic education conduces to the ends of his republican ideal. In the next two chapters, I explore the ways in which Thomas Jefferson's moral and political thought eventually came to mirror much of Rousseau's. I begin with a rather broad but significant claim: Thomas Jefferson and Jean-Jacques Rousseau each embrace a notion of transcendent moral and political right and each subscribes to a natural rights philosophy that is informed by that standard.¹ However, scholars either reject the Rousseauian overtones that are apparent in Jefferson's thought or fail to appreciate fully those facets of his thought that substantiate the heretofore unrecognized affinity between Rousseauian and Jeffersonian idealism. While there have been a few (misguided) attempts to show that Jefferson was really quite the Rousseauist, I do not wish to entertain such a claim.² Rather, I want to show that Jefferson's moral and political thought has more in common with Rousseau's at the level of principle than

¹ The extent to which either Rousseau or Jefferson embraced elements of the natural law tradition is debatable. For a thorough treatment of this topic, see Zuckert, *The Natural Rights Republic* and Stephen A. Conrad, "Putting Rights Talk in Its Place: *The Summary View* Revisited," in *Jeffersonian Legacies*, ed. Peter S. Onuf (Charlottesville, VA: University of Virginia Press, 1993): 254-281.

² See, for instance, Hamilton Basso, "Farewell and Hail to Thomas Jefferson: The American as Democrat," in *Mainstream: A Book about America and the Making of Americans* (New York: Reynal and Hitchcock, 1943), 23-43; Paul H. Kreisberg, "Hamiltonian and Jeffersonian Ideals in the Administration of the State," *Journal of Social Studies* 6 (1950): 24-32; and Morton J. Frisch, "Hamilton's Report on Manufactures and Political Philosophy," *Publius* 8, no. 3 (1978): 129-139. For a brief commentary on both John Adams and Thomas Jefferson's dislike of Rousseau, see Louis B. Wright, *The Obligation of Intellectuals to Be Intelligent: Some Commentary from Jefferson and Adams* (Charlottesville, VA: Thomas Jefferson Memorial Foundation, 1974). For a slightly more convincing, albeit very brief attempt to link Jefferson and Rousseau, see Barber, "Education and Democracy."

many scholars (and perhaps Jefferson himself) seem ready to recognize.

In the first section, I try to identify the core of Jefferson's republican ideal, or those fundamental features of the Virginian's republican vision that inform his political theory more broadly. In other words, I attempt to offer an account of Jeffersonian republicanism that is more holistic, more systematic, and less inconsistent than many scholars have recently (and not so recently) claimed. I argue that a proper understanding of Jefferson's political theory requires not a disaggregation of his ideas and principles as distinct and seemingly irreconcilable. Rather, I suggest a more synthetic approach that views Jefferson's moral and political thought as a set of continually evolving ideas and principles that, with time and maturation, revision and reformation, became increasingly unified and approached (though never quite reached) systematicity.

Next, I show how this set of ideas and principles—the core components of Jefferson's peculiar brand of republicanism—turns out to be rather Rousseauian in form. Specifically, I consider three particular elements of Jefferson's political thought that parallel Rousseau's: Jefferson's understanding and defense of majority rule and the ways in which it mirrors Rousseau's conception of the general will; the Virginian's reluctant embrace of political representation; and his theory of generational sovereignty. I argue that Jefferson attempted to graft fragments of the ideal onto the social and political realities of his time. Jefferson's eventual support for the Constitution and his praise for the *Federalist*³ might suggest that his republicanism is not altogether different from that

³ See Jefferson to James Madison, 18 November 1788, *PTJ* 14:187-90. It should not be assumed that Jefferson merely acquiesced to the Constitution. Neither should we assume that he wholly embraced the document that emerged from the Convention at Philadelphia. The absence of a bill of rights was certainly at the top of Jefferson's list of complaints, though it was not simply the lack of a mere enumeration of rights (or negative claims against the government) that worried Jefferson. His concern was for a bill that would sufficiently secure the people's *specific* rights and liberties against a potentially abusive government—in other words, a bill that was, in scope and precision, more effectual than the English Bill of

of, say, John Adams.⁴ While Jefferson's characteristic faith in the common man certainly places him at odds with Adams (and others) who believed that the rule of law and a strict separation of powers were the quintessential features of good republican government, this is not to say that Jefferson rejected either (in principle or in practice). In fact, the heart of Jeffersonian republicanism is the rule of law, that is, the rule of law as constituted by a legitimate popular will—a will that is reasonable, though nevertheless still popular, and hence not overridable. This untiring faith in the people, a faith both political and moral, is one, though certainly not the only crucial difference between Jefferson's brand of republicanism and that of Adams. It is also one crucial link (among several) between

Rights of 1689. For a more comprehensive picture of Jefferson's objections, see TJ to James Madison, 20 December 1787, *PTJ* 12:438-43 and TJ to James Madison, 15 March 1789, *PTJ* 14:659-63. Aside from the failure to include a bill of rights, Jefferson expressed other reservations about the Constitution (many of which are articulated in the letter to Madison of 20 December 1787). Nevertheless, Jefferson did extol *The Federalist*, which might lead us to conclude that, by implication, he also extolled the Constitution. Notwithstanding the criticisms Jefferson levels against the Constitution in this letter to Madison, the letter is often invoked as evidence that Jefferson whole-heartedly subscribed to the principles articulated by Publius. But when we look carefully at what Jefferson actually wrote to Madison—and when we bear in mind that Jefferson knew Publius's true tripartite identity—we are forced to conclude that his praise for the essays is indeed a qualified praise (and, perhaps more importantly, that the praise is intended specifically for Madison's contributions). "With respect to the *Federalist*," he writes, "the three authors had been named to me. I read it with care, pleasure and improvement, and was satisfied there was nothing in it by one of those hands [John Jay], and not a great deal by a second [Alexander Hamilton]. It does the highest honor to the third [James Madison], as being, in my opinion, the *best commentary on the principles of government* which ever was written. In some parts it is discoverable that the author means only to say what may be best said in defence of opinions in which he did not concur. But in general it establishes firmly the plan of government. I confess it has rectified me in several points." *PTJ* 14:188 (emphasis added). See also James Madison to TJ, 10 August 1788, *PTJ* 13:497-99, wherein Madison reveals (in secret code) not only the identity of the authors, but also the fact that although the project was "carried on in concert the writers are not mutually answerable for all the ideas of each other."

⁴ Both Adams and Jefferson insist that good, legitimate government requires the consent of the people. But consent alone is insufficient: government may neither be established without the consent of the people, nor may it act independently of the people's will; the legislative process (or, more generally, the act of governing) must be conducted in continual consultation with the people. However, contrary to Jefferson, Adams did not believe a government that was closer in form to pure democracy could adequately sustain liberty. Such a government, on Adams's account, would not—indeed, could not—remain a free government for long, for a government that responds to and operates so closely alongside the popular will could not properly be reconciled with the rule of law. See John Adams, "Thoughts on Government" as well as his *Defence of the Constitutions of Government of the United States of America*. See, *inter alia*, John Adams to TJ, 13 July 1813; 15 July 1813; and 15 November 1813, in *Papers of Thomas Jefferson: Retirement Series*, Vol. 6, ed., J. Jefferson Looney (Princeton, NJ: Princeton University Press, 2010), 286-88; 296-98; 621-27. Hereafter *PTJ:RS*; See also John Adams to TJ, 16 July 1814, *AJL*, 434-39.

Jefferson and Rousseau that merits significant attention.

II. Jefferson's Republican Ideal: Tracing the Intellectual Origins of Jefferson's Political Thought

The literature documenting the intellectual influences on Jefferson's moral and political thought is extensive. Among other things, Jefferson is cast as a pure, though unoriginal natural rights theorist.⁵ Occasionally Jefferson's system is defined as a blend of classical republicanism and Lockean liberalism.⁶ Others overemphasize the influence of Francis Hutcheson and the Scottish moral sense tradition on Jefferson.⁷ Still others insist that Jefferson infused various elements of each into a uniquely American take on the Atlantic republican tradition.⁸ While there is some truth in each of these interpretations, many scholars tend to evaluate Jefferson's political thought in relative isolation. More often than not, such analyses leave us with nothing more than half-truths about the Virginian's political philosophy.

The problem with Jefferson is that his political philosophy is scattered throughout numerous speeches, pamphlets and essays, one full-length treatise, and tens of thousands of personal missives that span over a half-century. Thus, it is not possible to get a clear

⁵ See Zuckert, *The Natural Rights Republic*.

⁶ See, among others, Garrett Ward Sheldon, *The Political Philosophy of Thomas Jefferson* (Baltimore, MD: The Johns Hopkins University Press, 1993); Thomas L. Pangle, *The Spirit of Modern Republicanism: The Moral Vision of the American Founding and the Philosophy of Locke* (Chicago, IL: University of Chicago Press, 1990); Lance Banning, *The Jeffersonian Persuasion: Evolution of a Party Ideology* (Ithaca, NY: Cornell University Press, 1980).

⁷ For example, Jean Yarbrough, "Thomas Jefferson and Republicanism," in *Thomas Jefferson and the Politics of Nature*, ed. Thomas S. Engeman (Notre Dame, IN: University of Notre Dame Press, 2000), 59-80. See also Frank D. Balog, "The Scottish Enlightenment and the Liberal Political Tradition," in *Confronting the Constitution*, ed. Allan Bloom (Washington, DC: AEI Press, 1990), 191-208.

⁸ See especially Peter S. Onuf, *The Mind of Thomas Jefferson* (Charlottesville, VA: University Press of Virginia, 2007); Andrew Burstein, *The Inner Jefferson* (Charlottesville, VA: University Press of Virginia, 1996); Andrew Burstein and Nancy Isenberg, *Madison and Jefferson* (New York: Random House, 2010).

understanding of his political philosophy by examining one or two pieces of writing, especially when those pieces are easily taken out of context. Michael Zuckert's analysis of Jeffersonian republicanism is one of the most lucid and discerning. While Zuckert's thesis—what I shall loosely term the “new” republican synthesis—locates the Virginian's political philosophy firmly within the natural rights tradition, Zuckert is careful to delineate the influences of both classical republicanism and its modern variants on Jefferson's political thought (early and mature). On Zuckert's reading, the so-called liberal-republican synthesis fashioned by the likes of Bailyn, Pocock, and Wood, among others, is largely inadequate as an interpretation of Jefferson's political thought insofar as it fails to situate the natural rights tradition and the republican tradition properly alongside each other.⁹ As such, Zuckert argues that the synthesis requires a reconception of sorts and, moreover, he insists that Jefferson's own synthesis “most adequately expresses the American ‘tradition’ as it was shaped in the eighteenth century.”¹⁰

According to Zuckert, Jefferson's brand of republicanism, while not completely free from classical influence, is essentially modern in form. More precisely, Jefferson's “robust version of democratic republicanism...is a thinking through of the natural rights philosophy he had given authoritative expression to for America in the Declaration of Independence.”¹¹ Indeed, the Declaration is where Zuckert finds Jefferson offering

⁹ Primary sources for the original debate are: Bernard Bailyn, *Ideological Origins of the American Revolution* (Cambridge, MA: Harvard University Press, 1967); Bailyn, “The Central Themes of the American Revolution: An Interpretation,” in *Essays on the American Revolution*, ed. Stephen G. Kurtz and James Hudson (Chapel Hill, NC: University of North Carolina Press, 1973); J.G.A. Pocock, *The Machiavellian Moment* (Princeton, NJ: Princeton University Press, 1975); and Gordon S. Wood, *The Creation of the American Republic* (Chapel Hill, NC: University of North Carolina Press, 1969).

¹⁰ Zuckert, *The Natural Rights Republic*, 210.

¹¹ Zuckert, 239.

something more than merely an expression of “the American mind”;¹² the Declaration is something of an executive summary of Jefferson’s theory of natural right. In order to understand Jefferson’s position—in order to appreciate the thrust of his natural rights argument and the significance of the “moral history”¹³ he tries to transmit in the Declaration—a rigorous structural and contextual reading of the document is necessary, and this is precisely what Zuckert has taken great pains to accomplish.

Zuckert begins by putting the Declaration’s statements about equality into proper context. The fact of being “created equal” is, for Jefferson, a self-evident truth, though much ink has been spilled since 1776 over the precise meaning of this phrase (as well as its moral and political implications). Nevertheless, Zuckert insists that what Jefferson has in mind is not the sort of wholesale equality that many have been tempted to derive from (or read into) the Declaration. The equality of which Jefferson speaks is a fundamental natural equality, an equality not of the Aristotelian variety, but of the Lockean form. Understood as properly pre-political, equality means nothing more (and nothing less) than “not [being] subject to the authority of any other.”¹⁴

But what of the connection between equality and natural rights? If “created equal” simply means that human beings have no rightful, natural authority over one another, that rightful rule can derive only from voluntary consent and is, ultimately, the product of convention, then what, precisely, is the relationship between equality and rights?¹⁵ It is

¹² See TJ to Henry Lee, 8 May 1825, *Writings*, 1500-02.

¹³ Zuckert, 23.

¹⁴ *Ibid.*, 18.

¹⁵ As often used by contemporary philosophers of political obligation, consent is opposed to convention, which emerges unconsciously.

not the case that Jefferson was simply making a sweeping claim about equality and rights. Although he did wish to affirm that all human beings were, by nature, equal in terms of their basic rights, Zuckert argues that Jefferson must have meant something more precise, that he must have been referring to something more than the mere fact of natural endowment or possession. Jefferson is, in fact, more precise in his “rough draught” of the Declaration. Instead of the more succinct, though admittedly vague phrasing of the final draft, Jefferson originally penned, “all men are created equal and independent.” As Zuckert understands it, Jefferson’s reliance on Locke as an authority can mean only one thing with respect to the interpretation of this phrase: Jefferson must mean “equality with respect to dominion.”¹⁶

Like Zuckert, Joyce Appleby sees a unique sort of republicanism emerging in Jefferson’s thought during the post-presidential years. However, where Zuckert finds in Jefferson a reworking or reconceptualization of the republican ideal that is grounded primarily in the “natural rights philosophy,”¹⁷ Appleby identifies “a blend of egalitarianism and individualism” which, she claims, characterizes not only Jefferson’s more mature political thinking, but also “American culture” more broadly.¹⁸

What was truly remarkable was that Jefferson was astute enough to see that to liberate and democratize Americans would entail changes in attitudes, behavior, *affect*, and desire, not just opinion. Our own familiarity with democratic mores has obscured the fact that, like any set of cultural preferences, democratic ones had to be carefully learned, and then only after the habits and sensibilities of American adults—once monarchical subjects—had been eradicated.¹⁹

¹⁶ Ibid., 19.

¹⁷ Zuckert, 233.

¹⁸ Joyce Appleby, “Thomas Jefferson and the Psychology of Democracy,” in James J. Horn, Jan Lewis, and Peter S. Onuf, (eds.), *The Revolution of 1800: Democracy, Race, and the New Republic* (Charlottesville, VA: University Press of Virginia, 2002), 156 (emphasis in original).

¹⁹ Ibid.

According to Appleby, Jefferson was keenly aware of the importance of making a clean break from Britain, from the real and the metaphorical shackles of monarchy. Such a break was necessary if genuine republican government—and, by Jefferson’s definition, a genuinely republican people—was to survive. In fact, republicanism entailed more than the mere establishment of sound political institutions and the cultivation of appropriate political convictions.

On Appleby’s reading, Jefferson sees American republicanism unfolding simultaneously in both the political and the social spheres. Jefferson was aware that in order for American republicanism to do more than merely subsist, certain bonds had to be forged, bonds connecting citizens to one another and bonds linking citizens to their government. James Madison, in response to George Clinton’s concerns over the federal government’s inability to govern effectively across a vast, expansive territory would later refer to these same bonds as the “cords of affection” that bind seemingly disparate peoples together across the land.²⁰ But Jefferson understood better than Madison that these cords could indeed be strained, if not broken, and that American republicanism depended upon more than common convictions and shared beliefs. Jefferson knew that Americans needed to break free from the shackles of monarchy, politically and psychologically, and he realized that this would be no easy task. Yet, as Appleby points out, this might not have been as obvious to others as it was to Jefferson,

Nor was this the insight typical of reformers who are usually animated by the didactic impulse to tell people what is good for them...[Jefferson] perceptively gauged the insufficiency of lecturing his people into progressive practices. Instead, he set in motion a variety of convention-shattering initiatives, based on

²⁰ Compare Madison, *Federalist* 14.

the assumption that the body had to move out of the box before the brain could imagine different ways of behaving.²¹

In other words, the development of republican institutions does not (and cannot) simply emerge from a vacuum; the founding and cultivation of republican mores in the body of citizens is, it seems, a prerequisite to any such enterprise, and Jefferson was very much aware of this problem—namely, the so-called founder’s dilemma, or paradox of founding (the same problem that forms the core of Rousseau’s project). While there is much in Appleby’s study to suggest that Jefferson was aware of this dilemma, Appleby does not explicitly address Jefferson’s own estimation of the problem (or its potential solutions).²²

Jefferson had to find ways to work from within. Among other things, Jefferson’s social practices in the White House “provided the contrast with the Federalists that Jefferson wished to sharpen [and] embodied the republican simplicity that he had extolled in his presidential campaign,” all while fostering the development of what Appleby calls a peculiar “psychology of democracy.”²³ Though a member of the Virginia gentry, Jefferson railed against the formality and artificiality of early American and European high society. His disdain for Federalist pomp certainly shines through in his correspondence, though, as Appleby notes, it is also quite evident in Jefferson’s attempts to dismantle the “ranks and degrees” of American society during his tenure in the White House.²⁴ By removing himself (and, perhaps more importantly, by removing the office

²¹ Appleby, 157. Compare Rousseau on the value of lecturing and precepts.

²² In Chapter Five, I try to sharpen or build upon Appleby’s analysis of Jeffersonian democracy, or the ways in which Jefferson attempted to cultivate a uniquely American republican order from the bottom up (that is, from the level of the individual, given the institutions he had to work with).

²³ *Ibid.*, 157-8. Compare to Emile’s simplicity in nearly all matters.

²⁴ *Ibid.*, 160.

of the Presidency) from the “mannerisms” and the “choreograph[ed] status” of his Federalist counterparts, Jefferson was attempting to eradicate the “political message inherent in etiquette” and privilege.²⁵ Jefferson’s social practices as President—for example, his insistence on walking instead of riding in a carriage; his informality (if not his nonchalance) in receiving guests in the White House—all point to a desire to make the American public aware of the unnaturalness and irrationality of routinized formality and pretension.

This breaking of irrational habits and forced routinization in society was, in many ways, a key to Jefferson’s conception of American liberty. For Federalists like Adams, liberty may have entailed something altogether different. Where Jefferson saw a unique, if not special people inhabiting the newly minted Republic—a people free from the vice and vanity that characterized its European counterpart—Adams saw a people separated from, yet not so far removed from the political dispositions of its British brethren. For Adams and his like-minded allies, the exceptionalness of the United States “lay not in signaling a new dispensation for the human race but in offering enlightened statesmen an opportunity to apply the lessons of the past.”²⁶ Adams thus understood America’s struggle for independence in terms of transplantation: the goal was decidedly not to replace an existing order with something altogether new; rather, it was to dispense with those facets of British politics that had corrupted the “pure model” (or, as Jefferson would have it, the “ancient constitution”). “When the American colonies separated from Great Britain, they freed themselves from the mother country’s corruptions, but not from

²⁵ Ibid.

²⁶ Ibid.

the pure model itself. Their history taught that order preceded liberty and that gentlemen filtered from the mass of voters could best preserve the order.²⁷

This understanding of history and the notion that order is prior to liberty seems to be John Adams's sentiment—a point on which he and Jefferson (and Rousseau) sharply differ. For Jefferson and Rousseau, liberty is something that is prior to order, both empirically and normatively. While order (of a certain degree) is indeed necessary to sustain a useful and desirable form of liberty, in order to comport with right, the latter must precede the former. This is, of course, not to say that *natural* order does not figure into the problem. But natural order and political order are not synonymous. Although there may be a transcendent form of political right, political order is always a product of convention. The degree to which that convention approximates or approaches the transcendent, or standard of right, is a separate question.

The point is simply that political orders—political institutions and arrangements—always arise from conventions; they are never given. Natural order is, of course, non-conventional, and is encompassed by the precepts of natural right. In other words, whatever is contrary to the natural order of things is, by definition, contrary to natural right. This does not necessarily imply that all conventional orders are wrong; it simply suggests that conventional orders are, at best, approximations of what is naturally right or just. In this sense, then, justice might be a matter of convention insofar as a given society's understanding of (and agreement upon) the precepts of natural right will inform the content of their particular laws and practices. Moreover, this society's understanding of natural right will likely differ from the particular understanding of

²⁷ Ibid.

another society. But this in no way suggests that justice is entirely a matter of convention—that is, that justice is historically contingent; that the moral precepts which inform standards of justice across time and place are relative constructs; that natural right (and natural law) is a mere farce, as demonstrated throughout history by the examples of brutish and barbarian peoples, empires, and, lest we forget the indelible mark left upon our nation’s own back, the institution of slavery. That we (or any other people for that matter) have failed to achieve the ideal—that we have failed to live up to the promise articulated by Jefferson in the Declaration of Independence (a promise reaffirmed some eighty seven years later by Lincoln at Gettysburg)—is no evidence to indict natural right.

Of course, Jefferson’s understanding of human liberty and human nature did not square with the Federalists’, who tended to embrace a view more closely aligned with the pessimism of Hobbes rather than the slightly more optimistic outlook of Locke.²⁸ Government, for the High Federalists, was a safe-haven of sorts. Yet where they “connected man’s fallen nature to the civic duty to follow righteous leaders, Jefferson indicted just this disempowering belief...He blamed elitist political practices, not the fallen state of man, for the misrule history recorded.”²⁹

Where the Federalists stressed the importance of things like virtue and personal responsibility, Appleby suggests that Jefferson subordinated these things to a general, all-encompassing sort of freedom: of exploration, of expression, of thought, and opinion,

²⁸ John Adams’s seeming pessimism certainly comes to mind here, though he is certainly not the only Hobbesian to be counted among the Federalists. In *Federalist 1*, Alexander Hamilton even goes so far as to present his readers with a choice that seems to have been lifted right off the pages of Hobbes’s *Leviathan*: the choice is either to accept and submit to the authority of the proposed constitution (i.e., something akin to an absolute sovereign) or remain suspended in confederation (something that is, at least in Hamilton’s estimation, not unlike the state of nature).

²⁹ Appleby, 161. Compare Rousseau’s account of man’s fall from grace in *SD*, Part I.

among others.³⁰ Yet this is not to say that virtue and responsibility are completely absent from Jefferson's political theory. Appleby's implication is that Jefferson is indifferent, if not averse to order. However, this view seems mistaken. Indeed, Jefferson would reject the imposition of any sort of ordering scheme: social engineering of any variety; the various visions of utopian and socialist reform that emerged in the United States in the mid to late nineteenth century; and, of course, utopian philosophies such as that articulated by Plato in the *Republic*, to name a few. Where his Federalist counterparts assume that human beings are corrupt by nature and, as such, require something of a paternalistic state to keep them in check, Jefferson embraces the natural goodness and inherent educability of man. According to Appleby,

Much like...Rousseau, Jefferson blamed the artificial inventions of rank and the overwhelming arrogance of authority for interfering with men's natural goodness...[Contrary to the Federalists and Adams] Jefferson...gloried in his rejection of ostentation, as his Philadelphia *Aurora* article indicated, laying it at the feet of 'certain self-styled friends of order, but truly styled friends of privileged orders.'³¹

Amid these competing interpretations of Jefferson's political philosophy, Bernard Bailyn asks whether, in the face of things like the Bill for Establishing Religious Freedom, the Virginian was, in fact, the ultimate libertarian.³² For Bailyn, Jefferson's crusade against centralized government and his untiring defense of civil liberties seems to

³⁰ Appleby, 162.

³¹ Ibid., 167-8. Here it might be useful to consider Rousseau's objective in *Julie*. Rousseau paints a picture of the ideal, pastoral republic set at the estate of Clarens, though it seems to undermine everything he says about liberty and authenticity in the novel (and elsewhere). Yet, Rousseau paints the picture for a reason: not because he thinks it is practicable but because it is meant to illustrate the hopelessness of utopian thinking and the dangers with which utopian planning is fraught. However, the image also serves as something of an ideal or standard. Thus the question is not about the ends so much as it is the means.

³² Bernard Bailyn, "Jefferson and the Ambiguities of Freedom," *Proceedings of the American Philosophical Society*, Vol. 137, No. 4: 499.

demand an affirmative answer to this question. Bailyn summarizes Jefferson's political theory (and practice) as a decided effort "[t]o break through the barriers of the *ancien régime*, and to formulate and act on the pure principles of freedom" so that the mind, unadulterated and without impediment, would someday "usher in a new era in human history."³³ That new era would, of course, be the so-called era of enlightenment, an era in which "popular majorities would rule...power itself would be restricted; establishments of religion would be forever banished; and the human freedoms for which mankind had yearned...would be perfectly protected by the instruments of free government."³⁴

Jefferson's vision extended well beyond the political sphere and into the realm of the purely private. Here Bailyn seems to capture the core of Jefferson's republican vision. In the years of the Early Republic, Jefferson's republicanism was, perhaps, more romanticized—some might say overly idealized—than his contemporaries'. Jefferson developed (and, according to Bailyn, never let go of) a certain "vision of human felicity" in which citizens were

sensible, hard-working, [and] independent...secure in their possession of land, free of the corruptions of urban poverty and cynicism, free of dependence on a self-indulgent aristocracy of birth, responsible to the common good as well as to personal betterment, educated in the essentials of free government and committed to the principles of freedom—peaceful, self-reliant, self-respecting, and unintimidated people.³⁵

When it came to realizing these lofty goals, Jefferson seems to be rather ambivalent about the prospects for success and his misgivings on the matter stem first

³³ Ibid., 502-3.

³⁴ Ibid., 503.

³⁵ Ibid. Compare Rousseau's romanticized visions in the *Social Contract*, *Emile*, and *Julie*, in which citizens are committed to both the common good and personal betterment on multiple levels.

and foremost from American colonial experiences and the struggles against malefactions of the Crown. Yet the worries Jefferson expresses about the fragile nature and future of American liberty derive from his concerns over unrestrained, seemingly limitless governmental power. Naturally, the struggle between power and liberty would be perpetual; of necessity, Jefferson was willing to countenance this much. Instead, it was the contours of the struggle between the ambitious few and the unassuming many that concerned Jefferson. That is to say, Jefferson was worried less about those intractable features of human nature that lead to conflict than he was about the ways in which designing and dissembling men might expand and exploit governmental power to their advantage—as, for instance, the British crown had done for centuries as “country virtue” slowly gave way to “court corruption” and liberty and self-reliance were replaced by vice, iniquity, and subservience. Though Jefferson would eventually acknowledge the historical inaccuracy of his account, the appeal to the so-called “golden age” of Saxon liberty and the venerable “ancient constitution” serve to highlight the very real sublimation of “country virtue” to “court corruption” in Britain.³⁶

Despite the fact that Jefferson appealed to a mythical “ancient constitution,” a fictive Saxon freedom, and a non-existent (or, at the very least, over-exaggerated) civic virtue—in short, a contrived republicanism—the *Summary View* nevertheless served a useful political purpose. While Jefferson venerated the “ancient Saxon laws,” he was well aware of the historical inaccuracy of his account and he appreciated the power that such appeals could have in the heat of revolutionary turmoil. Thus, in numerous revolutionary writings, most notable the *Summary View*, Jefferson opts for rhetorical

³⁶ TJ, “A Summary View of the Rights of British America,” July 1774, *PTJ* 1:121-137.

force and political expediency over cool, calculated reason. In Jefferson's notes from the Virginia Delegation in August, 1774, he admits that his account was decidedly flawed and that it contained "some uncertainties and inaccuracies of historical facts."³⁷

Nevertheless, Jefferson maintained that, given the political crisis that was at hand in 1776, the question of historical validity was but a "speculative point." The issue was not so much about the historical validity of the "ancient constitution" or the verity of the Saxons' civic virtue; the question was—and continued to be—whether the cultivation of that type of virtue—real or imagined—was necessary in the young Republic.³⁸

Remarking on the extent to which the ancient "English law" was successfully "transplanted" in the colonies, Jefferson admits that he has "never fully considered" whether colonial "acts of assembly or acceptance of grants may have converted lands...into feuds." But this is a moot point, for Jefferson insists that what matters in 1776 is not so much what the "ancient constitution" was and whether it actually existed, but whether the American people "have it in [their] power to make [the present constitution] what it ought to be for the public good." In other words, Jefferson seems to suggest that ancient Saxon virtue was nothing more than a conceptual backdrop against which American virtue ought to be gauged. It matters little if the Saxons were actually a virtuous people; they are, in a sense, a political fable with an important lesson that Jefferson wished to impart upon the American people.

³⁷ TJ, "Draft of Instructions to the Virginia Delegates in the Continental Congress," July 1774, *PTJ* 1:137-140; "Instructions by the Virginia Convention to Their Delegates in Congress," August 1774, *PTJ* 1:141-43.

³⁸ TJ to Edmund Pendleton, 13 August 1776, *PTJ* 1:492.

Even though Jefferson found utility in the legend and lore of the “ancient constitution” (at least for the purposes of severing ties with Britain), his ultimate commitment was to popular sovereignty, not ancient custom or the dead hand of the past. However, a total rejection of tradition and custom was not what Jefferson had in mind; though he saw the need to reform a number of long-standing practices in his native Virginia in order to promote the ideals of self-government and political equality, this did not entail a complete destruction of the common law or of institutions and practices that had stood the test of time.

III. The Rousseauian Features of Jefferson’s Political Thought

In order to bring Jefferson and Rousseau in closer proximity to one another, it is helpful to consider several key features of their respective republicanism in turn (and in a particular order). First, Jefferson’s defense of majority rule is not simply a matter of practicality or political expedience; for Jefferson, a certain wisdom was to be found in the people and they were, in his estimation, one of the best bulwarks of liberty. To be sure, the minority has rights that the majority is obliged to respect, but this does not undercut the value—indeed, the necessity—of majority rule in a republic. As Jefferson sees it, “the whole body of the nation is the sovereign legislative, judiciary, and executive power for itself...It is the will of the nation which makes the law obligatory; it is their will which creates or annihilates the organ which is to declare and announce it.”³⁹ Like Rousseau’s conception of the general will, Jefferson’s will of the majority appears to be the closest approximation to the actual (and proper) will of the nation.

³⁹ TJ to Edmund Randolph, 18 August 1799, *PTJ* 31:169.

Though it may err from time to time, the will of the majority ought to be respected as authoritative and binding. Yet, in a large republic, discerning the majority's will is a daunting task given the logistical problems associated with assembling the people. Thus, both Jefferson and Rousseau reluctantly accept representation as something of a necessary evil, though not without certain qualifications.

Finally, Rousseau and Jefferson embrace the rule of law as a cornerstone of republican government. However, the rule of law is not to be confused with constitutionalism: "the true constitution of the state," Rousseau says, "is not engraved on marble or bronze, but in the hearts of citizens."⁴⁰ As such, the constitutions drawn up by legislators and approved by citizens might contain the fundamental ordering principles of the day, but they are by no means permanent. In other words, constitutions can and ought to change over time in response to societal or moral pressures (in accordance, of course, with the will of the majority). Jefferson embraced this idea in his theory of generational sovereignty, or the notion that "the earth belongs in usufruct to the living."⁴¹

Jefferson embraced and defended popular sovereignty to a far greater extent than many of his contemporaries. Jefferson's democratic impulses are more palpable for two important reasons: on the one hand, his opinion of human nature was consistently far more optimistic than, say, John Adams or Alexander Hamilton would have it. On the other hand, Jefferson's estimation of human reason—specifically, the ability of individuals to reason effectively in society—was more encouraging than that of most of his Republican allies, including James Madison. Jefferson could certainly concur with

⁴⁰ Rousseau, *SC* II.xii.

⁴¹ TJ to James Madison, 6 September 1789, *PTJ* 15:392.

Madison's estimation of human reason in *Federalist 49*, that "a nation of philosophers is to be as little expected as the philosophical race of kings wished for by Plato."⁴² Such a perfection of human reason was not attainable and Jefferson harbored no illusions to the contrary; still he was more sanguine about the possibility of democracy flourishing (at least within the states) and his optimism stemmed largely from his confidence and trust in the people.

According to Jeremy Bailey, upon accepting Washington's invitation to serve as Secretary of State in 1790, Jefferson took the "opportunity to not only align himself with the fledgling government and Washington's administration but to shape the definition of democratic government."⁴³ In his formal address to the citizens of Albemarle County, Jefferson offers one of his earliest defenses of the reasonableness and rightfulness of majority rule:

It rests now with ourselves alone to enjoy in peace and concord the blessings of self-government, so long denied to mankind: to shew by example the sufficiency of human reason for the care of human affairs and the will of the majority, the Natural law of every society, is the only sure guardian of the rights of man. Perhaps even this may sometimes err. But its errors are honest, solitary, and short-lived.—Let us then, my dear friends, for ever bow down to the general reason of the society. We are safe with that, even in its deviations, for it soon returns again to the right way.⁴⁴

Here, Jefferson admits that the will of the majority is likely to be mistaken at times. The possibility of error notwithstanding, Jefferson remains convinced that majority rule is the best possible means of protecting individual rights, since the majority inevitably

⁴² Madison, *Federalist 49*.

⁴³ Jeremy D. Bailey, *Thomas Jefferson and Executive Power* (Cambridge: Cambridge University Press, 2010), 128.

⁴⁴ TJ, "Address of Welcome by the Citizens of Albemarle and Jefferson's Response," 12 February 1790, *PTJ* 16:179.

discovers and corrects its errors in time. However, as Bailey indicates, Jefferson failed to answer what is perhaps a more important question with respect to the will of the majority. If the majority ultimately finds its way back to what is right—if it can be counted on to return “to the right way”—how does it do so? In other words, does the majority simply find its way back intuitively or does it stand in need of guidance?⁴⁵ In 1790, Jefferson had no answer to this question; in 1801, after assuming the presidency, Jefferson would qualify his earlier views and insist that, “though the will of the majority is in all cases to prevail, that will to be rightful must be reasonable.”⁴⁶

By no stretch of the imagination was Jefferson a pure, unabashed democrat. His faith in the people was certainly greater than that of most of his revolutionary collaborators, but his predilection for democracy was, in fact, tempered by reason.⁴⁷ Jefferson was confident that the human mind was capable of significant improvement and, moreover, that such improvement could vastly enhance the prospects of democracy succeeding as a viable alternative to other forms of government. Indeed, Jefferson was of the conviction that man was “formed for society, and endowed by nature with those dispositions which fit him for society...that his mind is perfectible to a degree of which we cannot as yet form any conception.”⁴⁸ Still, Jefferson was not naïve: the human mind might be “susceptible of much improvement,” especially “in matters of government and

⁴⁵ Bailey, 130

⁴⁶ TJ, “First Inaugural Address,” 4 March 1801. Exactly how the majority’s will is to be enlightened, or made reasonable, is left undetermined by Jefferson in the address. The answer, of course, is through the diffusion of knowledge among the citizenry. This topic is considered in Chapter Five.

⁴⁷ Jefferson understood that democracy was possible only on a small scale, but this did not necessarily mean that it was impossible to filter the democratic decisions of smaller locales up through the county, state, and national levels. I discuss the details and significance of Jefferson’s “ward” republicanism in Chapter Five.

⁴⁸ TJ to William Green Mumford, 18 June 1799, *PTJ* 31:127.

religion,” and the success or failure of democratic government indeed turned on this improvement. The people (or, more precisely, the majority) could not be reliably counted on to discern the proper will of the nation unless it was sufficiently enlightened. Thus, improvements in government—improvements that presumably go beyond the alternatives posited by Hamilton in *Federalist 1*—depend first and foremost on a “diffusion of knowledge among the people.”⁴⁹

While in Paris in 1787, Jefferson explained to Madison that, “it is my principle that the will of the majority should always prevail. If they approve of the proposed [Constitution] in all its parts, I shall concur in it cheerfully, in hopes they will amend it whenever they shall find it work wrong.”⁵⁰ Though a seemingly benign statement, Jefferson’s remarks are actually more revealing than they appear. It is not the proposed constitution that Jefferson reveres; there were, in fact, numerous deficiencies in Jefferson’s opinion, and he expressed these reservations to Madison more than once. The Constitution’s shortcomings were the product of a fallible and imperfect human intellect; bias and self-interest might have led the convention astray at times, but Jefferson was confident that, over time, the Constitution’s imperfections could be corrected by the will of the majority. Indeed, since the rule of law was paramount in republican government, the will of the majority was the only rightful corrective to constitutional flaws (or, in some cases, constitutional wrongs). Later in the same missive, Jefferson suggests that a reliance upon the majority is the only sure means to preserving republican government in

⁴⁹ TJ to Pierre Samuel Dupont de Nemours, 24 April 1816, *Writings*, 1387-88. For now, it is enough to say that Jefferson believed an enlightened citizenry capable of self-government, that a sufficiently informed populace would be capable, more often than not, of generating a rightful majority will. The means by which Jefferson felt the people ought to be enlightened or informed are discussed in Chapter Five.

⁵⁰ TJ to James Madison, 20 December 1787, *PTJ* 12:442.

the long term. “Above all things,” he writes to Madison “I hope the education of the common people will be attended to; convinced that on their good sense we rely with the most security for the preservation of a due degree of liberty.”⁵¹

Jefferson’s confidence in average, ordinary citizens—his faith in the common man—stems, in part, from his understanding of the moral sense. Based on what he had learned from the likes of Hutcheson and Kames, Jefferson believed the moral sense to be innate and capable of guiding individuals toward upright decisions in matters social and political. To be sure, this innate sense of right and wrong—common sense—requires cultivation; it does not simply emerge spontaneously or without assistance.⁵² However, when properly developed and employed alongside reason, individuals will typically (though certainly not always) act in accordance with right. Like Rousseau, Jefferson believed that the moral sense was grafted onto the human heart by nature. Believing that “nature hath implanted in our breast a love of others, a sense of duty to them, a moral instinct,” Jefferson argued that all human beings of sound mind possessed a “sense of right and wrong” which could be “submitted...in some degree to the guidance of reason; but it is a small stock which is required for this.”⁵³

With respect to public decision making and majority rule, Jefferson’s simple advice to Peter Carr appears to sum up succinctly the principles that Rousseau took great

⁵¹ Ibid.

⁵² Though Jefferson believed that public education should play an important role in cultivating the moral sense, he could not concur with John Adams that government was instituted in order to make men moral. Men were made moral by nature and, as David Mayer has argued, Jefferson believed that the government’s job was simply to craft an “environment in which it was possible for individuals to be moral, to live harmoniously and benevolently together in society.” David Mayer, *Constitutional Thought of Thomas Jefferson* (Charlottesville, VA: University Press of Virginia, 1994), 324.

⁵³ TJ to Peter Carr, 10 August 1787, *PTJ* 12:17.

pains to elucidate in the *Social Contract*. Jefferson implores Carr to “lay aside all prejudices,” when considering questions of a public nature, “and neither believe nor reject anything because any other persons, or description of persons, have rejected or believed it. Your own reason is the only oracle given you by heaven, and you are answerable not for the rightness but uprightness of the decision.”⁵⁴ Jefferson instructs his young charge to set aside private interests and personal prejudice for the sake of the public good. Ultimately, it is not the rightness but the uprightness of the public will that Jefferson values in the legislative process.

When, in the course of deliberation, informed individuals are free from personal bias and undue influence, and when they adhere to the precepts of the moral sense, the result of their deliberation will tend to be upright. Here it is helpful to compare Jefferson’s defense of majority rule with Rousseau’s account of the general will. Rousseau argues that the deliberations of a sufficiently informed, impartial citizenry will tend to result in good, upright outcomes. However,

when intrigues and partial associations come into being at the expense of the large association, the will of each of these associations becomes general in relation to its members and particular in relation to the state. It can be said, then, that there are no longer as many voters as there are men, but as many as there are associations. The differences become less numerous and yield a result that is less general.⁵⁵

As I demonstrated in Chapter One, Rousseau’s emphasis is on the generality of the public will: the more individual voters rely on their private interests to inform their judgments, the less general (and less upright) the resulting will. If, on the other hand, individual voters understand the value of impartiality and rely solely on their own reason, their

⁵⁴ Ibid.

⁵⁵ Rousseau, *SC* II.iii.

collective judgment will tend to be more general (and more upright). This is why Rousseau is adamant that, “[f]or the general will to be well articulated, it is therefore important that there should be no partial society in the state and that each citizen make up his own mind.”⁵⁶ This is also why President Jefferson could not divorce the principles of federalism from republicanism; he thus entreats his fellow citizens to “pursue our own federal and republican principles, our attachments to our union and representative government.”⁵⁷

But Jefferson’s devotion to representative government was a reluctant commitment at best. Representation was obviously a practical necessity in a large republic, but this did little to assuage Jefferson’s concerns. Nowhere is this more evident than in Jefferson’s letter to John Taylor of 1816. According to the definition Jefferson offers in the missive, republican government “purely and simply...means a government by its citizens in mass, acting directly and personally according to rules established by the majority.” On this definition, a “pure” republic does not admit of representation as a legitimate mode of government. Indeed, Jefferson insists that, “every other government is more or less republican in proportion as it has in its composition more or less of this ingredient of direct action of the citizens.”⁵⁸

Clearly, Jefferson has in mind something that has never existed and something that never will exist on a large scale. “Such a government,” he writes, “is evidently

⁵⁶ Ibid.

⁵⁷ TJ, “First Inaugural Address,” 4 March 1801, *PTJ* 33:150. For a comprehensive analysis of Jefferson’s commitment to federalism and republicanism and his attempt to arrest the (further) development of party attachments, see Peter S. Onuf, *The Mind of Thomas Jefferson* (Charlottesville, VA: University Press of Virginia, 2007), 83-99.

⁵⁸ TJ to John Taylor, 28 May 1816, *Writings*, 1395.

restrained to very narrow limits of space and population. I doubt if it would be practicable beyond the extent of a New England township.”⁵⁹ The New England townships that Jefferson admires serve, in some ways, as the model for his own “little republics” or “wards,” wherein governmental authority and power would be narrowly defined and relatively diffuse. Since the power of citizens in these townships (and, at least in theory, in the Virginian wards) was rather limited, the problem of factions concerned Jefferson very little. Additionally, since the size and composition of the townships made them ideally constituted to maintain republican principles and practices on a small scale—and since such a possibility did not exist at the national level—Jefferson shifted his attention to preserving as much of the republican element as possible beyond the township.

Given that the pure republican form cannot endure on a grand scale, Jefferson allows for “representatives [to be] chosen either *pro hac vice*, or for such short terms as should render secure the duty of expressing the will of their constituents.” This he considers “the nearest approach to a pure republic which is practicable on a large scale of country or population.”⁶⁰ It would seem, then, that Jefferson’s republican vision admits of the possibility, if not the necessity of representation; it even intimates that an approach to the ideal republican form requires, at the very least, strict limitations on terms and, more importantly, some mechanism by which representatives might be linked more

⁵⁹ Ibid., 1392.

⁶⁰ Ibid., 1392-93.

closely with the will of their constituents. The latter concern is, after all, the crux of the problem of representation.⁶¹

While Madison defended representative institutions on the grounds that the effects of factions could not be controlled by any other means, Jefferson was less concerned to alleviate this problem and more interested in suppressing (or perhaps forestalling) the rise of tyranny in any of the three branches. Though he did not disapprove of Madison's institutional scheme, Jefferson sincerely believed that the people, not their representatives, were the surest defense against governmental tyranny: "Believing as I do that the mass of the citizens is the safest depository of their own rights, and especially that the evils flowing from the duperies of the people are less injurious than those from the egoism of their agents, I am a friend to that composition of government which has in it the most of this ingredient."⁶²

But, in 1816, Jefferson was not convinced that the government of the United States was as republican as it could have been. For one, the people generally had less control over their representatives "than their rights and their interests require[d]." This was not the result of apathy or carelessness on the part of the people (or, for that matter, on those who framed the national and state constitutions). Rather, Jefferson suggests that the lack of control derives in large part from "a submission of true principle to European authorities, to speculators on government, whose fears of the people have been inspired

⁶¹ As Jefferson indicated to Edmund Randolph, it is because of the "inconvenience of meeting...in person" that the people must resort to representation. Representatives are appointed "to declare [the people's] legislative will, to judge and to execute it." Regardless of how the will is declared, it is still the "will of the nation which makes the law obligatory." TJ to Edmund Randolph, 18 August 1799, *PTJ* 31:169.

⁶² *Ibid.*

by the populace of their own great cities, and were unjustly entertained against the independent, the happy, and therefore orderly citizens of the United States.”⁶³

Jefferson’s reservations about representative government are not unlike Rousseau’s. While Rousseau might have countenanced representation as a last resort in a less-than-ideal republic, he rejected it as a possibility in an ideal republic on grounds that the will (and thus, sovereignty) cannot be alienated or divided. Although, as I showed in Chapter One, it is possible that political representation does not necessarily constitute an alienation of the will, Rousseau presents a more indirect objection in the *Social Contract*. This objection has less to do with alienation of the will and more to do with the relationship between citizens and their legislative influence. As the size of the population increases, Rousseau says, a citizen’s “condition” does not change; the citizen still “bears equally the entire dominion of the laws” regardless of the size of the population.⁶⁴ However, the citizen’s legislative influence stands to diminish significantly as population increases. “In that case,” Rousseau says, since the subject always remains one, the ratio of the sovereign to the subject increases in proportion to the number of citizens. Whence it follows that the larger the state becomes, the less liberty there is.”⁶⁵

Rousseau means to suggest that as population increases, the gulf between private wills and the general will expands rapidly. Liberty is lost, he believes, because the government, “in order to be good...must be relatively stronger in proportion as the populace is more numerous.”⁶⁶ The implications for representative government are clear:

⁶³ Ibid.

⁶⁴ Rousseau, *SC* III.i.

⁶⁵ Ibid.

⁶⁶ Ibid.

if a citizen's legislative influence is diminished with each and every increase in the state's size, and if the use of representatives creates a wide (though admittedly bridgeable) gap between citizens and the government, the prospects of locating the general will seem marginal at best. What is more, Rousseau seems to foreshadow what later authors in Europe and the United States would bemoan: the rise of the administrative state. "[T]he more the state is extended," Rousseau complains, "the more its real force increases, although it does not increase in proportion to its size."⁶⁷

Nearly a century later, in his study of the causes of the French Revolution, Tocqueville would draw conclusions about bureaucratic inefficiency not unlike Rousseau's.⁶⁸ Increases in population inevitably (though not always rightfully) lead to increases in governmental responsibilities. Rousseau was confident that "the execution of public business becomes slower in proportion as more people are charged with the responsibility for it...and the fruits of deliberation are often lost by dint of deliberation."⁶⁹ Though he does not offer an explanation for why this phenomenon occurs, Rousseau is nevertheless adamant that when the state expands, the government ought to contract "so that the number of leaders decreases in proportion to the increase in the number of people."⁷⁰

Jefferson, too, would lament the rise of an increasingly powerful national government. For Jefferson, republican government was, in essence, a government in

⁶⁷ SC III.ii.

⁶⁸ Alexis de Tocqueville, *The Old Regime and the French Revolution*, trans. Stuart Gilbert (New York: Anchor, 1955 [1856]).

⁶⁹ SC III.ii.

⁷⁰ Ibid.

which a citizen's share in legislative responsibility was tangible, at least on a local level. Wherever citizens were incompetent to perform such tasks (or whenever the affairs of government were simply out of their reach) citizens would rely on representatives. The point, for Jefferson, was to keep government as close as possible to its constituents at all times. "[A]ll governments," Jefferson says, "are more or less republican in proportion as this principle enters...into their composition."⁷¹ Even though he believed "that a government by representation [would be] capable of extension over a greater surface of our country than one of any other form"⁷² such a government should, nevertheless, remain "wise," "rigorously frugal," and "simple"—in short, limited and small.⁷³ Consider, for instance, Jefferson's remarks to Joseph Cabell on the matter: "What has destroyed liberty and the rights of man in every government which has ever existed under the sun? The generalizing and concentrating of all cares and powers into one body."⁷⁴

Jefferson's aversion to the centralizing tendency of large governments—a concern he shared with most of the Anti-Federalists—is also apparent in his constitutionalism. His strict constructionism notwithstanding, Jefferson did not embrace the idea of a constitution as a permanent foundation for republican government. Jefferson did not

⁷¹ TJ to Nemours, 24 April 1816, *Writings*, 1387.

⁷² *Ibid.*

⁷³ See TJ, "First Inaugural Address," *PTJ* 33:134-152; "Autobiography," *Writings*, 1-101.

⁷⁴ TJ to Joseph Cabell, 2 February 1816, *Writings*, 1380. This is, perhaps, one of Jefferson's most emphatic statements on the evils of big government. He goes to say: "The way to have good and safe government, is not to trust it all to one, but to divide it among the many, distributing to every one exactly the functions he is competent to. Let the national government be entrusted with the defence of the nation, and its foreign and federal relations; the State governments with the civil rights, laws, police, and administration of what concerns the State generally; the counties with the local concerns of the counties, and each ward direct the interests within itself. It is by dividing and subdividing these republics from the great national one down through all its subordinations, until it ends in the administration of every man's farm by himself; by placing under every one what his own eye may superintend, that all will be done for the best."

deny that the Constitution was (and ought to be) the ultimate appeal with respect to questions about the scope of federal power. Put simply, the rule of law was just as important for Jefferson as it was for Adams and others. But Jefferson's democratic fervor simply did not allow him to assent to the proposition that constitutions (or any other form of law for that matter) could legitimately bind future generations without their consent, especially in the face of societal, moral, or political shifts of opinion. Constitutions are the product of fallible human reason and, as such, ought to be amenable to alteration if and when a people deems such change to be necessary.

While Jefferson never backed away from his claim that “[p]rudence...will dictate that Governments long established should not be changed for light and transient causes,”⁷⁵ he refused to admit that perpetual constitutions were in any way compatible with popular sovereignty and genuine republicanism. Positive law serves the ends of the living, he thought, and no generation had a right to assume legislative prerogative for another. Jefferson's theory of generational sovereignty—a rejection of so-called “dead hand arguments” for constitutions in perpetuity⁷⁶—was shared by several of Jefferson's contemporaries, most notably Thomas Paine. Disputing Edmund Burke's claim that the law is and ought to be grounded in traditions and practices handed down through generations, Paine defends the right of the French revolutionaries to rise up and shake off the burdensome yoke of the past. Since “circumstances...continually [change], and the opinions of men change also,” the “mouldy parchments” to which Burke appeals are

⁷⁵ TJ, “Declaration of Independence,” *PTJ* 1:413-429.

⁷⁶ See Adam M. Samaha, “Dead Hand Arguments and Constitutional Interpretation,” *Columbia Law Review*, Vol. 108 (2008): 606-680.

merely that—mouldy parchments.⁷⁷ “Government is for the living and not for the dead,” Paine insisted, and “it is the living only that has any right to it.”⁷⁸

In September of 1789, prior to Paine’s publication of *The Rights of Man*, Jefferson spelled out to Madison his theory of generational sovereignty, or what some have termed Jefferson’s “political relativism.”⁷⁹ “[B]y the law of nature,” he wrote to Madison, “one generation is to another as one independent nation to another.” As such, the law of nature does not authorize the creation of “a perpetual constitution, or even a perpetual law.” For Jefferson, it seemed self-evident that “the earth belongs in usufruct to the living; that the dead have neither powers nor rights over it.”⁸⁰ In recommending to Madison that he incorporate the principle that all laws ought to expire “at the end of 19 years” into the Constitution, Jefferson’s primary concern was the contraction of public debts. The problem, as Julian Boyd has suggested, is that Jefferson presents to Madison a solution to a problem that was nonexistent in the United States in 1789. Boyd argues that Jefferson, in a state of illness, had inadvertently transcribed to Madison a letter he had previously written to Richard Gem. In that letter, as in the letter to Madison, Jefferson insists that the principle of generational sovereignty is “of very extensive application and consequences, in every country, *especially in France*.”⁸¹ As Boyd indicates, “[i]f the text

⁷⁷ Thomas Paine, *The Rights of Man* (E.P. Dutton and Co., 1951 [1791]), 16.

⁷⁸ Ibid.

⁷⁹ Julian Boyd, “Editorial Note, ‘The Earth Belongs in Usufruct to the Living’,” *PTJ* 15:384.

⁸⁰ TJ to James Madison, 6 September 1789, *PTJ* 15:392. See also TJ to Samuel Kercheval, 12 July 1816, *Writings*, 1395-1403; TJ to Thomas Earle, 24 September 1823, in *The Writings of Thomas Jefferson (Memorial Edition)*, Vol. 15, Andrew A. Lipscomb and Albert Ellery Bergh, eds. (Washington, DC: The Thomas Jefferson Memorial Association, 1904), 470 (hereafter, *ME*); TJ to Governor William Plumer, 21 July 1816, *ME* 25:46; TJ to Major John Cartwright, 5 June 1824, *Writings*, 1490-96; TJ to John Wayles Eppes, 24 June 1813, *Writings*, 1280-86.

⁸¹ Boyd, *PTJ* 15:386; 389.

were in fact addressed to an American statesman with the hope of persuading him to incorporate the theory in American law, the italicized words would seem to be misplaced or badly chosen.”⁸²

Regardless of whether Jefferson intended his prescriptions to apply to France or to the United States (or both), the principle of generational sovereignty is undeniably a salient feature of Jefferson’s constitutionalism. In addition to his recommendation that all laws expire at the end of nineteen years, Jefferson also suggested that the constitution ought to be subjected to popular scrutiny at periodic intervals.⁸³ Like Sidney and Rousseau, Jefferson insisted that both fundamental laws and political institutions must stay abreast of changing social and political tides; the only way to prevent a constitutional or institutional lapse would be to schedule consistent, periodic re-evaluations.⁸⁴

In the *Social Contract*, Rousseau declares that, in order for a republic to be well ordered, the relationship between the people and the government must be clearly delineated. The laws that regulate this relationship “bear the name political laws, and are also called fundamental laws.”⁸⁵ In other words, Rousseau insists that a well-ordered republic must explicitly afford certain constitutional guarantees to citizens (a bill of rights, or an explicit list of things the government may not do). These laws are

⁸² Ibid., 389.

⁸³ See TJ to Kercheval, 12 July 1816.

⁸⁴ Ibid. “Some men look at constitutions with sanctimonious reverence, and deem them like the ark [*sic*] of the covenant, too sacred to be touched. They ascribe to the men of the preceding age a wisdom more than human, and suppose what they did to be beyond amendment...this they would say themselves, were they to rise from the dead... We might as well require a man to wear still the coat which fitted him when a boy, as civilized society to remain ever under the regimen of their barbarous ancestors...Let us follow no such examples, nor weakly believe that one generation is not as capable as another of taking care of itself, and of ordering its own affairs...let us provide in our Constitution for its revision at stated periods.”

⁸⁵ Rousseau, *SC* II.xii.

presumably grounded in principles of right and, as such, are immutable, for it makes no sense to “accept as fundamental, laws that prevent [the political order] from being good.”⁸⁶ But even if a people were to accept bad laws because of, say, a bad judgment (i.e., if the general will were to err), this would not be detrimental, for the people always reserve the right to alter the laws, even “the best laws.”⁸⁷

The fundamental law of which Rousseau speaks ought not to be confused with a constitution. For Rousseau, the “true constitution of the state...is not engraved in marble or bronze” (or on parchment, for that matter), “but in the hearts of citizens.”⁸⁸ The fundamental law, then, can be any set of positive laws laid down by the people according to the parameters established in their constitution. Aside from stating that the constitution can be found “in the hearts of citizens,” Rousseau gives no indication as to where (or even if) such a constitution might be found in the event that citizens might need to consult it. He simply states that, “[e]veryday it takes on new forces. When other laws grow old and die away, it revives and replaces them, preserves a people in the spirit of its institutions and imperceptibly substitutes the force of habit for that of authority.” Rousseau is speaking not of a code but “mores, customs, and...opinion, a part of the law unknown to our political theorists but one on which depends the success of all the others.”⁸⁹

Fundamental or political laws simply define the structure or form of government; since it is supposed to embody commonly shared values, opinions, and, (at least ideally)

⁸⁶ Ibid.

⁸⁷ Ibid.

⁸⁸ Ibid.

⁸⁹ Ibid.

principles of political right, a constitution ought to define a people. Values and opinions change over time and, as such, it seems that what Rousseau is after is something akin to a living or evolving constitution, that is, a constitution that is capable of adapting to societal and moral shifts of opinion, but one that is nonetheless grounded firmly in principles of right.⁹⁰ The constitution would thus not be permanent in the sense that its articles are unchangeable; it is permanent only in the sense that it ought to be guided and informed by principles of moral and political right. The opinions of the people can change—indeed will change—over time. Because of this, Rousseau accepts that the legislator’s work during the founding is merely “the arching of the vault, whereas mores, slower to arise, form in the end its immovable keystone.”⁹¹

For Jefferson, this “arching of the vault” would be completed in Philadelphia in July, 1776. The Declaration of Independence was, in Jefferson’s words, “an expression of the American mind”⁹² and it can be viewed as the embodiment and articulation of American goals that are, more or less, binding commitments. The principles of the Declaration are eternal and immutable—they are, quite simply, “self-evident truths.” The Constitution, however, was simply meant to embody those truths as best as possible. In other words, the Declaration is a statement of broad democratic commitments that the nation is supposed to live up to, not simply a statement of the purely contractual nature of

⁹⁰ Hayek seemed to have something of this sort in mind when he said, “Whether, as in some countries, the main applications of the Rule of Law are laid down in a bill of rights or in a constitutional code, or whether the principle is merely a firmly established tradition, matters comparatively little. But it will readily be seen that, whatever form it takes, any such recognized limitations of the powers of legislation imply the recognition of the inalienable right of the individual, inviolable rights of man.” F.A. Hayek, *The Road to Serfdom* (Chicago, IL: The University of Chicago Press, 2007 [1944]), 120-21.

⁹¹ Rousseau, *SC* II.xii.

⁹² TJ to Henry Lee, 8 May 1825, *Writings*, 1501.

government. If the Declaration contained the ends, then the Constitution had to contain the means. But, to use Rousseau's language, the Constitution could effectively sustain and "preserve the people in the spirit of [their] institution[s]" only if the principles of the Declaration could be instilled in the minds of citizens. In time, these principles would help to inform and support revisions and amendments to the Constitution, continually forming "its immovable keystone,"⁹³ and making it more reflective of our democratic commitments.

IV. Conclusion

As I have shown, Jefferson's political theory is open to several possible interpretations. Each of the interpretations presented herein points to one or more features of Jefferson's political thought in order to cast him in a particular light. These interpretations range from a pure natural rights theorist, à la Locke, to something of a liberal-republican hybrid; from the quintessential libertarian to the paragon of positive liberty. Jefferson is decidedly not the paragon of positive liberty, as many early twentieth-century progressives would have it; nor is he the archetype for modern libertarianism. While Jefferson's understanding of various concepts or ideas might have undergone a shift or maturation between the 1770s and 1826, this is not to say that his principles ever vacillated. Jefferson was indeed a principled republican until his death and the best way to understand his political theory is in terms of his commitment to principled, though at times overly-idealized, republicanism.

The principles of Jeffersonian democracy depart in significant ways from the

⁹³ Rousseau, *SC* II.xii.

fundamental principles articulated and practiced by his Federalist counterparts. Both the Federalists and what would come to be called the Jeffersonians (or the Democratic-Republicans) believed that the purpose or end of self-government was, primarily, to protect the inalienable rights articulated in the Declaration of Independence. However, while both the Federalists and Jefferson were wedded to the ideas and principles of republicanism, some, such as Hamilton, saw Jefferson and his followers as being a little too principled, or too idealistic in their approach to real-world political problems. It might be an exaggeration to characterize Hamilton as overly-pragmatic and it would certainly be incorrect to label him as unprincipled; but, on the same token, it would be far from accurate to describe Jefferson as a man who was too theoretical or too idealistic in his politics. Jefferson was certainly more of a philosopher than Hamilton and this shines through in much of his writing. But it is perhaps the energy and dynamism of the two Federalist administrations preceding Jefferson that tend to cast him in this light. Jefferson was by no means a fan of energetic, large, powerful government; his philosophy and political practice were aimed at staying true to what he saw as the fundamental principles of the American republic, the ideals that were articulated in the Declaration of Independence and, to a great extent, embodied in an imperfect Constitution.

In the Federalists' opinion, Jeffersonians were not well-attuned to the realities of the new political scene in which the United States found itself after the Revolution—the reality of an emerging global political economy, the reality of a shifting and dangerous global political order. The Federalists were, in many ways, political realists, but their realism was perhaps over-extended at times and the sense of urgency that bolstered much

of their political action seems to have undermined some of the principles for which the Revolution was fought.

On the other hand, Jefferson's continual struggle to uphold these principles indeed revealed a seeming lack of this sense of realism. It was not that Jefferson failed to comprehend the realities of the new global political order; it was not that Jefferson was naïve and overly-idealistic in his approach to politics. His political struggles as Secretary of State under Washington and his continued struggles as President against John Marshall's supreme court simply suggest that he, more so than the Federalists, tried to balance theory with practice—that is, ideals with reality, principles with politics. In some cases, Jefferson was not quite as forward-looking as he could have been, and this is certainly reflected in some of his writings. In other cases, Jefferson stands as the paragon of liberty, as an untiring defender of American principles.

I have analyzed Jefferson's republicanism along several important lines. Additionally, I have shown how Jefferson's political theory mirrors much of Rousseau's. For all that Zuckert, Appleby, and Bailyn's analyses are worth, each fails to attend adequately to another significant, if not indispensable dimension of Jefferson's republicanism: religion or, more appropriately, what Peter Onuf calls "republicanized Christianity." Chapter Four explores Jefferson's thoughts on public religion and the ways in which it maps onto Rousseau's concept of the civil religion

CHAPTER FOUR

Jefferson and the Idea of Public Religion

I. Introduction

The Enlightenment is often characterized as a period in which reason begins to hold sway over the human mind. Though the Age of Reason was punctuated with periods of intellectual upheaval, there was nevertheless a unified approach to advancing the cause of freedom in all its forms. In Peter Gay's words, the "vastly ambitious program" undertaken by the "men of the Enlightenment" was, at its core, "a program of secularism, humanity, cosmopolitanism, and freedom; above all, freedom in its many forms—freedom from arbitrary power, freedom of speech...freedom, in a word, of moral man to make his own way in the world."¹ Among the waves of criticism to emerge in the seventeenth and eighteenth centuries, perhaps none was more forceful than the swelling chorus of religious skepticism. Continental thinkers (such as Rousseau and Voltaire) and American thinkers (Jefferson, Madison, Rush) all played pivotal roles in deciding certain questions and laying the groundwork for debate in the nineteenth and twentieth centuries.

While many important questions were decided in the eighteenth and nineteenth centuries, the focus of this chapter shall be the question of civil, or public religion. Religious problems abound in the thought of Rousseau and Jefferson, but the problem of public religion looms large and, in many ways, seems largely unresolved. In this chapter, I explore the ways in which Jefferson developed and adjusted his understanding of religion over time and I examine the ways in which the role of public religion figures in

¹ Peter Gay, *The Enlightenment: an Interpretation: the Rise of Modern Paganism* (New York: W.W. Norton, 1966), 3.

his republicanism. More specifically, I try to show that although Jefferson was not exactly an orthodox Christian—he did, in fact, reject much of what institutionalized Christianity had to offer—he was deeply committed to the fundamental moral principles embedded in the Christian tradition. Moreover, Jefferson firmly believed that the moral foundations of a pure, more rational form of Christianity were highly apposite, if not indispensable to the creation of virtuous, independent citizens in the American Republic. In other words, Jefferson recognized the value—indeed, the social utility—of an American civil religion grounded in the pure, unadulterated precepts of Jesus of Nazareth.

First, I examine Jefferson's understanding and critique of religion in general. Like Rousseau, Jefferson recognizes the importance of an unfettered mind. The Virginian is often highly critical of institutionalized religion. In fact, he and James Madison were regular allies in the assault on established religion in the Old Dominion. Nevertheless, Jefferson is neither the irreligious apostle of atheism many have painted him to be, nor is he committed to a disavowal of any and all religious influence in the public sphere. Indeed, Jefferson's private religion had a pronounced effect on his policies as President. Moreover, we see Jefferson's peculiar understanding of the Gospels and of Christianity in general weaved throughout his republicanism. Though it evolves from the 1760s until his death in 1826, the role of religion in Jefferson's republicanism is unmistakable.

Next, I explore the ways in which Rousseau and Jefferson's views on religion overlap. Both men elevate freedom of conscience to a very high place in their respective republican ideals, yet both seem ready to embrace a system that denies, in certain ways,

pure and unadulterated freedom of the mind. Rousseau's tendency toward hyperbole might account for some of his rather outlandish prescriptions—for example, his claim that anyone who dares to say, “‘Outside the church there is no salvation’ should be expelled from the state.”² Likewise, Jefferson's attitude toward Native Americans reveals not only a certain naïveté in his thinking about supposedly uncivilized, inferior races, but also demonstrates the danger in relying too heavily on “scientific” truths as support for moral prescription and public policy making.

Typically calculated and cool in his personal correspondence, the Virginian was occasionally reactive and heated, particularly on sensitive subjects dear to his heart. In such cases, Jefferson's meaning and his intent can be difficult to glean, as he was sometimes prone to exaggeration or, at the very least, overstatement. Though not as hyperbolic as his Genevan counterpart, Jefferson did have a way with words that, at times, could do more to obscure his message than to convey it in a clear, easily discernible way. With respect to questions of a religious nature, this is perhaps nowhere as apparent as in his later correspondence with John Adams (who is, without a doubt, more irascible and prone to verbal fits than Jefferson or Rousseau).

Jefferson's “Bill for Establishing Religious Freedom” is lauded as the legislative cornerstone for religious liberty in the United States. Along with James Madison's “Memorial and Remonstrance against Religious Assessment,” Jefferson's Bill helped to pave the way for disestablishment of the Anglican Church in Virginia (and, subsequently, for the establishment of religious freedom more broadly in other states and at the national level). A remarkable achievement indeed, Jefferson's efforts to curtail sectarianism in

² Rousseau, *SC* IV.viii.

the Old Dominion are nevertheless misunderstood by contemporary scholars. Although Jefferson did mean to rid the state of the corrupting influence of the Anglican clergy and, perhaps more importantly, to eliminate any and all obstacles to freedom of worship, his thoughts on the value of public religion are sometimes obscured.

The Bill's language is well known; it is inscribed on the walls of the Jefferson Memorial in Washington, D.C. and it has proved the touchstone for much First Amendment theory since the late nineteenth century.³ Jefferson's intent is unambiguous: "...Almighty God hath created the mind free; [and] all attempts to influence it by temporal punishments or burdens, or by civil incapacitations, tend only to beget habits of hypocrisy and meanness, and are a departure from the plan of the Holy Author of our religion."⁴ Several things are readily apparent in the Bill. First, Jefferson makes it clear that the human mind is, and of right ought to be, unfettered and free; this is the only condition permitted by the laws of nature. When civil or ecclesiastical laws inhibit or restrict freedom of conscience, the consequences are disastrous. Second, any departure from the natural order of things is contrary to divine mandate; while God intends for human beings to follow his laws, he nevertheless created human beings free and independent and ultimately wants them to remain that way.

The problem, then, is finding a way to reconcile these two demands: on the one hand, ensuring that human behavior conforms to God's eternal laws; on the other hand, guaranteeing that human freedom is not unduly inhibited. Peter Onuf sums up

³ See Donald L. Drakeman, "Church, State, and Original Intent (Cambridge: Cambridge University Press, 2009).

⁴ Jefferson, "Bill for Establishing Religious Freedom," Drafted 1779, *PTJ* 2:305; 545-553.

Jefferson's sentiment in the Bill: what God created, man has corrupted.⁵ This, of course, oversimplifies Jefferson's thinking, but it nevertheless goes to the heart of Jefferson's intent. Although Jefferson wished to see the complete and total disestablishment of state-sponsored religion in Virginia, he did, in fact, understand and appreciate the vital role religion ought to play in the health and longevity of a republic.

Rousseau considered this problem and its attendant consequences before Jefferson attempted to effect change in the Virginia Legislature. Jefferson's Bill appears to echo the opening lines of *Emile*, where Rousseau sums up his entire project: "Everything is good as it leaves the hands of the Author of things: everything degenerates in the hands of man."⁶ Like Jefferson, Rousseau understands the value of public religion and he devotes a considerable amount of space to defending it as part of his republican ideal. Man's corruption, or his departure from transcendent moral and political right, is Rousseau's guiding light, so to speak. As I tried to show in previous chapters, this is the standard upon which Rousseau's entire republican project hinges. Jefferson too weaves this idea into his republican fabric, though the Virginian is more constrained by political reality than Rousseau.

II. Jefferson's Views on Religion

In this section, I explore two important facets of Jefferson's thoughts on religion. First, I examine Jefferson's general views on institutionalized religion. Next, I consider Jefferson's own "republicanized" version of Christianity, his thoughts on the utility of

⁵ Peter S. Onuf, *The Mind of Thomas Jefferson*, 140.

⁶ Rousseau, *Emile*, 37.

such a public religion, and the ways in which he wrestled with his understanding of Christianity both publicly and privately.

Although Jefferson was confident that human beings were naturally good, he also recognized that institutions and conditions could easily corrupt them. Jefferson was wary of political ambition and individuals who were bent on exercising an undue degree of influence over their fellow citizens. In particular, Jefferson was deeply suspicious of the Anglican clergy and the power they exercised over their seemingly naïve, if not blind followers. On Peter Onuf's reading, Jefferson viewed the clericalism prominent in Virginia as portending the demise of the republican experiment.⁷ Onuf goes on to suggest that Jefferson's antipathy toward clericalism "demanded a 'wall of separation' in order to secure the uncorrupted soul of the republic...[A]s long as the danger of priestcraft remained paramount, Jefferson's concerns were largely negative: moral philosophers ancient and modern remained the best guides to the good life."⁸

Yet Jefferson's apprehension was not limited to the corruption he found in the institutionalized religion of seventeenth and eighteenth century England and Virginia. Jefferson was perhaps more worried about the creeping effects of priestcraft in the private sphere, that is, the ways in which learned clergy directly and indirectly influenced the minds of their often-unlearned followers. Most notable, in Jefferson's mind, are the ways in which clergy had for centuries expounded on the legitimacy and meaning of sacred scripture, especially the Christian Gospels. According to Onuf, the point at which

⁷ Onuf, 143. Compare Jefferson's sentiment to that expressed by Lincoln in the "Address before the Young Men's Lyceum of Springfield, Illinois," 27 January 1838.

⁸ Onuf, 145. It should be noted that Jefferson's primary concern here is not necessarily with the clergy in general; Jefferson set his sights on those corrupt members of the Anglican Church, those who might abuse the trust of the people whom they were charged to shepherd. As previously discussed, Rousseau expresses a similar distrust over like-minded Roman Catholic clergy.

Jefferson began to assess and challenge the dangerous influence the Anglican Church had on Virginians is the point at which “his own ‘religious pilgrimage’ began in earnest.”⁹ Understanding this “pilgrimage” is key to understanding not only Jefferson’s embrace of religious liberty, but also his subsequent support for a peculiar sort of public religion.

Jefferson’s Christianity—his understanding of the teachings of Christ, his own particular worldview with respect to the church, his own faith—was a product of many years of contemplation, conversation, and examination. Jefferson was raised in the established Anglican Church of Virginia, though as a young adult he was by no means wedded to the Church, nor was he a practicing Anglican. Jefferson’s condemnation of the Church and the clergy is important, for religious tyranny and political tyranny often went hand in hand in seventeenth and eighteenth century Virginia. However, the more important feature of Jefferson’s thinking is his understanding of the moral teachings of Christ. Incidentally, Jefferson’s interpretation of these teachings and their place within the burgeoning American tradition serves to place his broad views on religious liberty, and his critique of religious establishment more specifically, into context.

Onuf suggests that “Jefferson’s breakthrough was to cast Jesus as a great reformer and thus to establish a genealogy for America’s republican revolution—and for himself as a reformer in the Christian tradition.”¹⁰ Like others had done before him, Jefferson rejects the divine personhood of Christ. He sees Jesus not as the Son of God, sent to heal the contrite and pardon sin, but rather as a mere mortal (though, in Jefferson’s estimation,

⁹ Onuf, 146. See also 146 n.24.

¹⁰ Ibid., 147.

the greatest mortal ever to walk the earth).¹¹ The pure teachings of Christ were, for Jefferson, the most sublime and correct moral teachings ever to be found. Yet, these pure teachings, as Jefferson understands them, had been corrupted through centuries of clerical manipulation and scholastic exposition. The pure teachings of Christ were indeed to be found in the Gospels, but their accessibility was severely diminished. Reform had been attempted through the ages but much to Jefferson's chagrin, each of these attempts ultimately failed to rid Christianity of its cult-like elements.¹²

Still, reform seems to be the key theme Jefferson identifies in the Gospels' account of the life and teachings of Christ. When the Gospels were purified—that is, when the accounts given by the Gospel authors could be distilled into their essential parts—a true account of Jesus's moral teachings could be acquired. For Jefferson, this involved separating the genuine philosophical teachings of Jesus of Nazareth from the miraculous deeds attributed to him by Matthew, Mark, Luke, and John. If the simple moral teachings could be isolated from the miracles—if the practical could be divorced from the mystical—then this would open the door for a more genuine and legitimate Christianity to permeate the American mind.

According to Onuf, Jefferson believed that this inclination toward reform was the animating feature of Jesus's moral philosophy: "The reform impulse...represented the true spirit of unadulterated Christianity...Only in America, perhaps, could the rejection of Platonic mystifications—and priestcraft—lead to a popular, purified Christianity that

¹¹ See also TJ to William Short, 4 August 1820, *Writings*, 1435-40.

¹² See Onuf, 146-7. Compare Rousseau's criticism of the "religion of man" and the "religion of the priest" in *SC IV.viii* and *Emile*, Book IV.

would sustain the moral progress of republican governments.”¹³ This, in turn, seems to be the crux of Jefferson’s position on public religion: a reformed or purified Christianity—a Christianity devoid of the corrupting influences of priestcraft and mysticism—is not only beneficial, but necessary to the cultivation of a healthy American republic. In Jefferson’s estimation, the young republic was not merely set apart from history’s failed or fledgling republics, it was destined and designed by Providence to succeed as a model for all republics to come.

Contrary to what many scholars have suggested, Jefferson’s brand of American exceptionalism is not unlike some of his more religiously fervent predecessors.¹⁴ Indeed, Jefferson’s rhetoric of exceptionalism is just as laden with Christian overtones as that of John Winthrop or Benjamin Rush. Although the language is dialed down dramatically, and even though Jefferson wrote on the subject less frequently than his preaching counterparts, his point is still unambiguous: we, the American people, have been blessed by the God

who led our forefathers, as Israel of old, from their native land, and planted them in a country flowing with all the necessities and comforts of life; who has covered our infancy with his providence, and our riper years with his wisdom and power; and to whose goodness I ask you to join with me in supplications, that he will so enlighten the minds of your servants, guide their councils, and prosper

¹³ Onuf, 147.

¹⁴ For several solid accounts of Jefferson’s take on American exceptionalism (and the Republican understanding, more generally), see Thomas Kidd, *God of Liberty: A Religious History of the American Revolution* (New York, NY: Basic Books, 2010); Robert W. Tucker and David C. Hendrickson, *Empire of Liberty: The Statecraft of Thomas Jefferson* (Oxford: Oxford University Press, 1992); John M. Murrin, “The Jeffersonian Triumph and American Exceptionalism,” *Journal of the Early Republic*, Vol. 20, No. 1 (2000): 1-25; Peter S. Onuf, “‘To Declare Them a Free and Independent People’: Race, Slavery, and National Identity in Jefferson’s Thought,” *Journal of the Early Republic*, Vol. 18, No. 1 (1998): 1-46; Andrew Burstein and Nancy Isenberg, *Madison and Jefferson* (New York, NY: Random House, 2010); and Matthew S. Holland, *Bonds of Affection: Civic Charity and the Making of America: Winthrop, Jefferson, and Lincoln* (Washington, D.C.: Georgetown University Press, 2007).

their measures, that whatsoever they do, shall result in your good, and shall secure to you the peace, friendship, and approbation of all nations.¹⁵

In 1805, the American people enjoyed a certain “union of sentiment” which served to “[auger] harmony and happiness” throughout the land. The preservation of such a union was tenable only if the spirit that animated it could be sustained. But maintaining that spirit required something that Jefferson believed to be intrinsic to the pure form of Christianity that he found in the unfiltered, unabridged, and unmanipulated teachings of Christ: freedom of conscience. Here Jefferson’s ideal is expressed clearly and concisely: genuine freedom of conscience and the absence of tyrannical public opinion are necessary conditions to the convergence of the hearts and minds of the people into one “entire union of opinion.”¹⁶

Why, exactly, were the supposedly distorted teachings of various religious institutions so wrong and so dangerous? Why did the clergy exercise such a dangerous influence over the minds of the people (and, by extension, over public opinion)? Institutionalized religion alarmed Jefferson because those who claimed power and authority within the church did nothing but obscure and distort the message of the Gospels to suit their own ends. Ultimately, the power of priests and other members of the clergy rested on their ability to persuade and frighten their parishioners—that is to say, the clergy could effectively maintain their power and status only by keeping their followers uninformed and unenlightened. True knowledge of sacred scripture was

¹⁵ TJ, “Second Inaugural Address,” 4 March 1805, *Writings*, 523.

¹⁶ Ibid. Jefferson’s hope for an “entire union of opinion” seems quite Rousseauian. Compare Colleen Sheehan’s take on Rousseau and public opinion vis-à-vis Madison in Sheehan, *James Madison and the Spirit of Republican Self-Government*, 64. See also Chapter One.

limited to a select, enlightened few.¹⁷ Such a restricted or limited diffusion of knowledge meant that only those with access to education—and only those with a certain degree of privilege within the church—could claim to be able to interpret and disseminate the word of God. Furthermore, this implies that those without such access are committed either to follow or suffer the consequences. The danger, of course, is that when power and authority are concentrated, opportunities to challenge prevailing opinions or dissent from them are considerably limited. Jefferson believed that people placed in positions of subservience, were far more likely to acquiesce and believe whatever they were told to believe.

Although Jefferson may be correct to assume that “dependence begets subservience,” we must bear in mind that he is reacting to those particular clergy members (and other church officials) who were only after power. What Jefferson fails to account for is the fact that certain supposedly irrational beliefs (e.g., belief in the trinity) must still be permitted and, more importantly, people must be free to accept or reject those beliefs on their own terms. Jefferson seems to recognize that freedom of conscience requires this much, but he refuses to accept that reasonable individuals might choose to subscribe to such ideas and beliefs even in the absence of malevolent or corrupt influences.¹⁸

Nevertheless, Jefferson had his sights set on something more than just freedom of conscience. Based on the seemingly nebulous promises of the Declaration of

¹⁷ Here Plato’s allegory of the cave seems to fit the bill—ironically, considering Jefferson’s dislike of Plato.

¹⁸ “Dependence begets subservience and venality, suffocates the germ of virtue, and prepares fit tools for the designs of ambition.” *Notes on the State of Virginia* (1787), in *Writings*, ed. Merrill D. Peterson, Query XIV.

Independence and the Virginia Statute for Religious Freedom, Jefferson has been cast as a moral relativist by some, a Deist, and even an atheist by others. Perhaps the most nebulous source of all—and, ironically, the one most often cited by those who wish to depict Jefferson as the apostle of Deism or as indifferent to religion altogether—is the famous “Letter to the Danbury Baptists” (the “Wall of Separation” Letter) of 1802.

Jefferson did, in fact, claim that, “Religion is a matter that lies solely between man and his God.”¹⁹ Yet, Jefferson also insisted that once the deleterious influence of the High Federalists was purged from public office and the Republican spirit again prevailed, genuine, unadulterated Christianity would assume its rightful place in American society. The two seem to go hand in hand: republicanism values liberty and respect for both natural and moral right; genuine Christianity—that is, an adherence to the moral precepts of Jesus himself—requires the free and willing assent of the mind, an enlightened mind that is free from the “shackles” of undue and possibly corrupt influences.

Jefferson believed that the decline of the Federalists and the reemergence of republicanism at the turn of the nineteenth century would usher in a new era of prosperity and happiness for the American people, and the so-called Revolution of 1800 marked the beginning of an important shift: a shift away from the influence of officious, overbearing, occasionally corrupt Federalists (whom Jefferson at one point likened to “witches”) and toward the non-intrusive, virtuous, and liberty-loving Republicans.²⁰ Moreover, a Republican victory in 1800—and a resuscitation of republican principles more

¹⁹ TJ to Messrs. Nehemiah Dodge, Ephraim Robbins, and Stephen S. Nelson, a Committee of the Danbury Baptist Association in the State of Connecticut, 1 January 1802, *PTJ* 36:258.

²⁰ See TJ to John Taylor, 4 June 1798: “A little patience, and we shall see the reign of witches pass over, their spells dissolve, and the people, recovering their true sight, restore their government to it's true principles.” *PTJ* 30:389.

generally—would all but guarantee that Christianity could be returned “to the original purity and simplicity of its benevolent institutor.”²¹ Since Christianity was, in Jefferson’s mind, the “religion of all others most friendly to liberty, science, and the freest expression of the human mind,”²² it seemed only logical for it to flourish alongside republicanism in the United States, for it to permeate the American mind and inform public opinion at all turns.

What bearing does this have on the American political landscape in the early nineteenth century? Jefferson’s repudiation of the High Federalists is based primarily on reasons and principles not unlike those he employs to denounce established religious institutions and the priests and ministers who controlled them. The problem with the Federalists, in Jefferson’s mind, was their assumptions about human nature and the inability of people to govern themselves effectively without institutional direction and approval. Put differently, the Federalists sought to govern from the top down and, while they did appreciate the fact that power ultimately flowed from the people, they refused to accept that the people could be secure and well ordered in the absence of a watchful, enlightened state to keep their worse passions in check. To the Federalists, the powers of the federal government were, in many ways, akin to the powers and judgment exercised by a parent for the good of a child.

In Jefferson’s opinion, the Federalist vision was myopic at best. It failed not only to appreciate the dignity and importance of the ordinary citizen—i.e., the common man—but also tended to assume that broad, discretionary power in the hands of the federal

²¹ TJ to Moses Robinson, 23 March 1801, *PTJ* 33:424.

²² *Ibid.*

government was the best way to secure and maintain a republic. In short, the Federalists failed on at least two fronts to remain true to the Revolution's principles: not only did they embrace unnatural hierarchy and other dubious facets of the old order, they also reduced the ordinary citizen to a mere subject. Jefferson, on the other hand, helped to shore up the republican experiment by rejecting artificial hierarchy and emboldening the common man.

Where Jefferson's political theory deemed inclusion, participation, and diffusion of power necessary to the overall health of the republic, so too did the Virginian's vision of religious reform. Indeed, Jefferson's political theory is inextricably linked to this vision. He does more than merely bracket the ideas of freedom of worship and freedom of conscience in a broader theory of natural rights; he incorporates what are essentially negative rights into a more positive democratic scheme that unfolds over time as the people grow wary of a distant, untethered power. In other words, the people are not simply free to believe and worship as they see fit; just as the colonists did in response to Parliament's unresponsiveness and the King's complicity, the people would ultimately embrace their suppressed natural rights and require their ecclesiastical leaders to cede some power, to relinquish some authority—in short, to democratize their churches.

Unlike most Federalists, Jefferson believed that the common sense of the average, ordinary citizen could—and would—prevail. He was just as suspicious of the elite and officious holding high political office as he was of priests and ministers holding sway over their congregations. A monopoly on power, political or ecclesiastical, could be dangerous if not checked properly. Although Jefferson came to accept the institutional checks afforded and guaranteed by the Constitution, he was in no way satisfied that

similar checks were in place to prevent the manipulation of parishioners' minds by their leaders. One way to guard against such encroachments would be to rely on the judgment and common sense of the people, for "the people's good sense would always be vindicated when they enjoyed real freedom of choice."²³

But the problem, of course, did not lie in finding a way for common, ordinary citizens to express their preferences or in finding a way for such people to choose. Jefferson's confidence in the common man is perhaps nowhere better expressed than in his well-known parable of the ploughman:

The moral sense, or conscience, is as much a part of man as his leg or arm. It is given to all human beings in a stronger or weaker degree, as force of members is given them in a greater or less degree. It may be strengthened by exercise, as may any particular limb of the body. This sense is submitted, indeed, in some degree, to the guidance of reason; but it is a small stock which is required for this: even a less one than what we call common sense. State a moral case to a ploughman and a professor. The former will decide it as well, and often better than the latter, because he has not been led astray by artificial rules.²⁴

The problem, then, was not making men moral; the problem was delivering men from the chains imposed by calculating and conniving priests and politicians so that men may exercise their natural reason to the best of their ability.²⁵

Jefferson believed that eventually reason would prevail and, as people enjoyed an unprecedented degree of religious freedom, churches would abandon their old ways. Likewise, the influence of outmoded beliefs and practices would be assuaged by an increasingly democratic structure within churches. Disestablishment of ecclesiastical

²³ Onuf, 150.

²⁴ TJ to Peter Carr, 10 August 1787, *PTJ* 12:15.

²⁵ Onuf, 150: "The problem under the old regime, even in its attenuated American forms, was that 'ploughmen' did not get to make choices as long as priests—the quintessential 'professors'—enjoyed a state-sanctioned monopoly over opinion."

authority was indeed important, but it would be wrong to conclude that it was paramount in Jefferson's project. In a way, Jefferson did wish to sever the bond between religion and politics, but only insofar as religion compelled people, upon pain of legal sanction, to subscribe to principles or accept beliefs that could not be apprehended by the human intellect. It was not so much beliefs that Jefferson took issue with; though he might have seen concepts such as the trinity to be nothing but a farce, the free assent of the human mind to such a concept did not disturb Jefferson nearly as much as the idea of coerced conviction.

Thus, the supreme goal of Jefferson's crusade against established religion was not so much the destruction of religious beliefs—rational or irrational—but the destruction of irresistible religious authority. Jefferson indeed embraced a version of Christianity that suited his own historical and moral interpretations of the Gospels, and he even went so far as to deem this brand of Christianity a fundamental feature of sound republicanism. But the only way to realize the worldly goals of Christianity as he understood it—the only way to reform existing institutions and ensure the development of a more rational Christianity that would inform the public mind—was to eliminate all vestiges of the old regime.

Onuf is right to emphasize the value Jefferson placed on the cultivation of individual autonomy. However, Onuf is mistaken to conclude that the autonomous individual is somehow the “ultimate source and foundation of morality and religion” in Jefferson's vision.²⁶ The foundations of Jefferson's republicanized Christianity were the

²⁶ Ibid.

moral teachings of Christ, while the autonomous individual was but a product (and simultaneously a continuation) of these precepts.

Jefferson was confident that sectarian divisions in the United States and the trivial theological disputations that fueled them would eventually vanish. His confidence was bolstered by the rapidly increasing (or resurgent) republican sentiment that developed after the election of 1800. Likewise, Jefferson was pleased with the momentum that religious reform had garnered at the turn of the century and no doubt expected this forward movement to continue well beyond his years. Jefferson had faith in the ploughman's moral faculties because the ploughman was better attuned to reality and was closer to nature than the professor. The ploughman's proximity to nature, his freedom, and his independence positioned him well against the tides of clerical corruption. The ploughmen, Jefferson's archetypal republicans, were the regulars from which the salvo against religious tyranny would be fired. The first line of defense was, of course, legislative and constitutional protection in the form of guarantees of freedom of worship, association, and expression, but the real fighting was to be done in the trenches, so to speak. So-called "parchment barriers" were only so effective in securing genuine religious liberty; the difficult—and arguably more important work—was combating and destroying centuries of harmful artifice within the institutions themselves in order to replace it with the pure, transcendent principles of nature.

But Jefferson's confidence in the republican ideal, or his confidence in the ability of nature to conquer artifice was perhaps premature, if not injudicious. Jefferson's idealism is apparent throughout his career, but nowhere does it seem to be as misguided or misplaced as in his vision for progressive religious reform in the nineteenth century.

Onuf suggests that Jefferson's belief in the power of reason to steer the country toward the embrace of a more rational Christianity was based on a single assumption: that "Once Americans began acting like republicans, they would begin to think like republicans and no longer allow an 'interested aristocracy of priests' to 'think for them.'"²⁷ Ultimately, over the course of several decades, Jefferson expected the republican spirit to dominate the land; at that point, the people's "union of sentiments" would not only subsume any and all sectarian conflict, but also radically "[transform] popular beliefs."²⁸

Given his reckoning with Christianity and his own professed belief in the verity of Jesus of Nazareth's moral teachings, some scholars have questioned Jefferson's caginess on the subject.²⁹ Why was Jefferson so reluctant to express his beliefs publicly? What explains his reticence? There are two prevailing views on this matter, both of which seem to contain an element of truth. On the one hand, Jefferson's reservation and his unwillingness to profess his faith publicly are indicative of the Virginian's firm belief in the intrinsic value of religious freedom. To compel an individual to make a public profession of faith—to require submission to any sort of religious "test"—would be to violate the sacred right of conscience, and this is something Jefferson simply could not countenance.³⁰ On the other hand, Jefferson can be seen not merely as a proponent of a

²⁷ Onuf, 151.

²⁸ Ibid.

²⁹ See, for instance, Alan V. Briceland, "Thomas Jefferson's Epitaph: Symbol of a Lifelong Crusade against Those Who Would 'Usurp the Throne of God,'" *Journal of Church and State*, Vol. 29 (1987): 285-303; Thomas E. Buckley, "After Disestablishment: Thomas Jefferson's Wall of Separation in Antebellum Virginia," *Journal of Southern History*, Vol. 61(1995): 445-480; Buckley, "The Political Theology of Thomas Jefferson," in *The Virginia Statute for Religious Freedom: Its Evolution and Consequences in American History*, eds. Merrill D. Peterson and Robert C. Vaughan (New York: Cambridge University Press, 1988); Merrill D. Peterson, *The Jefferson Image in the American Mind* (New York: Oxford University Press, 1960).

³⁰ See Onuf, 151-2.

more muted sort of Christianity, but as a conventional, public practitioner who did not shy away from opportunities to demonstrate his faith. Moreover, on this account, Jefferson is understood to be in favor of a synthesis between popular, non-institutionalized Christianity and republican institutions.³¹

In the case of the first view, Jefferson is understood to be overly cautious, though politically savvy when it came to his religion. Knowing full well that the political climate was still volatile after 1800 and that anything he said would likely be misconstrued, Jefferson was sure to tread carefully when it came to something as controversial as religious beliefs. Yet his optimism about the (ongoing) republican revolution seems to suggest that a more headstrong approach would be beneficial. In other words, if Jefferson sincerely believed that a sound republican order required the perfusion of a more rational Christianity across the country, and that this diffusion was not only required but would succeed, then why would the author of the Declaration of Independence resist an inclination to forge ahead? After all, the Declaration of Independence—indeed, the whole American experiment—was more of a risky wager in

³¹ Some scholars acknowledge that Jefferson was, in fact, committed to certain religious principles. However, most of these authors fail to appreciate the depth of Jefferson's beliefs and the ways in which his convictions evolved over time. Moreover, this particular strand of scholarship either ignores or significantly downplays much of what Jefferson actually said and did with respect to religion. Such myopic views discount Jefferson's genuine beliefs in order to paint him as a deist who was ultimately disinterested in religion. See, for instance, Avery Cardinal Dulles, "The Deist Minimum," *First Things: A Monthly Journal of Religion and Public Life*, Vol. 149 (January 2005); Stephen H. Webb, *American Providence: A Nation with a Mission* and Charles B. Sanford, *The Religious Life of Thomas Jefferson* (Charlottesville, VA: University of Virginia Press, 1984). For more carefully argued, consistent accounts of Jefferson's nuanced religious views, see Dickinson W. Adams, ed., "*Jefferson's Extracts from the Gospels: 'The Philosophy of Jesus' and 'The Life and Morals of Jesus'*" (Princeton, NJ: Princeton University Press, 1983); Edwin S. Gaustad, *Sworn on the Altar of God: A Religious Biography of Thomas Jefferson* (Grand Rapids, MI: William B. Eerdmans Publishing Co, 1996); David L. Holmes, *The Faiths of the Founding Fathers* (Oxford: Oxford University Press, 2006); Onuf, *The Mind of Thomas Jefferson*; and Eugene R. Sheridan, *Jefferson and Religion* (Charlottesville, VA: Thomas Jefferson Foundation, 1998).

1776 than an endeavor to demystify Christianity in the early nineteenth century would have been.

Or was it? Jefferson might have had a good reason to restrain himself publicly both during his presidency and in retirement. Onuf suggests that it was not so much Jefferson as it was the American public and he points to the problem of slavery to help illuminate Jefferson's continual struggles. In 1782, Virginia enacted legislation to help ease the manumission of slaves. However, this was as far as most were willing to go. Few Virginians were ready to denounce and destroy the institution of slavery and, on Onuf's interpretation, a lack of enlightenment on the part of Virginia's citizens accounts for this antipathy. Likewise, most Virginians had yet to understand or embrace "the broadest implications of religious liberty."³²

Jefferson's primary commitment was to upholding republican principles and practices, and here Onuf seems to capture the core of Jefferson's thinking on the matter. On the festering issue of slavery and the question of religious liberty, the general public was either ill informed or simply ignorant. As such, "'public opinion' needed to be more fully enlightened, whether to prevent backsliding on religious liberty or to prepare the way for emancipation."³³ Yet Jefferson was aware that such enlightenment was not easy to come by and, what is more, the people would not—and should not—stand for compulsion or coercion when it came to such enlightenment. Instead, the enlightenment should "spring from below"—it should emanate from the people and not be imposed from above, for "[t]o dictate to the people, even for the most enlightened and progressive

³² Onuf, 152.

³³ Ibid.

purposes, was to violate the most fundamental principle of republican self-government. Republican means should never be sacrificed to ostensibly republican ends.”³⁴

Although he fully embraced the principle of generational sovereignty and the right of a reasonable majority to see its will enacted in law, Jefferson was well aware of the dangers (political and practical) inherent in a contravention of public opinion, regardless of how unreasonable or irrational that opinion proved to be.³⁵ Like many others, Jefferson knew that slavery spelled the demise of the American experiment, but temporary measures to curtail its spread were the only things likely to keep a highly combustible public opinion from flaring into an inferno. Similarly, the problem of religious enlightenment would take time to solve and, like slavery, it could not be sufficiently addressed from above. Thus, Jefferson was forced to wait for enlightenment to spread throughout the masses, and he anticipated the eventual arrival of a well adjusted, informed, and willing majority.³⁶

The second view mentioned above is that Jefferson was a proponent of religious freedom but not quite the strict separationist that twentieth century scholars and justices have painted him to be. Most nineteenth and twentieth century jurisprudential work on Jefferson and the First Amendment relies heavily (if not exclusively) on his famous letter

³⁴ Ibid.

³⁵ On the question of generational sovereignty as well as Jefferson’s understanding of the scope of majority rule, see Chapter Three. The right of a reasonable majority to enact its will seems to be something that even John Adams embraced, albeit reluctantly, as evidenced by his acceptance of a provision in the Massachusetts Constitution pertaining to the establishment of religion. Though he disagreed with the provision in principle, he nevertheless accepted it as permitting the rightful will of the people. Perhaps he also was able to accept the provision because he was fairly certain it would not stand the test of time and that an enlightened public would eventually come to see the error in its way. In 1830, the provision was removed.

³⁶ Such a majority did not arrive on the political scene in Jefferson’s lifetime. Although not a clear majority, the rise of Abolitionist sentiment in the 1830s-1850s certainly helped to avail public opinion on the matter and move the issue forward (albeit to the brink of civil war).

to the Danbury Baptists of January 1802. In the letter, Jefferson assures the Baptist ministers that their beliefs are similar to his:

Believing with you that religion is a matter which lies solely between Man and his God, that he owes account to none other for his faith or his worship, that the legitimate powers of government reach actions only, and not opinions, I contemplate with sovereign reverence that act of the whole American people which declared that their legislature should “make no law respecting an establishment of religion, or prohibiting the free exercise thereof,” thus building a wall of separation between Church and State.³⁷

At face value, the letter seems to suggest precisely what proponents of separation have claimed for the better part of a century it suggests: that Jefferson’s metaphorical wall is indeed meant to be an impenetrable barrier between religion and government. While Jefferson did, in fact, endorse a strict separation with respect to establishment, it is questionable whether he also favored stringent prohibitions against any sort of church-state relationship whatsoever.

James Hutson argues convincingly that Jefferson’s attitude toward church-state relations cannot be derived from one letter or even a handful of letters, especially when the correspondence is taken out of its proper political context. Regarding the Danbury Baptist letter specifically, Hutson concludes that it “must be understood in the political context in which Jefferson wrote it, and it was designed by the third president to respond to a malignant and persistent Federalist campaign of political defamation.”³⁸ It is Hutson’s contention that Jefferson neither believed in a strict separation of church and state, nor did he indicate as much in his letter to the Danbury ministers. Moreover, Hutson suggests that Jefferson’s anti-regal style and his efforts to republicanize (or

³⁷ TJ to Danbury Baptists, 1 January 1802, *PTJ* 36:258

³⁸ James H. Hutson, “Thomas Jefferson’s Letter to the Danbury Baptists: A Controversy Rejoined,” *The William and Mary Quarterly*, Third Series, Vol. 56, No. 4 (October, 1999): 776.

“detorify”) government institutions—as evidenced by numerous actions, including the manner in which he delivered his messages to Congress—help to explain Jefferson’s motives in the letter.³⁹ Federalists routinely accused Jefferson of being hostile to all things Christian. His disdain for and repudiation of Christianity, in their view, was demonstrated by his actions (and, in some cases, his lack of action) while in office: for example, Jefferson’s “invitation to...Thomas Paine to return from France to the United States,” or the President’s failure to “proclaim a national thanksgiving to praise God for the Treaty of Amiens.”⁴⁰ On Hutson’s reading, the motivation behind Jefferson’s refusal to proclaim national thanksgivings had less to do with religion and everything to do with his desire to uproot the last remaining vestiges of British influence on American institutions.

As revealing as they are, Jefferson’s political motives only tell half of the story. More important are Jefferson’s actual religious beliefs and his actions. Regarding his personal beliefs, ample documentary evidence exists to show that Jefferson was indeed neither an indifferent deist nor an atheist; this I have already demonstrated. But what of his practices? What do Jefferson’s actions—particularly his public actions—tell us? Huston believes that the Federalist charges leveled against Jefferson were based almost exclusively on misinformation and assumptions about his personal life prior to the election of 1800. Huston also points to practices common in Virginia after the adoption of Jefferson’s Act for Establishing Religious Freedom in 1786. For example, Presbyterians, Episcopalians, Quakers, and Methodists regularly held public worship

³⁹ Ibid., 778. Compare Joyce Appleby, “Psychology of Democracy.” Appleby suggests, in a similar vein, that Jefferson’s behavior as president was carefully constructed so as to convey a certain anti-Federalist sentiment to the public.

⁴⁰ Hutson, 784.

services in various government buildings. According to Hutson, had Jefferson's Act, "considered by some to be the mother of all church-state separation statutes, been intended to bring within its reach religious activities on public property, Virginia legislators, many of whom had recently voted for it, would certainly have prevented their state capitol from becoming a house of prayer on Sundays."⁴¹ Certainly Jefferson, a clear advocate for disestablishment, would never have tolerated the state's endorsement of religion in any form. It would never have been appropriate for the state to support a particular denomination to the exclusion of another. Nor would it have ever been proper for the state to permit the free exercise of one sect at the expense of another.

Then why is it the case that Jefferson never took issue with the interminglings in Virginia's courthouses and legislative halls? Clearly, such intermingling seems to indicate partiality. Though not an "establishment" properly speaking, such preferential treatment might be construed as coming dangerously close to violating the prohibitions of the Virginia statute for religious freedom, if not Jefferson's own convictions. Jefferson regularly attended such services in Albemarle County when he was in residence at Monticello. Obviously, no political motive can be inferred from such attendance before and after his years in the Presidency. To be sure, Jefferson expresses approbation for these practices as late as 1822: "The court-house is the common temple, one Sunday in the month to each...Here, Episcopalian and Presbyterian, Methodist and Baptist, meet together, join in hymning their Maker, listen with attention and devotion to each others' preachers."⁴²

⁴¹ Ibid., 786.

⁴² TJ to Thomas Cooper, 2 November 1822, *Writings*, 1464.

That neither Jefferson nor his allies in the Virginia legislature—those who helped secure passage of the Bill for Establishing Religious Freedom—expressed concern over the above mentioned practices speaks not only to the fact that they believed the practices to be perfectly compatible with the spirit and letter of the law, but also desirable and conducive to public happiness. Hutson maintains that the Federalists—and many of Jefferson’s twentieth century detractors—simply got it wrong: “Patronizing religion on public property was, for Jefferson, putting principle in action, engaging in principled politics.”⁴³ Moreover, “[t]hat he supported throughout his life the principle of government hospitality to religious activity (provided always that it be voluntary and offered on an equal-opportunity basis) indicates that he used the wall of separation metaphor in a restrictive sense.”⁴⁴

What mattered most to the Danbury Baptists was the Connecticut government’s overt discrimination against religious minorities. To the Baptists, the right of conscience was as inalienable as the rights to life and liberty.⁴⁵ Jefferson, of course, took issue with Connecticut’s refusal to disestablish the Anglican Church, though his position on the matter—both politically, as president, and as a matter of principle—remained one of neutrality. Jefferson’s Constitutional obligations as well as his commitment to the principles of federalism prohibited him from exerting any influence over the matter; as

⁴³ Hutson, 788.

⁴⁴ Ibid. “Combined with the ‘republican principle’ of religious activity on public property, [Jefferson] seemed to be indicating in the words of the Danbury letter and in his virtually simultaneous action on January 3, 1802, that, in the relationship between religion and government, a distinction could be drawn between active and passive government support of religion. Although it could not take coercive initiatives in the religious sphere, it might serve as a passive, impartial venue for voluntary religious activities.”

⁴⁵ See Daniel L. Dreisbach, *Thomas Jefferson and the Wall of Separation between Church and State* (New York: NYU Press, 2003), 33; Philip Hamburger, *Separation of Church and State* (Cambridge, MA: Harvard University Press, 2002).

the Baptists clearly understood, this was an issue that only the Connecticut legislature could resolve.⁴⁶ As Daniel Dreisbach points out, Jefferson's "wall of separation"

was a metaphoric construction of the First Amendment, which governed relations between religion and the *national* government. His "wall," therefore, did not specifically address relations between religion and *state* authorities. It is not self-evident that Jefferson thought the metaphor, more generally, described his views on the constitutional and prudential relationship between religion and *all* civil government.⁴⁷

Hence, Jefferson's use of the "wall" metaphor was intended to convey something other than separation in the strict sense. The separation to which Jefferson referred was between "ecclesiastical *institutions*," properly speaking, and "the civil state."⁴⁸ Neither the Danbury Baptists nor Jefferson could embrace establishment; however, religious establishment should not be confused with religious influence. In the missive to the Danbury Baptists, Jefferson carefully crafted his language to indicate that he endorsed a separation between "church" and state, though not proscriptions on the admixture of "religion" and state. As Philip Hamburger suggests, Jefferson and the Danbury Baptists are in complete agreement: each "merely sought disestablishment and did not challenge the widespread assumption that republican government depended upon the people's morals and thus upon religion."⁴⁹

⁴⁶ On the authority of state legislatures to regulate religious conduct, see TJ to Samuel Miller, 23 January 1808: "Certainly, no power to prescribe any religious exercise, or to assume authority in religious discipline, has been delegated to the General Government. It must then rest with the states, as far as it can be in any human authority." *Writings*, 1186-87.

⁴⁷ Dreisbach, 50 (emphasis in original). Many twentieth century scholars have failed to understand Jefferson's nuanced position on religious liberty. As Dreisbach's analysis shows, Jefferson may have questioned the rightfulness of certain state practices in the eighteenth and nineteenth centuries (for example, the Connecticut "Standing Order" and, of course, Virginia's own Established Anglican Church), but this does not mean that he rejected the state's authority to prescribe (or proscribe) religious practices.

⁴⁸ *Ibid.*, 51 (emphasis in original).

⁴⁹ Hamburger, 163.

On Dreisbach's reading, Jefferson understands the proper relationship between church and state in a republic to be one in which religious "opinion" is separated, or walled off from any and all governmental interference. Although Jefferson does not explicitly draw the distinction in the Danbury letter, the difference between permitting free inquiry and free expression of religious opinion and regulating religious conduct is crucial. Jefferson's republicanism requires absolute freedom of conscience: the realm of pure opinion is beyond the scope of the state's rightful authority. However, the state does have a rightful interest in regulating any and all conduct that might be subversive of public peace and tranquility.⁵⁰

A few final remarks on the parallels between Jefferson's vision of a republicanized Christianity and Rousseau's thoughts on the utility of public religion are in order. As discussed in Chapter One, Rousseau seems to want religious freedom, though for the sake of order and public peace he also seems to want a uniform, established (though very minimal), rational sort of Christianity—a civil profession of faith that is meant to galvanize public sentiment and strengthen bonds of affection between citizens. While the profession of faith is purely civil insofar as the state cannot oblige individuals to believe in the articles, this does not detract from the civil religion's main purpose: social and political cohesion.

Rousseau and Jefferson both reject institutionalized Christianity for the same reasons: it is grounded primarily, if not exclusively in the well-documented examples of ancient, medieval, and modern "mystics"—to wit, priests—playing upon certain

⁵⁰ See Jefferson, *Notes on the State of Virginia*, Query XVII: "The legitimate powers of government extend to such acts only as are injurious to others. But it does me no injury for my neighbour to say there are twenty gods, or no god. It neither picks my pocket nor breaks my leg." Jefferson repeats this in the Letter to the Danbury Baptists.

irrational fears and, in many cases, the sheer ignorance of the laity in order to exploit them. Their anticlericalism notwithstanding, both men appreciate the indispensability of public religion. For Rousseau, good republican government could not endure if divorced from religion:

Human governments needed a much more solid base than reason alone, and how necessary it was for the public repose that the divine will intervene to endow the Sovereign authority with a sacred and inviolable character that might deprive subjects of the fatal Right to dispose of it. If religion had performed only this good for men, it would be enough for them all to have to cherish and adopt it, even with its abuses, since it still spares more blood than fanaticism causes to flow.⁵¹

Jefferson accepts the value of a more rationalized version of Christianity and believes it to be necessary to the health of the American Republic (for the same reasons Rousseau does), but he simply cannot reconcile his aversion to established religion with a call for uniformity and mandatory professions of faith. In much of his personal correspondence on the subject, Jefferson rails against the historical corruption of Jesus' teachings: had his "doctrines, pure as they came from himself, been never sophisticated for unworthy purposes...the whole civilized world would at this day have formed but a single sect."⁵² Moreover, "[t]here would never have been an infidel, if there had never been a priest."⁵³

⁵¹ Rousseau, *SD*, 76.

⁵² TJ to Rev. Whittemore, 5 June 1822, *ME* 15:373. In the same missive, Jefferson goes on to say that he has "never permitted [himself] to mediatate a specific creed. These formulas [i.e., catechisms] have been the bane and ruin of the Christian church, its own fatal invention, which, through so many ages, made of Christendom a slaughter-house, and at this day divides it into casts of inextinguishable hatred to one another." For Jefferson, the various creeds and catechetical devices used to initiate followers are too far removed from the original, pure teachings of Jesus of Nazareth. As such, these devices serve only to divide rather than unite Christians. "The religions of antiquity," he says, "had no particular formulas or creed." Rousseau's prescriptions for the civil religion, as well as his own understanding of Christianity more generally, line up neatly with Jefferson's on this matter. Compare, for example, Rousseau's rejection of catechetical methods in favor of a more unadulterated approach to understanding the message of the Gospels in *Julie*.

⁵³ TJ to Rev. Whittemore, 5 June 1822, *ME* 15:373. See also Jefferson's lengthy correspondence with John Adams on the subject of institutionalized religion and the rejection of all things mystical: if we could "live without an order of priests," he tells Adams, we could then "moralise for ourselves, follow the oracle of

IV. Conclusion

If Hutson is correct, why did Jefferson wait so long to make his beliefs known publicly? Though his practices clearly express his approval for and endorsement of various religious practices, why does he wait until after he retires from the presidency to expound on his beliefs? If Jefferson was as committed to a republicanized Christianity as he claimed to be, shouldn't he have made a more concerted effort to see these principles put into practice? Perhaps, but there is also good reason to believe that such a project was not possible in Jefferson's lifetime. Moreover, Jefferson did not develop his religious views fully until later in life which, coincidentally, happened to be during and after his tenure as Chief Executive. Onuf suggests that Jefferson had an even better reason for keeping his views to himself:

Because Jefferson's own beliefs did not affect anyone else directly, remaining silent about them was for [him] a 'matter of principle.' The people should judge [him] and other public officials by their deeds—in theological terms, by their 'works'—not by their professed 'faith' on controversial theological topics.⁵⁴

Thus, Jefferson restrained himself when it came to revealing his beliefs not because he was uncertain, but because he simply believed the time was not right. Jefferson knew he could do little to turn the tide of public opinion, particularly on issues as contentious as religion. Yet, he was confident that the enlightened mind would eventually triumph. With respect to the republicanization of Christianity, Jefferson was

conscience, and say nothing about what no man can understand, nor therefore believe; for I suppose belief to be the assent of the mind to an intelligible proposition." TJ to John Adams, 22 August 1813, *AJL*:368.

⁵⁴ Onuf, 151. Here it might be useful to consider the relevant differences between the doctrine of justification in Catholicism and Protestantism (i.e., Martin Luther's version). Also, although Jefferson excised the relevant passages from his own "Bible," his own actions, if not his beliefs seem to line up neatly with Jesus's commands to the disciples at Caesarea Philippi (cf. Matthew 16:13-20; Mark 8:27-30; Luke 9:18-21; John 6:67-71).

certain that the people would someday come to embrace it as he had done, but only if they had been sufficiently informed and were free from institutional impositions and burdens. As with other moral and political needs—for instance, the need to throw off the shackles of political despotism and sever bonds with Great Britain; the need to “detorify” the country’s new political institutions; the need to dismantle the institution of slavery—the people must be persuaded before they will sincerely and voluntarily embrace the prescribed change. Jefferson was aware that free, independent individuals would accept only a certain degree of lecturing; they could not—and would not—be told what to do. The only proper way to uproot long-standing social and psychological conventions without sowing discord was to do so gradually over time.⁵⁵

The task of the great statesman, then, like Rousseau’s great lawgiver, was to persuade without convincing, and Jefferson’s missive to Edward Coles of 1814 demonstrates the Virginian’s commitment to such a pedagogical method with respect to the dual goals of religious enlightenment and abolition:

The laws do not permit us to turn [the slaves] loose, if that were for their good...I hope then, my dear sir, you will reconcile yourself to your country and its unfortunate condition; that you will not lessen its stock of sound disposition by withdrawing your portion from the mass. That, on the contrary you will come forward in the public councils, become the missionary of this doctrine truly [C]hristian; insinuate and inculcate it softly but steadily, through the medium of writing and conversation; associate others in your labors, and when the phalanx is formed, bring on and press the proposition perseveringly until its accomplishment. It is an encouraging observation that no good measure was ever proposed, which, if duly pursued, failed to prevail in the end.⁵⁶

While Jefferson would play the part of the great statesman as well as the great moral and political reformer, his role in proliferating religious enlightenment and bringing about

⁵⁵ See Chapter Three and Appleby, “Psychology of Democracy.”

⁵⁶ TJ to Edward Coles, 25 August 1814, *Writings*, 1343-46.

slavery's demise would be more subdued. Jefferson's ideas and actions throughout his life certainly paved the way for abolition and a religious "awakening" of sorts, but the task of effecting actual change would ultimately fall to a younger generation. Though it is questionable whether Jefferson truly embraced the principle of generational sovereignty he had worked out years before, by 1814, in the twilight of his life, the Sage of Monticello would call upon the youthfulness and exuberance of statesmen like Coles to complete certain monumental tasks the revolutionary generation simply could not. The task of republicanizing Christianity—and, as it were, Christianizing the Republic—would fall to others, though Jefferson would certainly stand as a prototype of sorts, a fatherly figure not unlike Rousseau's great legislator and a figure very much akin to Emile's *gouverneur*.

CHAPTER FIVE

Sentinels and Cynosures:

Thomas Jefferson, Affectionate Mentors, and the Education of Republican Citizens

The human character, we believe, requires in general, constant and immediate control to prevent its being biased from right by the seductions of self-love.¹

The qualifications for self-government in society are not innate. They are the result of habit and long training.²

[If a] people [are] so demoralized and depraved as to be incapable of exercising a wholesome control, their reformation must be taken up *ab incunabulis*.³ Their minds [must] be informed by education what is right and what wrong, [must] be encouraged in habits of virtue and deterred from those of vice by the dread of punishments, proportioned indeed, but irremissible [*sic*]. In all cases, [they must] follow truth as the only safe guide and eschew error, which bewilders us one false consequence after another in endless succession. These are the inculcations necessary to render the people a sure basis for the structure of order and good government.⁴

I. Introduction

As I demonstrated in previous chapters, the picture of democracy we get from both Rousseau and Jefferson is one characterized by potentiality or possibility; the foundation and development of republicanism and the cultivation of democratic citizens are processes of perpetual becoming. The idea that democratic citizenship entails perpetual improvement and progress towards an ideal form of freedom seems to be missing not only from current scholarly debates on Jefferson's theories of republicanism and education, but also from the contemporary debate on civic education. Jefferson insists

¹ TJ to Pierre Samuel Dupont de Nemours, 24 April 1816, *Writings*, 1386.

² TJ to Edward Everett, 27 March 1824, *ME* 26:20.

³ "From the cradle"

⁴ TJ to John Adams, 10 December 1819, *AJL*:549.

that, as a people, we are “conscientiously” democratic and conscious of moral right, though individuals are often tempted by “self-love” to deviate from right.⁵ It seems, then, that the development of conscientious republicans requires something more than good political institutions.

Jefferson’s moral and political thought is complex and rather unsystematic, to say the least. At times Jefferson seems ambivalent, if not inconsistent: for example, critics have been quick to point out that his professed faith in the common man is irreconcilable with his defense of the “natural aristocracy,”⁶ or that his egalitarianism, coupled with his resolute defense of natural rights, is inconsistent with the fact that he was a slave-holder until the day he died. Enigmatic as the Virginian may be—and indeed many of his public and private actions do issue in a void between his principles and his practice—we need not conclude that the author of the Declaration of Independence and the author of the Virginia Statute for Religious Freedom has nothing to offer a distant posterity. This much becomes clear if we read Jefferson carefully, and take his writings (and his actions) for what they are, rather than what we might want to make of them.

This is not to say that Jefferson was never ambiguous, unclear, or even wrong for that matter. He was, however, right about one thing: unless the American people took self-government seriously, degeneration would be inevitable and liberty would become nothing more than a vacuous concept. No bulwark or barrier (parchment or otherwise) would be able to withstand the corrosive effects of internal decay, that is, of a body politic slowly being destroyed from within by citizen apathy, (excessive) dependence,

⁵ TJ to Nemours, 24 April 1816, *Writings*, 1386.

⁶ See TJ to John Adams, 28 October 1813, *AJL*:387-92.

and naïveté. The Revolution had helped to forge the possibility of a genuinely republican government, Jefferson believed, but realizing that possibility would prove difficult, for

the spirit of the times may alter, will alter. Our rulers will become corrupt, our people careless...It can never be too often repeated, that the time for fixing every essential right on a legal basis is while our rulers are honest, and ourselves united. From the conclusion of this war we shall be going downhill. It will not then be necessary to resort every moment to the people for support. They will be forgotten...They will forget themselves, but in the sole faculty of making money, and will never think of uniting to effect a due respect for their rights. The shackles, therefore, which shall not be knocked off at the conclusion of this war, will remain on us long, will be made heavier and heavier, till our rights shall revive or expire in convulsion.⁷

In Jefferson's estimation, the American people were uniquely capable of self-government—capable of becoming genuine republican citizens, capable of exercising genuine democratic sovereignty—but only if the requisite faculties were properly cultivated in younger generations and faithfully promulgated over time. In other words, Jefferson believed that education to a certain type of moral and civic virtue was necessary not merely to the preservation of the new Republic in his time, but for the attainment of true freedom and for the transmission and preservation of self-government for posterity.

Thus, my aim in this chapter is twofold: first, I consider Jefferson's theories of moral and civic education in the context of his republicanism. Jefferson was of the conviction that a properly educated citizenry—coupled with sound, stable, yet adaptable political institutions—was necessary to the vitality and longevity of the new Republic. The Declaration of Independence and the subsequent Revolution ushered in a new, untested form of republican government, a new order of the ages, as it were. As Jefferson indicated to Roger Weightman in a letter commemorating the fiftieth anniversary of American independence, the Declaration (and, by implication, the

⁷ Jefferson, *Notes on the State of Virginia*, Query XVII.

principles upon which the new Republic stood) was meant to be

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...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 booted and spurred, ready to ride them legitimately, by the grace of God. These are grounds of hope for others. For ourselves, let the annual return of this day forever refresh our recollections of these rights, and an undiminished devotion to them.⁸

Rejecting the old world privileging of unqualified patriarchal authority and unnatural aristocracy, Jefferson envisioned a republican order that afforded primacy to natural rights, the autonomous individual, and self-government.

Yet, in order to guarantee the protection (and free exercise) of natural rights, individual liberty, and genuinely republican institutions, citizens had to be well informed. In other words, individuals had to be broadly educated to understand their individual rights, their social duties, and the government's proper role in protecting each. A virtuous republic required first and foremost a virtuous citizenry. However, as Harold Hellenbrand puts it, although Jefferson did believe that only a well-educated citizenry could bring the American Revolution to completion,⁹ Jefferson was not so naïve to think that sound moral and civic education would be easily attainable, especially if public institutions were charged with the responsibility. Generally speaking, practicality and utility drove much of Jefferson's thinking on matters pertaining to public education.

After placing Jefferson's thoughts on moral and civic education into context, I explore the ways in which his overarching theory parallels Rousseau's. In Chapter

⁸ TJ to Roger C. Weightman, 24 June 1826, *Writings*, 1517.

⁹ Harold Hellenbrand, *The Unfinished Revolution: Education and Politics in the Thought of Thomas Jefferson* (Newark, DE: University of Delaware Press, 1990).

Three, I highlighted some of the parallels between Rousseauian republicanism and Jefferson's more mature thinking on the subject. In Chapter Four, I discussed the important role the civil religion plays in the Virginian's and the Genevan's republicanism. In this chapter, I try to show that Jefferson's understanding of the educative function of fathers (and father figures) in both the private and public realms is not unlike Rousseau's. Among other things, Jefferson's emphasis on an affectionate form of pedagogy, instruction by example, his appeal to natural rights and utility, and the importance of cultivating autonomous, duty-minded individuals puts him in close company with Rousseau. I explore the ways in which Jefferson's own education, his public and private thoughts on the subject, and his prescriptions and practices with his children, grandchildren, and other affectionate charges mirror much of what Rousseau prescribes in *Emile*.

II. Jefferson on Moral and Civic Education

Jefferson's vision for an enlightened and virtuous republican citizenry is often misunderstood. While many commentators understand Jefferson to be a product of his time—and thus take his theories and prescriptions to be primarily, though not always historically contingent—some have attempted to wrest from the Virginian a timeless, transplantable theory of moral and civic education. While I argue that much of what Jefferson had to say can be understood in terms of, and applied to the problems we face in the twenty-first century, it is important to understand Jefferson on his own terms. While Jefferson's theories do contain kernels of timeless, or at least enduring truths, it is not possible to extract a single, unqualified set of guiding principles. In other words, it

rarely makes sense to ask, as some contemporary commentators might, “What would Jefferson do?” It makes more sense to say, “Given his own unique world view, the peculiar problems he (and the country) faced during the late eighteenth and early nineteenth centuries, and given that his ideas are often, though not always historically contingent, how might Jefferson attempt to solve some of the problems we face today (problems which are in some respect similar, though in many other ways worlds apart)?”

For over two centuries, historians have analyzed Jefferson’s views on education and, for the most part, the Virginian’s thoughts on the subject are well catalogued.¹⁰ Though a great deal of critical commentary emerged in the twentieth century, many authors seem to ignore or overlook several significant components of Jefferson’s thoughts on education, thus failing to provide a complete picture of his ideas. Jefferson’s ultimate goal was “a more general diffusion of knowledge” among the masses. The touchstone of republican citizenship, it seemed, was knowledge of the best moral and political principles and practices: an uninformed citizenry could neither govern itself effectively nor rely on those entrusted with power. Self-government and independence were paramount for Jefferson. Thus, he devoted considerable effort throughout his life to solving one of republicanism’s perennial problems: how to educate individuals to moral and civic virtue in order to preserve the blessings of self-government and independence.

¹⁰ The most prominent sources on Jefferson’s legacy with respect to education include, among others, Cameron Addis, *Jefferson’s Vision for Education* (New York, NY: Peter Lang, 2003); Richard D. Brown, *Strength of a People: The Idea of an Informed Citizenry in America, 1650-1870* (Chapel Hill, NC: University of North Carolina Press, 1996); John Dewey, *The Living Thoughts of Thomas Jefferson* (Toronto: Cassel, 1946); Jay Fliegelman, *Prodigals and Pilgrims: The American Revolution against Patriarchy, 1750-1800* (Cambridge: Cambridge University Press, 1984); James Gilreath, ed., *Thomas Jefferson and the Education of a Citizen* (Washington, D.C.: Library of Congress, 1999); Robert M. Healey, *Jefferson on Religion and Public Education* (New Haven, CT: Yale University Press, 1962); Harold Hellenbrand, *The Unfinished Revolution*; Peter Onuf, ed., *Jeffersonian Legacies* (Charlottesville, VA: University Press of Virginia, 1993); Merrill D. Peterson, *Thomas Jefferson and the New Nation: A Biography* (New York, NY: Oxford University Press, 1970); Jennings L. Wagoner, Jr., *Jefferson and Education* (Chapel Hill, NC: University of North Carolina Press, 2004).

This section sheds some light on Jefferson's pedagogical theories and prescriptions and attempts to synthesize several seemingly disparate strands of his thought into a coherent account of his views on education. Jefferson's theory of moral and civic education must be understood as an intersection of several key features, all of which serve to inform his republicanism more broadly. First, I consider the complexities of Jefferson's views on general education: why "a more general diffusion" of knowledge is useful (and good) for the individual and why this diffusion is useful (and good) for the public. Second, I explore the often-ignored connection between republican education and ward democracy. This brings into sharp relief Jefferson's frequent emphasis on the link between individual rights and social duties.

Among the plethora of academic inquiries into Jefferson's moral and political thought, Jean Yarbrough goes to great lengths to place Jefferson's teachings into the contemporary debate over character formation and so-called "liberal virtue."¹¹ As the author indicates, the study proceeds from a fundamental question, namely, "What kind of character must Americans as a people cultivate in order to ensure their freedom and happiness?"¹² While Yarbrough successfully demonstrates that Jefferson's thoughts on character formation are just as useful today as they were in the late eighteenth and early nineteenth centuries, she does not adequately incorporate Jefferson's rather nuanced understanding of republican citizenship into his broader political philosophy. Moreover, Yarbrough seems to gloss over Jefferson's defense of the utility of "ward" democracy while underplaying the significance of his thoughts on public education.

¹¹ Jean M. Yarbrough, *American Virtues: Thomas Jefferson on the Character of a Free People* (Lawrence, KS: University Press of Kansas, 1998), xv.

¹² Ibid.

With respect to the long-standing debate over America's political or civic morality, Yarbrough is right to insist "the first mistake of both liberals and so-called classical republicans was to try to explain the American character by looking only at its public philosophy without regard to the virtues that are fostered in our private and social lives."¹³ Indeed, the bulk of her study is devoted to the educational aspect of Jefferson's thought in the broadest sense: Yarbrough is committed to showing that Jefferson has much to offer in the way of reconciling the seemingly irreconcilable—that is, in bringing to bear the ways in which both public and private moralities can (and must) conduce to the end of character formation. But Jefferson had much to say about the role a system of public education ought to play in the formation of individual and national character (or the character of individuals as a people). To ignore the vital role of public education in Jefferson's thought—and to discount the importance of ward democracy—is to obscure the Jeffersonian vision considerably.

It is helpful to begin with Jefferson's crowning achievements in the realm of public education: the Bill for the More General Diffusion of Knowledge and the establishment of the University of Virginia. As Darren Staloff puts it, these two accomplishments "constitute the alpha and omega of Jefferson's thoughts on education."¹⁴ Since his death in 1826, historians have generally inferred that these two achievements are part of a larger, continuous endeavor. However, on Staloff's reading, an interpretation of this sort "ignores the changes in the nature of Jefferson's political

¹³ Ibid.

¹⁴ Darren Staloff, "The Politics of Pedagogy: Thomas Jefferson and the Education of a Democratic Citizenry," in *The Cambridge Companion to Thomas Jefferson*, ed. Frank Shuffelton (Cambridge: Cambridge University Press, 2008), 128.

thought and rhetoric” in the period spanning the introduction of the Bill and Jefferson’s more mature political thinking after his presidency.¹⁵

The educational reforms Jefferson pursued can be understood as two related, though separate endeavors. His primary (and arguably most important) goal, as articulated in the Bill, was to “illuminate, as far as practicable, the minds of the people at large.”¹⁶ Republican principles, as Jefferson understood them, dictated that the people ought to be able “to participate as equals in political democracy,” which in turn entailed that individuals had to be able to “think for themselves.”¹⁷ The provision of public education was thus the only way to ensure (or, at least, begin to ensure) that the elite Virginia gentry would not usurp political equality.

Jefferson’s second goal included the galvanization and diffusion of republican principles at a higher, more complex level. Efforts to establish a national university in the 1790s had all but failed and Jefferson’s attempts to implement substantial reforms at William and Mary had also fallen short. Thus, Jefferson shifted his focus to the founding of a new institution. The University of Virginia, as Jefferson envisioned it, would stand as the vanguard of republicanism and would “carry hence the correct principles of the day.”¹⁸ For some scholars, Jefferson’s rhetoric regarding the university’s founding principles compliments (if not completes) the seemingly egalitarian commitments expressed in the Bill. Other critics have claimed that the driving forces behind the

¹⁵ Staloff, 128. Staloff characterizes the early Jefferson as an “enlightened optimist” and the later Jefferson as a “proto-Romantic champion of the politics of principle” in *Hamilton, Adams, Jefferson* (New York: Hill and Wang, 2005): 248, 309.

¹⁶ TJ, “A Bill for the More General Diffusion of Knowledge,” *PTJ* 2:526-7.

¹⁷ *Ibid.*

¹⁸ TJ to William Branch Giles, 26 December 1825, *Writings*, 1512.

university were not the high ideals of political equality and educational democracy, but the perpetuation of aristocracy lurking in the guise of egalitarianism. Staloff, for example, suggests that the principles at work in Jefferson's vision "[had] less to do with liberalism and democracy than with a perceived sectional threat to the slave-owning South."¹⁹ In other words, Jefferson's combined efforts at educational reform in the state of Virginia demonstrate something less than a commitment to equality.

Although Jefferson's position on political equality was not always consistent with the principles articulated in the Declaration or the Bill, his commitment to natural equality and natural rights is indisputable. On the other hand, Jefferson's position on political equality seems, at times, to be on shaky ground, especially when considered in light of what the Bill actually accomplished. Jefferson's commitment to (or rather, his romanticization of) Enlightenment principles in both politics and education shines through in the Bill and the University of Virginia. Yet the curriculum Jefferson proposed for primary schools was certainly inadequate in terms of facilitating genuine self-government, and his proposals for university students did not seem much better: students would read widely in "Graecian, Roman, English and American history" and this would, presumably, educate them in "their rights, interests and duties, as men and citizens."²⁰ In Jefferson's own words, such a curriculum was of limited value because "history, in general, only informs us what bad government is."²¹ In other words, history is useful insofar as it reveals the ways in which the individual's rights and liberties have been

¹⁹ Staloff, 128.

²⁰ TJ, "Report of the Commissioners for the University of Virginia," 4 August 1818, *Writings*, 459.

²¹ TJ to John Norvell, 14 June 1807, *Writings*, 1176.

seized and abused by tyrants for centuries. History might even disclose the underlying causes of tyranny, but it did not, in Jefferson's estimation, offer prescriptions for the establishment of "good government," or informed policy-making and constitutional design.²²

Thus, it seems that in Jefferson's system, the foundation of good government depends not on average, ordinary individuals, but on enlightened individuals capable of apprehending abstract principles of moral and political right. In Jefferson's mind, such individuals would be capable of "[presenting] in one full and comprehensive view the system of principles on which such an organization should be founded, according to the right of nature."²³ Jefferson believed that an enlightened citizenry was the primary safeguard against abuses by the government; he was of the conviction that the people (i.e., the ordinary mass of citizens) were the only "safe depositories of the ultimate power of society."²⁴ But if this is the case, why does Jefferson restrict the study of higher, abstract arts and sciences—including political theory—to those fortunate enough to attend his university? Staloff seems to suggest that Jefferson never intended for average, ordinary citizens to have any substantial role in democratic politics:

²² Ibid.

²³ Ibid. This also seems to be the point of Rousseau's *Social Contract* and *Emile*: abstract principle is combined with real-world observation (i.e., deduction) and experience. *Emile* comes to grasp the abstract only after he experiences the concrete. Hence, as I demonstrated in Chapter Two, Rousseau is not entirely the positivist some make him out to be. Empirical considerations are not excluded from either Rousseau's theories or his practical prescriptions (e.g., for Poland and Corsica); he takes people as they are, as they ought to be, and as they can be, given their peculiar constraints. Rousseau's theory, like Jefferson's, is thus driven by a certain over-arching moral principle (it is normative) and simultaneously informed by positivistic considerations (it is also empirical). It seems that Jefferson does the exact same thing and, although neither man was really systematic in the way that, say, Kant or Hegel were systematic, both Rousseau and Jefferson embrace a certain "system" of moral and political right that informs, if not grounds their theories of moral and civic education. Both men seem to have idealized or romantic visions, but both also attend to the real-world complexities that prevent or, at the very least, hinder realization of their visions.

²⁴ TJ to William C. Jarvis, 28 September 1820, *ME* 15:276.

Perhaps the small fraction of indigent geniuses educated at the university could aspire to truly participate fully in the political life of Virginia, but the mass of their fellow commoners simply lacked the knowledge to responsibly exercise that power. Jefferson's educational scheme, combined with his equation of knowledge and power, precluded any meaningful devolution of political authority. Jefferson's prescribed primary education was simply not a pedagogical stepping stone to participatory democracy.²⁵

It might be true that Jefferson did not embrace a vision of widely participatory democratic politics, but Staloff seems to be ignoring something very crucial in Jefferson's thought, namely ward democracy. Jefferson clearly did not intend for his scheme of public education to be a "stepping stone to participatory democracy." Likewise, it is true that the masses, while certainly not ignorant, would nevertheless not be as intelligent or capable as the so-called natural aristocracy. This would not owe to a lack of education per se; it would be because some individuals are simply more capable than others. In other words, there are certain natural inequalities that positive educational schemes simply cannot overcome; lack of education can (and does) make a significant difference, but it is only one part of the equation.

Staloff also ignores the fact that Jefferson ultimately embraced the federal nature of the Union (see, for example, his praise for *The Federalist*²⁶) while simultaneously insisting on the implementation and development of a more localized, participatory democracy within the states. For Jefferson, democracy did not mean direct, unfiltered participation by the masses; in a territorially expansive republic, this would have been both unwise and impracticable. Rather, republican government was multi-tiered and, by necessity, representative, though ultimate authority was always to rest in the hands of the

²⁵ Staloff, 130-31.

²⁶ See TJ to James Madison, 18 November 1788, *PTJ* 14:187-190.

people. Jefferson's faith in the common man—his faith in average, ordinary citizens' self-reliance and ability to come together in order to solve problems of a local nature—is not nearly as incompatible with Jefferson's thoughts on education as Staloff seems to imply. That the education of common people was to be different than the education of leaders (i.e., "the future guardians of the rights and liberties of [the] country") does not seem to matter a great deal. Cultivating a basic morality in people was the primary goal of education. Jefferson seems only to be admitting of a natural inequality of ability; nowhere does he imply that these natural inequalities ought to translate into political inequalities.

Staloff's point thus seems lost. Indeed, Jefferson's prescriptions for primary education would not provide a "stepping stone to participatory democracy," but this was never his intention. Primary, public education was a vital component for the cultivation of responsible, republican citizenship, but it was by no means sufficient (nor did Jefferson believe it to be). Perhaps in an ideally (small) virtuous, agrarian republic, people would be capable of complete or pure self-government (and perhaps democratic governance would be the mode of choice). Still, despite his musings on agrarian virtue (however rhetorically charged they might have been) and despite his antipathy to industry and manufacture, Jefferson was well attuned to the increasing complexities of life in an expansive republic. Moreover, Jefferson understood as well as Madison what this entailed: the need for a partly national, partly federal Constitution and system of government.

Staloff's myopic view of Jefferson's educational reforms paints an incomplete and largely inadequate picture for two reasons. First, focusing on the inegalitarian

qualities makes the Virginian seem elitist. While Jefferson's proposals for primary education might exclude a fair number of otherwise promising individuals, the goal was not to cultivate completely enlightened minds, particularly in the realm of politics. As Staloff even acknowledges, Jefferson rightly agreed with Hume that "in matters of politics, 'every man ought to be supposed a knave' and animated solely by 'insatiable avarice and ambition.'"²⁷ While Jefferson and Hume are, in fact, often worlds apart in terms of their respective views of human nature and politics, the Virginian and the Scot do appreciate one pedagogical reality: all human minds are not created equal. For Hume, what this entails politically is a bit different than what it entails for Jefferson. However, both men agree that the uneducated, common farmer is just as capable as the enlightened statesman of judging human character. Hence, instruction in subjects such as history and philosophy will likely not provide sufficient grounds for self-government, but such instruction will help to "qualify [the people] as [competent] judges of the actions and designs" of ambitious politicians and self-serving elites.²⁸ Jefferson was thus more interested in cultivating suspicious minds than he was in cultivating wholly enlightened minds.

The second problem with Staloff's approach is that it discounts the importance of Jefferson's federalism. As I showed in Chapter Three, Jefferson is decidedly not the pure democrat some want him to be. Jefferson's democratic theory is tempered by his own nuanced understandings of the scope and limits of government across multiple levels. Jefferson's republicanism boasts a general distrust of government: he bristles at the notion

²⁷ Staloff, 133. See also David Hume, "Of the Independency of Parliament," in *Essays Moral, Political, and Literary* (Oxford: Oxford University Press, 1963 [1741]), 40-47.

²⁸ TJ, *Notes on the State of Virginia*, Query XIV.

of large, expansive regulatory systems and he embraces the idea of self-sufficiency and individual liberty. That individual citizens should have not only a say but a share in the workings of government is, in fact, the essence of Jeffersonian republicanism.

However, individual influence over government begins to wane as population increases, territory expands, and policy issues grow more complex. Distance and complexity thus entail a greater need for citizens to rely more on representatives and less on personal judgments and capabilities. Genuine self-government, in the true sense of the term, is only practicable on a very small scale. Jefferson believed people could not actually govern themselves completely in a large republic because “they were unqualified for the management of affairs requiring intelligence beyond the common level, though he did think they were “competent judges of human character.”²⁹ Thus, Jefferson embraced and promoted what he called ward republicanism until he died.

Although the system never really materialized in Virginia as he had hoped, ward republicanism forms the cornerstone of his overarching republican theory. In Jefferson’s mind, the antidote to political corruption at all levels was the implementation of a system that would allow for citizens to act “directly and personally, according to rules established by the majority.”³⁰ As such, “[t]hese little republics would be the main strength of the great one.”³¹ Jefferson was under no illusion that direct participation was always a desirable thing, nor did he see it as feasible at higher levels of government. Hannah Arendt was right to conclude that Jefferson not only “disliked the representative

²⁹ TJ to Nemours, 24 April 1816, *Writings*, 1385.

³⁰ TJ to John Taylor, 28 May 1816, *Writings*, 1392.

³¹ TJ to Governor John Tyler, 28 May 1816, *Writings*, 1227. See also TJ to John Adams, 28 October 1813, *AJL*:387-92.

system and feared the lack of direct political participation, but he also feared the corruption of the people themselves.”³² Hence, like Rousseau, Jefferson embraced representative government only as a necessary evil. Far less laudatory than James Madison and certainly more accepting than most of his anti-Federalist brethren, Jefferson at once decried the dangers of the representative system and pointed up the benefits.

The first and perhaps most significant danger inherent in representative systems is the possibility of citizen isolation and civic apathy. Tocqueville would observe this in the years immediately following Jefferson’s death and his analysis would be the first substantial contribution to understanding this phenomenon since the Anti-Federalists.³³ However, concerns over civic apathy and citizen withdrawal into the private sphere were certainly on the minds of American intellectuals before Tocqueville arrived. Like Tocqueville, Jefferson praised the small New England townships for their ability to preserve citizen participation and a strong sense of local community. But this would prove to be the limit of Jefferson’s admiration for New England. His experiences traveling through Europe (particularly France) in the late eighteenth century only served to reinforce his belief in the corrupting tendencies of manufacture and large, urban environments.³⁴

For Jefferson, the solution to moral and political corruption lies in the establishment of small, self-sufficient communities where republican virtue can flourish unabated. The key to American prosperity—and American virtue—was to be found in

³² Hannah Arendt, *On Revolution* (New York: Penguin, 2006 [1963]), 256.

³³ See Alexis de Tocqueville, *Democracy in America*. See also, Herbert Storing, *What the Anti-Federalists Were For: The Political Thought of the Opponents of the Constitution* (Chicago, IL: University of Chicago Press, 1981).

³⁴ Emile’s travels are meant to illustrate this very same problem.

agrarianism. In *Notes on the State of Virginia*, Jefferson's musings on agrarian virtue might strike the modern reader as dated, to say the least. Nevertheless, there is a significant point that lies beneath the outmoded claim that the tillers of the earth are more virtuous than their counterparts in manufactures. Unless we set aside for a moment the claim that God has a special preference for farmers and get to the bottom of Jefferson's reasoning, we are likely to miss the significance of this particular Query in the *Notes*. Jefferson's point is not necessarily to exalt the American farmer; the exaltation is simply a matter of course: farmers, Jefferson thinks, tend to remain uncorrupted and virtuous not so much through the effects of Providence, but rather as a result of their industriousness and self-sufficiency (which, as it turns out, happen to be the ingredients necessary to their survival). "Dependance [*sic*]," Jefferson says, "begets subservience and venality, suffocates the germ of virtue, and prepares fit tools for the designs of ambition."³⁵

In something of a Rousseauian vein,³⁶ Jefferson goes on to strike a chord with the counter-Enlightenment critique of the arts:

This, the natural progress and consequence of the arts, has sometimes perhaps been retarded by accidental circumstances: but generally speaking the proportion which the aggregate of the other classes of citizens bears in any state to that of its husbandmen, is the proportion of its unsound to its healthy parts, and is a good enough barometer whereby to measure its degree of corruption.³⁷

In 1784, the virtue of the American people (by way of their agrarian disposition) was defined in terms of self-sufficiency and independence, two features of the American

³⁵ TJ, *Notes on the State of Virginia*, Query XIX.

³⁶ Compare Rousseau's remarks in the *Discourse on the Sciences and Arts* (1750). Although it is likely that Jefferson may have been acquainted with Rousseau's works to an extent greater than the record of his personal library attests, Rousseau's critique of the sciences and arts antedates Jefferson's *Notes on the State of Virginia* by over thirty years.

³⁷ TJ, *Notes on the State of Virginia*, Query XIX.

social and political landscape that would persist well into the nineteenth century.

Jefferson's point is to draw our attention to the conditions that make the American farmer virtuous: those who constantly have an eye "to their own soil and industry" depend not on the capriciousness and whims of buyers and sellers (as the employ of manufactures might), but rather on their own diligence and determination.³⁸ This idea forms, at least in part, the core of Rousseau and Jefferson's pedagogical plan.

Yet, if the solution to political corruption is the cultivation of civic virtue in small, somewhat independent, republican communities, why does Jefferson fail to deliver a more precise account of how the wards are to function in practice? Suzanne Morse suggests that Jefferson was intentionally vague when it came to crafting a practical plan for the development of the wards: "[Jefferson] knew fundamentally that the basis of a democracy was citizen participation. At the same time, he knew that communities can have many functions. His strategy was to have the idea of the small republics accepted and let their value for different purposes evolve."³⁹ The wards would naturally evolve over time and it would be up to the citizens of each to fill in the various administrative details of local government. In other words, each ward would be a self-governing entity capable of handling its own affairs without the meddling of other governmental entities (presumably at the county, state, or federal levels).

³⁸ Jefferson's exaltation of the American farmer is, no doubt, partially the product of bias: Jefferson, a planter himself, knew firsthand the challenges that agriculture posed as a way of life. However, Jefferson was not, by any stretch of the imagination, a prototypical American farmer: though well learned in the ways of agriculture, Jefferson was nevertheless of a different order. A lawyer by trade, his success as a planter is attributable to much more than simply back-breaking labor, an industrious spirit, and the blessings of nature. The owner of a sizeable piece of arable land bequeathed him by his father—and, of course, the owner of numerous slaves by way of his marriage to Martha Wayles Skelton—Jefferson's experience was indeed a far cry from that of the common man.

³⁹ Suzanne W. Morse, "Ward Republics: The Wisest Invention for Self-Government," in James Gilreath, ed., *Thomas Jefferson and the Education of a Citizen* (Washington, D.C.: Library of Congress, 1999), 265.

It is best to think of Jefferson's wards as subsidiaries: the lowest competent authority is the one that ought to deal with a given issue. Put differently, if a lower, subordinate governmental body can perform a task more efficiently than any other, then the responsibility belongs with that particular agency. Responsibility and authority ought to devolve to these lower bodies if they are in fact competent. This is perfectly consistent with Jefferson's federalism and, despite the seeming opacity of his writings on the wards, actually serves to illuminate some of the potential functions of the small republics.

For Jefferson, the responsibilities of the federal government were, for the most part, clearly demarcated by the Constitution. The vast majority of rights and responsibilities were reserved to the states (which could, of course, assume any prerogatives assumed by the counties or wards). This gives rise to two separate but related questions. The first question has to do with the proper division of governmental powers according to the Constitution, namely, what is the legitimate scope and authority of the federal government vis-à-vis the states (and citizens)? Jefferson devoted considerable effort to answering this question largely in favor of the states. The second and more relevant question does not concern the constitutionality of the devolution of power. Rather, this question has to do with the normative implications of Jefferson's plan. Certain powers, he says, ought to be reserved to the states and, subsequently, to lower bodies such as the counties and wards. Among the powers that ought to devolve into the hands of local communities is the power to regulate education. The question, then, is whether such a power ought to be in the hands of local citizens (and, presumably,

parents) or whether a larger governmental body should establish uniform regulations at either the state or federal level.⁴⁰

Jefferson's solution was, of course, to situate power over educational policy in the wards rather than at the county or state level. By dividing Virginia's counties up into smaller geopolitical units—sometimes called “hundreds”⁴¹ by Jefferson—citizens could more effectively participate in the day-to-day affairs of government. In other words, citizens would, by virtue of necessity, have a greater share of sovereignty than they would otherwise have if the majority of the government's business was handled from a distance at either the county or state level.⁴² The system Jefferson envisioned would not only handle many of the tasks typically assigned to the county or state—the administration of justice, care of the poor, jury selection, and schools, to name a few—but would perform these tasks with greater efficiency and care. Additionally, by giving each citizen a greater, more active share in government “and in the offices nearest and most interesting to him, [this] will attach him by his strongest feelings to the independence of his country, and its republican constitution.”⁴³

Although Jefferson's proposal for the ward system came relatively late in his life, the core features of the system and the rationale behind them are derived from a republican theory that predates the Revolution. Moreover, the principles that form the

⁴⁰ Though highly apposite in the contemporary debate over federalism and the scope of the federal government's authority, Jefferson's thoughts on this subject are too complex to evaluate here. Hence, this question must remain the subject of another study.

⁴¹ The term “hundreds” derives from the English division of shires into smaller administrative units under the common law.

⁴² See TJ to Joseph C. Cabell, 17 January 1814, *PTJ:RS*:133-35.; TJ to Cabell, 31 January 1814, *PTJ:RS*:176-78.

⁴³ TJ to Samuel Kercheval, 12 July 1816, *Writings*, 1399.

basis of his ward theory also undergird a constitutionalism that Jefferson embraced from 1787 onward. “The way to good government,” Jefferson wrote,

is not to trust it all to one, but to divide it among the many, distributing to every one exactly the functions he is competent to. Let the national government be entrusted with the defence of the nation, and its foreign and federal relations; the State governments with the civil rights, laws, police and administration of what concerns the state generally; the Counties with the local concerns of the counties; and each Ward direct the interests within itself. It is by dividing and subdividing these republics from the great one down through all its subordination, until it ends in the administration of every man’s farm and affairs by himself; by placing under every one what his own eye may superintend, that all will be done for the best.⁴⁴

The point of the ward system was to preserve the federal structure of the union, as Jefferson understood it, and to ensure that true republican principles would penetrate deep into the interstices of political society. Jefferson’s fears of a “generalizing and concentrating” power are brought to bear when he asserts that the key to preserving America’s republican heritage—and the key to preserving liberty—is to render the individual “the depository of the powers respecting himself, so far as he is competent to them, and delegating only what is beyond his competence by a synthetical process, to higher and higher orders of functionaries, so as to trust fewer and fewer powers, in proportion as the trustees become more and more oligarchical.”⁴⁵

Though perhaps logistically problematic by twenty-first century standards, the wards were, at the very least, emblematic of Jefferson’s commitment to the principles of self-government and individual liberty. Like Rousseau, Jefferson deplored the abuses of power common under self-interested, corrupt monarchs as well as the seemingly well-intentioned, though typically misguided efforts of large, bureaucratic regimes to

⁴⁴ TJ to Joseph C. Cabell, 2 February 1816, *Writings*, 1380.

⁴⁵ *Ibid.*

micromanage the lives of citizens.⁴⁶ Jefferson understood as well as, if not better than Rousseau the importance of appealing to citizens' interests, that is, in motivating citizens to take an active role in local government. In Jefferson's estimation, the wards would provide the very practical civic education needed to produce just such a citizen. Combined with the moral and general instruction received in the schools, children would become self-reliant and vigilant adults rather than passive, withdrawn—in a sense, civically dead—subjects.

Only the active participation of citizens could curb the tendency of representatives to drift away from their constitutional duties. Although Jefferson eventually acquiesced to the Constitution, he did not necessarily embrace Madison's theory in *Federalist 10* and *51*. Pitting power against power and interest against interest was certainly a step in the right direction, and Jefferson accepted this structural arrangement as by and large a good safeguard against legislative and executive despotism. But even a good institutional design could not prevent the Congress from overstepping its legitimate authority in all cases, nor could it forestall the centralizing momentum that Jefferson felt was latent in Madison's scheme. The wards would thus stand as a potential bulwark against constitutional transgressions. As Jefferson indicated to John Adams, constitutional disputes could likely be resolved with a "general call of ward meetings by their wardens on the same day throughout the State," which "would at any time produce the genuine sense of the people on any required point, and would enable the State to act in mass."⁴⁷

⁴⁶ Tocqueville provides an historical analysis of this phenomenon in France in *The Old Regime and the French Revolution*. See also Chapter Three.

⁴⁷ TJ to John Adams, 28 October 1813, *AJL*:390.

Madison ultimately rejected Jefferson's theory of generational sovereignty and his call for periodic constitutional conventions,⁴⁸ but Jefferson never relented in his commitment to preserving the rightful will of the people against the inevitable encroachments of a distant, disconnected, and seemingly unrestrained federal government. The educative function of the wards was thus indispensable to Jefferson. Presumably, if republicanism flourished in the wards, it would thrive at the state and federal levels as well. In terms of preserving republican principles, it was not constitutions that mattered so much to Jefferson; although certain principles were eternal, laws and institutions could be altered, modified, or even abolished to keep pace with changing social and political tides. What mattered most to Jefferson was the strength and character of the American people—in a word, its spirit.⁴⁹

Such republican spirit flourished during the Revolution, or at least Jefferson believed that it did. Once the “reign of [Federalist] witches”⁵⁰ was brought to an end with the election of 1800, Jefferson set out to revitalize this republican spirit from the nation's highest office.⁵¹ But Jefferson was sensitive to the limitations of the presidency, especially when it came to having a palpable effect on the moral and civic development of the people. He knew that government could only do so much—and rightfully so. If republican virtue was to be nourished and reproduced—if the “qualifications for self-government” were indeed “the result of habit and long training” and such training “must

⁴⁸ See Madison, *Federalist* 39.

⁴⁹ “Where is our republicanism to be found,” Jefferson asked. “Not in the constitution, but merely in the spirit of the people.” TJ to Samuel Kercheval, 12 July 1816, *Writings*, 1397.

⁵⁰ TJ to John Taylor, 4 June 1798, *PTJ* 30:388.

⁵¹ See Chapter Three. See also Onuf, *The Mind of Thomas Jefferson*, 83-98; Peter S. Onuf and Leonard J. Sadosky, *Jeffersonian America* (Oxford: Blackwell, 2002).

be taken up *ab incunabulis*”—then most of the heavy lifting would have to be performed by citizens themselves, in conjunction with, but distinctly separate from the state. In other words, the type of moral and civic education required to produce virtuous republican citizens—and the kind necessary to realize the hopes and fulfill the promises of Jefferson’s First Inaugural—would have to be carried out on multiple levels, but primarily within the family. The next section explores Jefferson’s thoughts on the role of republican fathers as founders and highlights the parallels between the Virginian and Rousseau’s theory of affectionate pedagogy.

III. Jefferson and Rousseau: Affectionate Pedagogy and *Amor Patriae*

Jefferson’s revolutionary rhetoric pitted a parent country (the King in parliament) against its children (the colonists). Many, including Jefferson, worried that the colonists’ independence would be undermined if affectionate ties to a neglectful father persisted. Jefferson especially feared that many Americans would, like irrational and passionate children, retain a sentimental attachment to—and, even worse, a dependence upon—the Crown. Thus, in his writings on education and the wards, Jefferson emphasized the important role mentors, teachers, and parents ought to play in cultivating autonomy and a sense of gratitude in their charges, as well as a more rational sense of dependence and affection.

In order to guarantee that affection toward a neglectful and even harmful British monarch would not persist, Jefferson insisted on the establishment of a public school system. Still, the core features of the curriculum and the philosophy behind its design remained closely tied to the romantic ideals presented by Fénelon and Rousseau: children

would travel away from home (progressively farther as they aged and moved on to higher levels); experience and observation would serve to stimulate and develop common sense and, eventually, abstract reason; and finally, the public schools, in close conjunction with affectionate mentors, would help to perpetuate American republicanism and cultivate *amor patriae*.⁵²

The antipatriarchal rhetoric Jefferson leveled against the Crown should not be taken as an assault on patriarchy per se. To be sure, the King was guilty of more than simply neglect: Jefferson painted the King as a once affectionate parent whose attitude toward his children's well-being had slowly drifted from mild indifference to negligence and, by 1776, to exploitation and abuse. The British monarch was most deserving of a severing of the "political bands" Jefferson mentions in his Declaration, but this did not mean that the parental model was to be abandoned when it came to instituting new government and educating citizens in their rights and duties. Although Jefferson wished to sever political ties with Great Britain, his goal was decidedly not to generate either an absolutely anti-patriarchal sentiment or a sentiment that would incline citizens to reject out of hand any and all forms of tradition, custom, and law. Jefferson's revolutionary rhetoric was indeed radical, but the Virginian simply could not abide a total rejection of the laws and practices handed down by his English ancestors.⁵³ This much is clear from

⁵² Compare *Emile*: Rousseau might have assented to this sort of plan for public education if he did not detest the system of public education in Europe. Cf. Jean Bloch, *Rousseauism and Education in Eighteenth-Century France* (Oxford: Oxford University Press, 1995).

⁵³ Jefferson supported numerous legal reforms in Virginia, including the abolition of primogeniture and entail. For an analysis of these reforms, see Michael Grossberg, "Citizens and Families: A Jeffersonian Vision of Domestic Relations and Generational Change," in *Thomas Jefferson and the Education of a Citizen*, ed. James Gilreath (Washington, DC: Library of Congress, 1999), 3-27; Holly Brewer, "Beyond Education: Thomas Jefferson's 'Republican' Revision of the Laws Regarding Children," in *Thomas Jefferson and the Education of a Citizen*, 48-62.

Jefferson's language in Bill 79 and Bill 80.⁵⁴ The various proposals contained in the bills for establishing a public school system ensured that the core principles of American republicanism would be passed down from generation to generation. The tripartite philosophical foundation of the curriculum would encourage independence, critical reflection, and a healthy suspicion of governmental authority, while simultaneously instilling in youth respect and gratitude for their predecessors, especially their affectionate mentors.

The transmission of republican principles to future generations was vital for Jefferson; his rhetoric as well as his legislative efforts to reform education attest to this. The idea of transmitting republican principles goes hand in hand with the image of the affectionate father, but neither are readily apparent in Jefferson's political writings (i.e., in drafts of bills, speeches, and other public messages). However, both ideas are clearly observable in his personal correspondence and his revolutionary writings.⁵⁵ On occasion, Jefferson emphasizes in his public writings the importance of preserving America's republican heritage in both institutions and the law, but the image of fathers as founders and affectionate mentors is noticeably missing. As important as the idea was in the American mind, perhaps Jefferson saw no need to buttress it through speeches and political messages during his presidency. After all, in terms of influencing the American mind, much of what Jefferson accomplished during his presidency was done in a less

⁵⁴ Bill 79, "A Bill for the More General Diffusion of Knowledge," *PTJ* 2:526-7. Bill 79 was presented to the Virginia House of Delegates by Jefferson in 1778 and again in 1780. The Bill failed to receive a majority vote and was later reintroduced several times by James Madison during Jefferson's tenure as Minister Plenipotentiary to France in the late 1780s. In 1796, the Bill was enacted as an "Act to Establish Public Schools." *PTJ* 2:535n. Bill 80, "A Bill for Amending the Constitution of the College of William and Mary, and Substituting More Certain Revenues for its Support," *PTJ* 2:538.

⁵⁵ For instance, in "A Summary View of the Rights of British America" and the "Declaration of Independence."

overt way.⁵⁶ After his two terms as president, Jefferson's focus shifted to mentoring his affectionate charges and his own children. Thus, after 1801, the image of the affectionate father and mentor, never very prominent in Jefferson's public writings, all but disappears, though it remains in his personal missives until his death.

Much of Jefferson's revolutionary rhetoric was designed to paint King George III as a neglectful tyrant and failed father. Jefferson's post-revolutionary writings, on the other hand, offer an account of what republican fathers ought to do to cultivate virtuous republican citizens and perpetuate *amor patriae*. Jefferson was hopeful that properly ordered institutions, good laws, and a sound system of education would nurture and develop his romanticized republican vision. After the 1790s, Jefferson's efforts to cultivate virtuous republican fathers and children would gradually drift away from the nation and back to his native Virginia. Increasingly, Jefferson's function as a founder would give way to his duties as a father (in both the literal and metaphorical sense).

The image of the affectionate father is an enduring feature in Jefferson's republican vision. The question of whether this image had been successfully grafted onto the American mind by the 1780s is important, but cannot be answered here. Still, the reification of the image—the conversion of that image from something allegorical into something more literal—looms large in Jefferson's thought from his revolutionary days through his retirement. Jefferson's efforts to galvanize the American people and solidify the image—his attempts to embolden the people to be virtuous republicans—are exemplified in the design for a national insignia submitted to Congress in 1776. As Hellenbrand has noted, when Jefferson and Benjamin Franklin collaborated on the

⁵⁶ See Appleby, "Psychology of Democracy," 158.

insignia, both concurred on the use of Pharaoh's image to represent George III. Depicting the King as being "swallowed up by the Red Sea revealed their own poignant desire that the Atlantic and God conspire to defeat George."⁵⁷ However, Jefferson favored a design that would elicit stronger sentiment and considerably greater reverence for legitimate authority and republican principles. In addition to a design that emphasized Americans' Saxon⁵⁸ heritage and something of a reclaimed patrimony, Jefferson also conceived of a second, and in his mind, more fitting and "proper device for the American states united."⁵⁹ This image would not emphasize the moral and political failings of a neglectful King; instead, it would portray something more positive and, above all, it would impart a crucial lesson. This "device...would be the Father presenting the bundles of rods to his sons."⁶⁰ In Hellenbrand's words,

This "Father," from Aesop, taught his sons a political object-lesson. Held separately, each rod easily could be snapped. Held with others in a bundle, it could not. "*Insuperabiles si inseparabiles*," warned the motto of this insignia. Fathers who were not like Pharaoh had lessons to teach. Their primary lesson was that true fathers ruled and raised their sons to be independent. Then, the elders bonded fraternally and affectionately with their heirs.⁶¹

⁵⁷ Hellenbrand, 75.

⁵⁸ The Saxon glory Jefferson lauds is admittedly a myth. In general, Jefferson rejected myths as instructional devices, especially religious myths. Nevertheless, he saw fit to employ this particular myth time and again in order to convey a particular political message to the American people. The Saxons' "ancient constitution," as well as the virtues and glory of these ancient republicans, were trumped up by Jefferson in "A Summary View of the Rights of British America." Later in life, Jefferson would admit that the Saxon legacy was nothing but a historical contrivance. Still, in his mind, the myth served a vital purpose.

⁵⁹ TJ, "Report on a Seal for the United States, with Related Papers," 20 August 1776, *PTJ* 1:494-97.

⁶⁰ *Ibid.*

⁶¹ Hellenbrand, 75. This is not unlike my interpretation of Rousseau's republican project as spelled out in the *Social Contract* and *Emile*.

The importance of this lesson for republican citizens cannot be understated. The image of the affectionate father was not merely a rhetorical device for Jefferson; fathers—actual and surrogate—play a pivotal role in Jefferson’s republican theory.

Jefferson was of the conviction that a sound, comprehensive course of study—what we might today call a liberal education—was indispensable to the establishment and maintenance of good government and individual liberty. According to Jefferson’s preeminent twentieth century biographer, Dumas Malone, the Virginian’s “chief concern was for the attainment of liberty, and this provides the best single clue, not only to his motives in the Revolution, but also to his entire career.”⁶² Malone is right to conclude that Jefferson’s paramount objective was the preservation of individual liberty, as far as practicable. However, there is more to Jefferson’s plan, another side of the coin that Malone seems to ignore. Unenlightened liberty was certainly a “contradiction in concepts” for Jefferson, as Cauthen has observed.⁶³ But more important was the link between individual liberty and personal integrity (or the balance between individual rights and personal responsibility). This, of course, is not unlike the position staked out by Rousseau in *Emile*. While Rousseau might have bridled at the idea of children being compelled to learn useless (or nearly useless) things, he, like Jefferson and Milton, appreciated the value of a curriculum that focused almost exclusively on practical knowledge and the development of morally and civically virtuous citizens.

⁶² Dumas Malone, *Jefferson and the Rights of Man*, Vol. 2 of *Jefferson and His Time* (Charlottesville, VA: University of Virginia Press, 2006 [1948-1982]).

⁶³ Irby Cauthen, “‘A Complete and Generous Education’: Milton and Jefferson,” *The Virginia Quarterly Review* Vol. 55, No. 2 (Spring 1979): 223.

Jefferson's theory of moral and civic education is ostensibly straightforward: he embraces dual conceptions of natural equality and political democracy and he is committed to instilling the virtues of republicanism in the American citizenry from birth. Paternalism and pedagogical mentorship play pivotal roles in Jefferson's vision. Like Rousseau, Jefferson marked out a unique, if not indispensable place for pedagogues and fathers in a republic. The primary function of these pedagogues was to cultivate independent, self-sufficient, and virtuous republican citizens. This was no easy task, for things like self-government and the responsibilities entailed by individual liberty were far from intuitive in young children.

Jefferson's prescriptions are often associated with Locke's. For many Enlightenment thinkers contemplating the minutiae of childhood pedagogy, Locke's *Thoughts on Education* was often the standard. Much scholarship has focused on a commonly occurring theme in Enlightenment thinking on the subject—namely, the analogy between parents as sovereign authorities and children as political subjects. While Locke's analysis in *Thoughts* seems to invite such an analogy, nowhere does he actually suggest that political sovereignty is on a conceptual par with parental authority.⁶⁴ Hellenbrand persuasively argues that, while many of Locke's followers embraced this analogy (if not wrongfully attributing it to him), Jefferson did not. In fact, on Hellenbrand's reading, Jefferson “not only adopted Locke's benign view of the impressionability of the infant mind, but he attributed to political sovereignty the power and responsibility of solicitous parenthood.”⁶⁵

⁶⁴ Indeed, Locke's great *bête noire* was Sir Robert Filmer, the paragon of patriarchal theorists.

⁶⁵ Hellenbrand, 13.

If Hellenbrand is correct, then something of a Rousseauian paradox lurks beneath the surface of Jefferson's republicanism: ever suspicious of encroachments by the government on individual liberty, it seems odd that Jefferson would tirelessly defend a system of education that depended almost entirely on government subsidy and political will. Likewise, it seems strange that Jefferson, the champion of autonomy and archrival of state political paternalism, would buoy up a scheme that sought first and foremost to instill in children his own republican virtues. It would seem that a system consistent with Jefferson's values should encourage critical thinking, a healthy suspicion of governmental authority, and, above all, self-sufficiency and independence. Scholars such as Staloff and Fliegelman imply that Jefferson's plans ultimately issue in something of an inegalitarian and even illiberal order: children are inculcated to embrace a peculiarly southern strand of republicanism and are thus too dependent on the state. Others, such as Hellenbrand and Lewis, suggest that Jefferson may have gone too far in the other direction. For Jefferson, the state indeed had a crucial role to play in public education. However, being a government institution, its scope was to be strictly limited. Parents were to be the primary teachers with schools merely serving an ancillary or supplementary role. On this reading, Jefferson seems to be placing a significant burden on republican parents and, in doing so, he renders children far too dependent on their pedagogues.⁶⁶

⁶⁶ Staloff, 130-34 ff.; Jay Fliegelman, *Prodigals and Pilgrims*, Ch. 7; Hellenbrand, Ch. 3; Jan Lewis, "Jefferson, the Family, and Civic Education," in Gilreath, ed., *Thomas Jefferson and the Education of a Citizen*, 67. The latter interpretation seems wrong. Jefferson's aim was to transform children, over time, from dependent and unreasonable persons to autonomous, independent, and self-sufficient citizens, albeit while retaining strong bonds of affection with their parents. Independence was something that had to be learned and the starting point was, of course, a state of dependence. For Jefferson, independence is not a toy for children to play with; it is a privilege for the fully matured mind. As such, independence—that is, full, genuine, unfettered independence—must be acquired or learned over time in order to be fully appreciated (and fully exercised).

It is true that Jefferson believed a certain degree of dependence was inevitable in the course of a child's education. He was confident that the only way to cultivate autonomous, rational, republican citizens was to begin with a properly coordinated and properly executed education as early as possible. Like Milton and Locke, Jefferson believed that most of the rigors associated with traditional education were largely inadequate. Obliging children to conform to narrowly defined standards and unnecessarily restricting them were ideas anathema to both Locke and Jefferson. The pedagogue's task was not so much to drive facts and formulas into children's minds, but to help them garner useful knowledge through processes of discovery, or experiential learning. The teacher would be tasked with selectively filtering everyday experiences so as to lead students to the point of self-sufficiency as adults. This is the guiding principle that undergirds Locke's scheme in *Thoughts* and it is also the cornerstone of Rousseau's approach in *Emile*. Although the principles Rousseau espouses in *Emile* and the approaches he advocates sometimes resemble much of what Locke has to offer, the Genevan goes to great lengths to highlight the defects of the gentry-oriented education contained in *Thoughts*.

The question, then, is whether Jefferson's approach is more in line with Locke or Rousseau. I argue that Jefferson embraced (and practiced) a system that more closely resembles Rousseau's on at least two levels. First, Jefferson's long-held conviction that general education and the diffusion of useful knowledge were public responsibilities separates him not only from Locke, but also his own contemporaries (e.g., John Adams, Benjamin Franklin, and Benjamin Rush). While Rousseau insists that private education is vastly superior to public education, he concedes that private education is only

practicable for a few, namely the wealthy. In a truly republican system, public education is thus not something the people ought merely to settle on; it is, rather, a matter of necessity.

The second point on which Jefferson and Rousseau converge is the idea of affectionate pedagogy and the indispensable role played by parents and mentors. The political import of Jefferson's thoughts on affectionate pedagogy and the educative function of fathers is profound. In what follows, I offer an analysis of the ways in which Jefferson's system lines up with the interpretation of Rousseau I offered in Chapter Two. There, I show the central theme in Rousseau's *Emile* to be the idea of fathers as the founders of moral and civic virtue in republican children. The founding and fatherly roles played by the tutor are not mutually exclusive and, in the end, the goals of both the tutor and *Emile* are to found privately and publicly. Jefferson's role as a father and a founder can be understood to follow a similar trajectory.

Jefferson believed that, given the right conditions and competent instruction, children could be molded into civically minded, virtuous republicans. For Jefferson (as for Rousseau), the pedagogue would be the indispensable lynchpin in the entire scheme: affectionate mentors, or father figures, would, in a way, help to complete the American Revolution in the minds of the young. Like many of his contemporaries, Jefferson understood the Revolution to be an ongoing process, something that was, as of 1781, incomplete.⁶⁷ The task of completing the revolution (or, rather, of continuing the

⁶⁷ John Adams famously remarked: "What do we mean by the revolution? The war? That was no part of the revolution; it was only an effect and consequence of it. The revolution was in the minds of the people, and this was effected from 1760-1775, in the course of fifteen years, before a drop of blood was shed at Lexington." John Adams to TJ, 24 August 1815, *AJL*:450-52. See also Adams to Hezekiah Niles, 3 February 1818 and 13 February 1818, in *The Works of John Adams*, Vol. 10, ed. Charles Francis Adams (Boston, MA: Little, Brown and Co., 1856), 282, 283.

revolution) would fall to the people as a whole, though the bulk of the work would be performed at a much lower level. Parents, Jefferson believed, were ultimately responsible for educating and shaping their children, for preparing them to be independent, republican citizens. His plans for public education certainly gave great consideration to the role the state ought to play in such an enterprise, but education remained, by and large, the responsibility of individual parents.

Jefferson's approach to education is marked by several tensions. On the one hand, there is a tension between Jefferson's faith in the power of reason and his deference to sensibility, or sentimentality. On the other hand, Jefferson routinely emphasizes the importance of individual liberty and self-sufficiency while simultaneously underscoring the need for a seemingly rigid, inflexible pedagogy. If Jefferson's words and actions are examined carefully—if close attention is paid to the nuances of his political and educational theories—both tensions can be easily resolved. As I showed in Chapters One and Two, a similar set of tensions emerges in Rousseau's thought and, upon careful consideration, both tensions are reconciled to some degree. Jefferson's thoughts and proposals are no different; circumstances and politics notwithstanding, the Romantic trajectories of both Rousseau and Jefferson's pedagogical schemes is unmistakable.

It is helpful to begin with an analysis of Jefferson's conception of the relationship between reason and sensibility. As Hellenbrand has noted, Jefferson's father taught "his son to think well of a morality that depended more on observation and action than on pure introspection and abstract virtue." Likewise, the next most influential teacher in Jefferson's youth, the Reverend James Maury, believed that humans had something of an

innate or biological imperative “as well as a moral imperative to do good deeds.”⁶⁸

Jefferson, perhaps the master of abstraction among all the revolutionaries, was actually well attuned to the ways in which observation and experience could color one’s moral philosophy. The ability to abstract away from the ordinary was crucial—virtue, after all, was a high ideal that needed to be grounded in something greater than the mundane—but the building blocks for such abstraction could only be found in everyday experiences.⁶⁹

Though he in no way discounts the value—indeed, the invaluable—of reason, Jefferson, like Rousseau, accords primacy to affect, to natural sentiment, and to the passions (properly restrained). In his famous letter to Maria Cosway in 1786 (the “Head and the Heart” letter), Jefferson intimates the indispensability of affect in political matters. Following the Head’s admonition that “Everything in this world is matter of calculation,” the Heart rejoins:

Morals were too essential to the happiness of man to be risked on the uncertain combinations of the head. She [i.e., nature] laid their foundation therefore in sentiment, not in science...If our country, when pressed with wrongs at the point of the beyond, had been governed by its head instead of its *hearts*, where should we have been now? Hanging on a gallows as high as Haman’s.⁷⁰

Reason told Jefferson that very little, if anything in this world could endure. However,

⁶⁸ Hellenbrand, 24.

⁶⁹ Rousseau tries to lead Emile to abstract virtue, but he insists that the only way to accomplish this is through observation and experience.

⁷⁰ TJ to Maria Cosway, 12 October 1786, *PTJ* 10:448; 450-51. Remarking on the substance of this very same letter, Eva Brann concludes that Jefferson “is recalcitrant to what Hegel posits as the ultimate development of the Enlightenment chiefly in that he refuses reason its full universality and dominance. He stubbornly preserves the distinction between the private and the civic realm. But he does it in...a peculiar and distinctive way. He assigns the private realm to the head, which is narrow in its purpose, impotent in its advice, and “whimsical” in its theories. He reserves to the generous heart the sphere of public-spirited action; *it* is the source of public excellence. But—and this is the crux—the heart itself speaks the language of reason. Jefferson remains within a mode Hegel himself delineates—the mode of *felt reason*, of reason as an efflorescence of feeling.” Eva Brann, “Was Jefferson a Philosopher?” in John A. Murley, ed., *Law and Philosophy: The Practice of Theory: Essays in Honor of George Anastaplo* (Athens, OH: Ohio University Press, 1992), 669 (emphasis added).

Jefferson refused to embrace such a cold, calculating world-view and instead deferred to reason's counterpart, sensibility. While the "head" advises against entangling relationships and eschews solicitude, the "heart" is biased toward sociability. The head dictates prudence; the heart inclines toward what is right. Jefferson recognized and appreciated, if not over-indulged this sentiment in his early adulthood (particularly during his sojourn in France).

Though he remained wrapped in a silhouette of sentimentality, Jefferson's romanticism did not blind him to the perils and pitfalls of relying too heavily on the heart's impulses. Humans naturally desire affection and the heart has a tendency to ignore the head's advice and override its commands. When properly balanced, however, the head and the heart counseled moderation and warned against excessive passion.⁷¹ Like Rousseau, Jefferson accepted the teachings of the Epicureans: the passions were perfectly natural impulses which could neither be restrained completely nor disregarded and left unchecked; rather, the passions must be put into the service of reason through moderation. Finding the mean between excessive sentimentality and implacable reason—between credulity and neurosis—is easier said than done, as both Jefferson and Rousseau learned on numerous occasions in their younger years.⁷² Still, cultivating the moral sense and moderating the passions were integral in the education of children and young adults.

⁷¹ See TJ to Maria Cosway, 12 October 1786, *PTJ* 10:448-51.

⁷² Rousseau's *Confessions* are a testament to this fact, as are the *Reveries*. Jefferson was typically more reserved in his correspondence and rarely confessed to the sort of scandalous behaviors Rousseau so readily divulged. However, there are occasions where Jefferson offers a glimpse into his own struggles to situate reason atop the passionate impulses of his heart. The correspondence with Maria Cosway is, perhaps, the most notable instance of Jeffersonian confession. Anything resembling confession became more infrequent as Jefferson aged.

Like Rousseau, Jefferson accepted that the moral sense was grafted onto the human heart by nature. Believing that “nature hath implanted in our breast a love of others, a sense of duty to them, a moral instinct,” Jefferson argued that all human beings of sound mind possessed a “sense of right and wrong” which could be “submitted...in some degree to the guidance of reason; but it is a small stock which is required for this.”⁷³ Cultivation of the moral sense was, for Jefferson, the first and perhaps most important task for pedagogues. Since the heart is the locus of our moral impulses, and since moral virtue was the primary goal of education, it made sense to begin a child’s education with affective lessons and ground all subsequent lessons in affect, where possible. In Jefferson’s mind, the cultivation of a child’s moral sense—and, more broadly, fostering the affect—was a father’s duty.

The predominant posture of the time was to accept fathers (or elder males) as the primary educators of children (boys, specifically). Although mothers (and other women) did play an important role, their primary function was not educative in the strict sense. Jefferson’s attitude was no different than his contemporaries.⁷⁴ In fact, Jefferson seems to embrace, in theory and in practice, the same views articulated by Rousseau in Book I of *Emile*: “As the true nurse is the mother, the true preceptor is the father. Let them be in agreement both about the order of their functions and about their system; let the child pass from the hands of one into those of the other. He will be better raised by a judicious and limited father than by the cleverest master in the world.”⁷⁵

⁷³ TJ to Peter Carr, 10 August 1787, *PTJ* 12:15.

⁷⁴ Jefferson’s attitude towards women (politically as well as domestically) is well documented and has been extensively analyzed elsewhere. It is not within the scope of this chapter to explore in detail Jefferson’s views on gender inequality.

⁷⁵ Rousseau, *Emile*, 48.

Most scholars locate the intellectual origins of Jefferson's thoughts on moral and civic education in various ancient philosophers and, of course, in John Locke. Given the prevalence of Locke's writings in America during Jefferson's time (and, no doubt, the significant influence of Locke on the political thinking of many revolutionaries), it is no surprise to find traces of Locke woven throughout Jefferson's earlier thoughts on education. Still, most scholars seem to take the Lockean influence for granted.

Jefferson accepts the Lockean dictum that moral virtue is the "good which tutors not only should read lectures and talk of but the labour and art of education should furnish the mind with."⁷⁶ However, where Locke directs education toward the ends of reflection, happiness, and leisure, Jefferson goes one step further. Education, in Jefferson's mind, was not intended simply to equip children with the skills necessary to engage in abstract, secluded reverie; nor was the purpose of education to prepare children for lucrative careers in business or law. For Jefferson, education was intended to afford all educable children the means to reflect critically on their own life pursuits as well as the affairs of the world around them. In theory, a quality education would ensure that children would learn never to forget their private and public duties. This, of course, meant that once children became adults, they would remain constantly vigilant and committed to serving the public good.

Like Locke and Rousseau, Jefferson decried the use of physical punishment as a

⁷⁶ John Locke, *Some Thoughts Concerning Education*, §70. Rousseau parts company with Locke on several occasions in *Emile*, most notably with respect to the usefulness of lecturing or precepting. For Rousseau, lecturing was a useless practice. Nevertheless, both Rousseau and Locke agree that tutors ought to be supplying their students with the resources necessary to pursue freedom and happiness and, above all else, virtue. There is a moral component to education that both Locke and Rousseau see as indispensable, though the importance of pursuing virtue is, perhaps, more apparent in Rousseau than it is in his English counterpart.

means of motivating children or correcting inappropriate behavior. The use of commands, threats, or violence was generally counterproductive and served only to produce resentment and incite rebellion in youth. Likewise, since children could not possibly be inspired by abstract principles, it made no sense to Locke, Rousseau, or Jefferson for a tutor to resort to reprimand or reproach. Like Rousseau, Jefferson believed that children could (and ought) to be motivated first and foremost by interest, not by abstract principles they cannot grasp. If a tutor's goal was to foster independence and virtue in a child, then physical coercion was decidedly not the answer when it came to discipline. Still, a certain form of coercion was necessary, albeit a restrained and moderated form that relied primarily on psychological and emotional appeal rather than corporal inducement.⁷⁷

Jefferson often took the time to instruct and advise his affectionate mentees on various aspects of their education. Jefferson's letters to Peter Carr are particularly interesting and reveal some of the Virginian's thoughts on the value of shaming as an instructional device. There was a certain utility in shame, if employed properly, and Jefferson was acutely aware of this. Children and young adults often respond to emotional discomfort and the possibility of losing the esteem of others could be especially motivating. Hence, Jefferson admonishes his charge: "[N]ever suppose, that...under any circumstances, it is best for you to do a dishonorable thing, however slightly so it may appear to you. Whenever you are to do a thing, though it can never be known but to yourself, ask yourself how you would act were all the world looking at you,

⁷⁷ Compare *Emile*: the tutor coerces Emile, though not physically and not with precepts.

and act accordingly.”⁷⁸ The possibility of disappointing his affectionate mentor would surely have weighed heavily on Peter’s conscience, and Jefferson was fully aware of this when he composed the letter. More importantly, however, was the possibility that Peter would somehow fail to reach his full potential. Peter’s education at William and Mary (as well as his preparation at Monticello) were intended to groom him for virtuous public service. Letting down his affectionate mentor (and, more broadly, the public to whom he would eventually be accountable) was not something he could countenance.

Shaming Peter was not intended to do anything more than redirect his mental focus and return his desires to their proper orbit. Jefferson knew that children and young adults prized the esteem of others. Though Jefferson wanted to ensure that these impressionable minds did not learn to covet the esteem of others for self-aggrandizing purposes, it was nevertheless a useful exercise for Jefferson’s charges to learn to keep vanity and arrogance in check. Like Rousseau, Jefferson understood that self-love was terribly caustic and, if left unchecked, was liable to cause significant (and perhaps irreversible) psychological damage in children and young adults. Rousseau goes to great lengths to quell self-love in the course of Emile’s education (for example, the scene with the magician⁷⁹) and Jefferson’s own efforts are not dissimilar (the only difference being that Jefferson employs shaming techniques directly, usually through the missive, whereas Emile’s tutor acts indirectly through others). It is not clear the extent to which these methods worked for figures such as Peter Carr. What is clear is Jefferson’s belief in the power of non-parental figures to influence, directly or indirectly, the conduct of

⁷⁸ TJ to Peter Carr, 19 August 1785, *PTJ* 8:406.

⁷⁹ See *Emile*, 173-75.

affectionate mentees. Rousseau was acutely aware of this power, though he ultimately fails to articulate the precise psychological dynamics at work in such relationships.

Regardless, both Jefferson and Rousseau embraced the method, even as they were both uncertain of exactly why children seem to respond to shaming and disgrace from authoritative figures who simply play the role of a parent.

Jefferson begins the missive to Peter Carr by making his displeasure abundantly clear:

I am much mortified to hear that you have lost so much time; and that when you arrived in Williamsburg, you were not at all advanced from what you were when you left Monticello. Time now begins to be precious to you. Every day you lose, will retard a day your entrance on that public stage whereon you may begin to be useful to yourself.⁸⁰

Jefferson would reiterate this point time and time again to his affectionate charges as well as his own children. The theme of personal and public utility runs throughout Jefferson's private correspondences that deal with education. The theme of this letter is strikingly similar to the theme Rousseau repeats throughout *Emile*. Just as Rousseau cautions against idleness and the pursuit of useless enterprises during childhood, Jefferson warns his mentees as well as his own children of the dangers inherent in laziness and an unstructured curriculum (or even a curriculum that emphasized the study of subjects with little or no practical utility, e.g., metaphysics). For Jefferson as well as Rousseau, learning was meant to be a constant activity. "Of al the cankers of human happiness," Jefferson wrote to his daughter Martha, "none corrodes it with so silent, yet so baneful a tooth, as indolence...Idleness begets ennui, ennui the hypochondria, and that a diseased body...It is while we are young that the habit of industry is formed...The fortune of our

⁸⁰ TJ to Peter Carr, 19 August 1785, *PTJ* 8:405.

lives therefore depends on employing well the short period of youth.”⁸¹

The development of this “habit of industry” is meant to be a diversion for children as well as preparation for responsible adulthood. Rather than allowing children constantly to withdraw and flee from the world, as it were, Jefferson counseled the development of industriousness so as to maximize gains in the fruitful (and long) period of childhood. While play and leisure were certainly integral components of a sound education, lack of structure (and even excessive freedom) could be extremely counterproductive. The point, then, was not so much to teach (or attempt to teach) a child everything under the sun (as some modern educators and parents are wont to do), but to instill in them the virtue of industry and develop their self-reflective capabilities so that they may be free to pursue their own happiness as adults.⁸² This involved not only extending the period of education beyond childhood and into young adulthood, but also slowing the pace of education so that children may proceed securely from one level to the

⁸¹ TJ to Martha Jefferson Randolph, 21 March 1787, *PTJ* 11:250-51. See also TJ to Martha Jefferson Randolph, 21 May 1787, *PTJ* 11: 370: “A mind always employed is always happy... The idle are the only wretched. In a world which furnishes so many employments [*sic*] which are useful, and so many which are amusing, it is our own fault if we ever know what ennui is, or if we are ever driven to the miserable resource of gaming, which corrupts our disposition, and teaches us a habit of hostility against all mankind.” Rousseau would agree with Jefferson on this point, but there is a slight difference. Jefferson’s pedagogy prescribes constant, rigid structure (not unlike Locke’s), while Rousseau’s pedagogy is ostensibly not as inflexible. It is true that Emile’s instruction does not consist in lectures and rigidly defined coursework, but the content and execution are no less structured and strictly supervised. The key difference is that Emile’s tutor successfully disguises much of what he does and Emile gradually becomes aware of this contrivance over time. Rousseau’s aim is to keep Emile constantly active and engaged in some form of useful learning.

⁸² Regarding the pursuit of happiness as the ultimate end of human existence, Jefferson embraced the teachings of Laurence Sterne, especially the *Sermons*. Sterne’s teachings on human happiness are almost indistinguishable from Rousseau’s. Like Epicurus, Sterne and Rousseau viewed happiness as elusive, but still the ultimate end of life, with virtue as its true foundation. Moreover, Sterne and Rousseau insist that man’s passions must not be stifled, but rather moderated, or brought into the service of reason. Thus, following Sterne, Jefferson embraces a moderate sort of stoicism: not a hedonistic brand of stoicism, or one that leads only to extreme indifference, but a tempered, sublimated version more closely aligned with Epicurus’ own views. For a penetrating analysis of Sterne’s influence on Jefferson, see Andrew Burstein and Catherine Mowbray, “Jefferson and Sterne,” *Early American Literature*, Vol. 29, No. 1 (1994): 19-34. For Jefferson’s remarks on Epicureanism, see TJ to William Short, 31 October 1819.

next (and, eventually, into the world). In doing so, Rousseau believed that educators could effectively gain more by learning to lose time.⁸³

A habit of industry was not all that Jefferson sought to cultivate in his affectionate mentees. Since precepts could not possibly instill virtue into the minds of youth—at least, not sufficiently—a more effective technique was needed. Antiquity furnished Jefferson with a host of excellent sources from which to draw the various lessons in morality that he felt were indispensable to republican children. Since example over precept was the general rule of thumb, a survey of ancient authors, such as Polybius, Epictetus, Cicero, and Xenophon, among others, would provide a solid foundation from which Jefferson’s charges could draw moral inspiration.⁸⁴ Most of the authors on Jefferson’s recommended reading lists offered unparalleled accounts of the histories of nations, government, and morals by way of carefully constructed narrative and the use of poignant examples. These were not merely forays into ancient history; such a course of study would presumably “inoculate the mind with a purified strain of experience” and “immunize [youth] to the seduction and contamination of the real world.”⁸⁵ Just as *Emile* is immunized against the baneful effects of *amour propre* and the moral relativism of

⁸³ See *Emile*, 93: “Dare I expose the greatest, the most important, the most useful rule of all education? It is not to gain time but to lose it.” As William Payne noted at the turn of the twentieth century, “This is a century of haste; of all peoples, we [i.e., Americans] seem to be the most addicted to this vice, and the general drift of our education is to curtail the period of discipline and preparation. We need...to be recalled from time to time to the duty of going slowly in order that we may go safely and well.” Payne, trans., *Emile, or Treatise on Education*, “Introduction,” (1905). Though the haste of which Payne speaks is a relatively modern phenomenon, Jefferson presaged the pandemonium of what we now call consumerism as early as the 1780s.

⁸⁴ See TJ to Peter Carr, 19 August 1785, *PTJ* 8:407-8 for a complete list of recommended authors. See also TJ to Robert Skipwith, 3 August 1771, *PTJ* 1:76-81.

⁸⁵ Hellenbrand, 45.

bourgeois society, so too would Jefferson's charges be safeguarded from the same.⁸⁶

Like Rousseau, Jefferson believed that the study of history was indispensable for republican statesmen (and for enlightened citizens in general). Interestingly, Jefferson recommends Fénelon's *Télémaque* to Peter Carr and others as a device for instructing them in true republican principles. Telemachus, a young man roughly equal in age to both Peter Carr and Emile, travels the world in search of his father, Ulysses. In their travels, Telemachus and his tutor, Mentor, take stock of the virtues and vices of the people they encounter. The point of observing the various laws, customs, and political practices of numerous foreign peoples is to help Telemachus glean an understanding of political right. Throughout his journey, Telemachus is being molded for political rule, and the countless parables presented by Fénelon are in fact moral lessons that the reader is meant to internalize.

Written in the eighteenth century, Fénelon was read widely in Enlightenment circles, so it is no surprise that both Jefferson and Rousseau were familiar with *Télémaque*. What is of interest is the way in which Fénelon's approach to educating a future sovereign is mirrored in Rousseau's prescriptions for and Jefferson's practices in moral and civic education. Fénelon's narrative describes the travails of a fatherless young boy and his quest to discover true, eternal principles of moral and political right. The boy's teacher is more than mere pedagogue; Mentor is indeed Telemachus's dear friend, but Mentor is also a clever, contriving, God-like being who directs Telemachus's

⁸⁶ While Emile's studies and his experiences with the tutor help to immunize him and keep *amour propre* at bay, Rousseau also prescribes worldly travel. Rather than merely reading about the trials and tribulations of other peoples throughout history, Emile will travel to foreign lands in order to experience these societies firsthand. Jefferson does not discount the importance of worldly travel and, in fact, agrees that such experience is rather useful, though he does not see it as absolutely indispensable.

experiences behind the scenes. Mentor is not Telemachus's father, but he is, in no insignificant way, a father figure. Mentor stands in for Telemachus's actual father, Ulysses, who has all but abandoned his son. Telemachus believes he is on a quest for his father, when in fact he is actually learning firsthand, from experience and observation, how to live and act in accordance with right and how to govern.

Fénelon has Mentor instill in Telemachus a sort of patriotism, or a genuine love of both his parents and his country. But all that Mentor could do was attempt to nurture *amor patriae* in his affectionate charge; such a love could neither emerge on its own without affection, nor could it be coerced. Like Telemachus, Emile also embraces *amor patriae* and all of its attendant obligations, including the obligation to return to his homeland and become a father.⁸⁷ Just as Mentor and the tutor educated Telemachus and Emile to moral and civic virtue—and just as Telemachus and Emile were molded to become affectionate and founding fathers—Jefferson's experiences with his own affectionate pedagogues and father figures obliged him to do the same.

IV. Conclusion

Republican citizenship, for Jefferson, implies a healthy degree of individuality in conjunction with a strong sense of duty to others, two seemingly antithetical requirements. Moreover, Jefferson has a rather nuanced understanding of democracy and what freedom entails for a democratic people. Like Rousseau, Jefferson saw democracy and democratic citizenship as potentiality or possibility, a process of perpetual becoming,

⁸⁷ Emile returns home to become an actual father and an affectionate pedagogue for his children. Additionally, he has been molded to become something of a metaphorical or founding father in the political sense. See Chapter Two.

so to speak. In a remarkable, though concise essay on Jefferson's legacy and the future of democracy in the United States, Douglas Anderson explores the notion of perpetual becoming as it plays out in a variety of Jefferson's writings. In the closing pages of the essay, Anderson underscores the significance of becoming by drawing attention to Jefferson's original draft of the Declaration of Independence and to the revisions made in committee by Benjamin Franklin and John Adams:

Where Jefferson had called his American compatriots a "people who mean to be free," [the committee] substituted the concise and confident designation "a free people." It is easy to see the tactical reasons for the change. But it is just as easy to recognize the basis for Jefferson's own, wary approach to such a resonant claim. What works for slogans and for songs is seldom true to the dark complexities of human experience...[Jefferson's] belief in the continuing necessity to strive towards a yet unattained freedom for all continues to matter. We are not yet what we mean to be. This is the anti-monumental message latent in the inscriptions on Jefferson's tomb: a reminder that the house of the living, like the house of the dead, is never finished."⁸⁸

It is this very notion of becoming—or the idea that democratic citizenship is a perpetual process of improvement and adjustment—that seems to be largely forgotten, if not missing from contemporary analyses of Jefferson's republicanism and his thought on moral and civic education. Perhaps unbeknownst to Jefferson, this is also a theme that pervades Rousseau's, most notably in the *Social Contract* and *Emile*.

For Jefferson, moral autonomy is paramount. However, as Yarbrough points out, the "perfection of the moral character" is not something the state can legitimately coerce; such perfection "must always be an act of free will."⁸⁹ Still, for Jefferson there is a direct correlation between education, democratic citizenship, and self-government. The

⁸⁸ Douglas Anderson, "Jefferson and the Democratic Future," in *The Cambridge Companion to Thomas Jefferson*, Frank Shuffelton, ed., (Cambridge: Cambridge University Press, 2009), 203.

⁸⁹ Yarbrough, xxii.

preservation of independence and self-government requires a certain type of education, an education that all citizens should receive, though Jefferson does insist that “[e]very citizen [also] needs an education proportional to the condition and the pursuit of his life.”⁹⁰ Be that as it may, Jefferson’s theory of human nature posits that we have certain innate moral senses, including that of duty to others. This, I believe, is the core of Jefferson’s belief that we are conscientiously democratic: we value self-government, individual liberty, and the preservation of individual rights; but we are also naturally social beings and, as such, we recognize that interdependence is a fact of life, that the mutual satisfaction of our wants and needs can be achieved only in and through society.⁹¹

As a people, we are conscious of moral right, though, as Jefferson correctly insists, individuals are often tempted “by the seductions of self-love”⁹² to deviate from right. Human beings are born with the capacity to be morally autonomous; we are not born already in possession of the capability. Hence, in order to turn potentiality into reality—in order to translate capacity into capability—certain faculties must be cultivated and certain habits positively reinforced. But cultivating a reverence for right and reinforcing the habits necessary to develop moral autonomy in the individual are not goals that can be accomplished simply through the use (force?) of law. Rather, the

⁹⁰ TJ to Peter Carr, 7 September 1814, *PTJ:RS*:638.

⁹¹ On the role of society and Jefferson’s understanding of the public/private dichotomy, see Jan Lewis, “‘The Blessings of Domestic Society’: Thomas Jefferson’s Family and the Transformation of American Politics,” in *Jeffersonian Legacies*, Peter S. Onuf, ed., 109-146 (Charlottesville, VA: The University Press of Virginia, 1993). See also Frank Shuffelton, “Binding Ties: The Public and the Domestic Spheres in Jefferson’s Letters to His Family,” in *Thomas Jefferson and the Education of a Citizen*, James Gilreath, ed., 28-47 (Washington, DC: Library of Congress, 1999). See also Jan Lewis’s rejoinder in the same volume, “Jefferson, the Family, and Civic Education” (63-75).

⁹² TJ to Nemours, April 24, 1816, *Writings*, 1386.

development and reproduction of conscientious democrats is accomplished, in part, through instruction by example.

As Jan Lewis points out, “Jefferson assumed and sought to encourage a family bound by affection rather than force.”⁹³ However, the affectionate family Jefferson romanticized would, in all likelihood, find itself forced to retreat from the world. This also seems to be the outcome of Emile’s education: Emile learns self-sufficiency and paternal affection, among other things, but he ultimately retreats from the world.⁹⁴ Yet, as Frank Shuffelton understands him,

Jefferson...did not intend that the family would become a refuge from the world; instead, [Jefferson] believed it should be a training ground for participation in vigorous public life...Shaped by a still influential republican ideology, [Americans in Jefferson’s time] attempted to socialize their children with the understanding that public, civic life was worth the concern of every citizen; moved by eighteenth-century currents of sentimentalism and romanticism, they also sought to make the family a place which could nurture the child’s emotional and affective identity.⁹⁵

This is exactly what Rousseau sought to accomplish as well. His goal is not necessarily to make Emile retreat from public life. In fact, Emile is taught that he has certain duties toward society—he has obligations to learn about and participate in civic life, among other things. However, the possibility of Emile eventually retreating from a world in which others do not share his sense of duty is very likely. Rousseau’s goal, as I have read him, is to make Emile an example and, of course, for others to educate their children as

⁹³ Jan Lewis, “Jefferson, the Family, and Civic Education,” in *Thomas Jefferson and the Education of a Citizen*, 68.

⁹⁴ The disaster that ensues in Rousseau’s unfinished sequel to *Emile* is prefaced by these very worries. A similar disaster unfolds in *Julie*.

⁹⁵ Frank Shuffelton, “Binding Ties: The Public and Domestic Spheres in Jefferson’s Letters to His Family,” in *Thomas Jefferson and the Education of a Citizen*, 45-6.

the tutor has educated Emile, so as to avoid the eventual (and almost inevitable) retreat into the private realm. This, too, seems to be Jefferson's aim, as I understand him. Still, Lewis is right to conclude that Jefferson viewed the family with an eye more toward affection than power: "The family, for Jefferson, was a natural unit ruled by love; it could be trusted to govern itself."⁹⁶

The educations of Telemachus and Emile might be ideal, but they are far from practical. Nevertheless, Jefferson borrowed what was possible from the ideal and grafted it onto the reality of Virginia's political landscape as best he could. Thus, the ward system and the public schools replace but do not supplant private education. Nor do affectionate mentors fall by the wayside in Jefferson's plans. Affectionate mentors, it seems, are the real guardians of liberty in Jefferson's vision, insofar as they are responsible for ensuring the development of republican virtue in children. For Jefferson, affectionate mentors are the sentinels of republican citizenship, the cynosures of the nation; they are nothing more and nothing less.

⁹⁶ Lewis, 71.

CONCLUSION

An honest heart being the first blessing, a knowing head is the second.¹

In order to demonstrate the affinity in principle between Rousseau and Jefferson, I have compared their moral, political, and educational thought in several ways. I would like to conclude by returning to some of the more significant comparisons I have drawn throughout the dissertation and addressing some of the points of contention between Jefferson and Rousseau. I began with Rousseau's rather cryptic account of the general will and later I returned to Jefferson's staunch defense of majority rule in order to highlight their common commitment to democracy and self-government. I also considered how the Virginian and the Genevan regarded representation as a flawed, though unavoidable instrument of republican government and I noted how Rousseau's argument for a periodic reaffirmation of the social contract is, in principle, not unlike Jefferson's theory of generational sovereignty and his dedication to the "rights of the living." Next, I drew a brief comparison between Rousseau's thoughts on federative unions and subsidiarity and Jefferson's belief in the utility of ward democracy. After exploring the ways in which their respective thoughts on democratic government overlap, I turned to a discussion of the similarities between Rousseau's civil religion and Jefferson's republicanized Christianity. Lastly, I considered the important role of affectionate mentors and father figures in the moral and civic education of republican children.

Chapter One illustrated the ways in which Rousseau's understanding of *volonté générale* serves as the cornerstone of his conception of democratic citizenship and his

¹ TJ to Peter Carr, 19 August 1785, *PTJ* 8:406.

republicanism more broadly. On my reading, Rousseau's republicanism consists in a tripartite theoretical division, the first and most important being his account of the general will (upon which all else presumably turns); the other two parts deal with the functional features of the government and the social dimensions of the state. I considered whether Rousseau's conception of the general will—a political *volonté générale*—is sound, that is, whether Rousseau's amalgam of freedom, will, and commonality (*communauté*)—the voluntaristic determinations of a people *in common*—is free from misapprehension. I argued that while Rousseau cannot be wholly divested of incongruence, his conception of *volonté générale* can be disambiguated to a certain extent. Additionally, I offered a new interpretation of the general will that, while certainly requiring a charitable (though, I think, not overly-charitable) reading of Rousseau, serves to render his notion of a political *volonté générale* more plausible. It seems to me that Rousseau's notion of squaring the circle might be somewhat misguided, though not ill conceived. I suspect that his geometric design was simply not thought through as carefully as it should have been; perhaps my idea of approaching a mathematical “limit” helps us understand what Rousseau was driving at. Put differently, the idea of making something what it is not—or attempting to make it what it ought to be—captures the spirit of Rousseau's thought, and clarifying the matter in more precise, mathematical may provide a helpful model for understanding what Rousseau wanted to say.

As noted, the second important feature of Rousseau's theory involves the mechanical or operational aspects of his ideal republican state. Here I explored the ways in which Rousseau attempts to reconcile the problems associated with political representation and the need to resort to such arrangements in modern republics.

Rousseau is ambivalent about representation, to say the least. Even though he rejects representation on the grounds that the sovereign will cannot be alienated, he nevertheless seems to accept representation as a legitimate possibility under certain circumstances. Rousseau's devotion to the idea of a federative union of European states seems to alleviate some of his concerns over the inalienability of the sovereign will. Though it does not solve the problem entirely, the idea of subsidiarity—an idea built into the notion of a federative union—helps to ease some of the worries Rousseau expresses when it comes to representative government. If representation is necessary in larger republics, and if it is desirable that citizens remain as close as possible to the political issues that affect them directly and personally, then the logical solution seems to be some form of federative union of republics wherein governmental responsibilities are divided up in a way that gives citizens a genuine share in law making (wherever possible) and the use of representatives is minimized as much as possible.

The third aspect of Rousseau's republicanism involves the social dimensions of the ideal state, or the need for social unity and its relation to politics. The civil religion functions as a cohesive of sorts, a binding agent that secures the bonds between and among the people in a political community. I argued that Rousseau's civil religion is indeed a necessary feature of his republican state, even though it might be plausible to suggest that he merely included it in the *Social Contract* as a gauge for judging the legislator's success. Still, as I have suggested, Rousseau understood human nature all too well to believe in a future state in which individuals would not stand in need of something like the civil religion. Even the best of people would need something to bind them together and something other than law to restrain them.

In Chapter Two, I considered the other side of Rousseau's republican project, namely, his theory of moral and civic education. There, I posited two possible interpretations of Rousseau's project based on a careful reading of *Emile* in conjunction with the *Social Contract*. I suggest that the tendency to leave Rousseau suspended in paradox is simply the easy way out. A close reading of *Emile* in conjunction with the *Social Contract* shows that a natural education of the individual both within and apart from society is required before that individual can become a genuine citizen. Such a reading positions Emile's education prior to the ideal civil society of the *Social Contract*, though such a reading also seems to discount the importance—indeed, the necessity—of the legislator's work. I argued that we need not read Rousseau in this way, and that a careful reading actually reveals the tutor and the legislator to be civic analogues.

My aim was to show the ways in which Rousseau underscores the value of a more affective approach to moral and civic education—that is, an approach that affords primacy to experience and sensibility (or learning through guidance) over reason and precepts (or being taught through instructions and commands). For Rousseau, an affective moral and civic education will consist in lessons that are felt, lessons that aim to cultivate the moral or common sense by speaking directly to both the heart and the mind. Rather than combating natural inclination and self-interest, such an education is grounded primarily in the affect: it proceeds naturally from sensory experience to ideas and then, eventually, to reason. If we value a more genuine, deliberative democracy, and if we desire to produce conscientiously democratic citizens, then my reading of Rousseau suggests that a more affective moral and civic education is indispensable.

Having considered several salient features of Rousseau's moral, political, and educational thought, I proceeded to consider Jefferson's republicanism and his thoughts on moral and civic education. In addition to placing Jefferson's republicanism in context, in Chapter Three I began pointing up the affinities between Jefferson and Rousseau that had merely been suggested up to that point. Although Jefferson's thoughts on numerous political subjects evolved over time, his principled commitment to natural rights and the rightful (read: reasonable) will of the majority remained firm throughout his life. Like Rousseau, Jefferson realized that the majority was likely to err from time to time and that this was simply an unavoidable feature of republican government. No matter how well informed or well-intentioned public deliberations might be, no amount of information or education could eliminate the possibility of an erroneous public will. This is one of the reasons Jefferson embraced the idea of generational sovereignty: in addition to believing in the principle behind this theory—that no generation can rightfully bind a future generation without its consent—Jefferson also saw utility in the practice of periodically convening the people to revise, accept, or reject constitutional arrangements. Such periodic conventions could, in theory, help to rectify occasional legislative errors and abuses. The point is that for Jefferson, as for Rousseau, public deliberations might not always be right, but the public could generally be counted on to realize the error of its ways and, in time, correct itself.

Of course, finding a way to enlighten the public was one of Jefferson's highest aspirations, if not his paramount objective. Jefferson's faith in the common man might have derived, in part, from his understanding of certain less-than-scientific inquiries into the nature and locus of the moral sense. As Kames and Hutcheson understood it, the

moral sense operated on the human heart in an unmistakable way: individuals could discern right from wrong based on the impulses of the moral sense, with little assistance from reason. The moral sense required cultivation, to be sure, and reason was required to operate alongside of it at all times, as Jefferson repeatedly insisted to Peter Carr. For Jefferson, reason was indeed the “only oracle” individuals could consult when it came to public decision-making. But it would not be pure reason Peter Carr would consult when making decisions of a public nature; nor would it be reason alone that citizens would consult in public deliberations. Since the uprightness of the public will mattered more than anything else, reason ought to be guided by the moral sense at every turn. As Jefferson understood it, the moral sense would, more often than not, help to produce a sufficiently general, majority will.

In Chapter Four, I tried to show how Jefferson’s understanding of the role of religion in a republic mirrors some, though certainly not all of what Rousseau discusses in the *Social Contract*. Jefferson’s civil religion can be thought of as a rational or “republicanized” form of Christianity. I tried to show that, despite Jefferson’s rejection of institutionalized religious practices, he was deeply committed to the fundamental moral principles embedded in the Christian tradition. Moreover, Jefferson firmly believed that the moral foundations of a more rational form of Christianity were highly apposite, if not indispensable to the creation of virtuous, independent citizens in the American Republic. In other words, Jefferson recognized the value—indeed, the social utility—of an American civil religion grounded in the pure, unadulterated precepts of Jesus of Nazareth.

In Chapter Five, I took up the question of moral and civic education and the theme of fathers and founders in order to show that, in Jefferson's republican ideal, moral and civic virtue turn on something more than merely the principles he articulates and that education to such virtue requires more than the positive prescriptions Jefferson explicitly discusses. While we should be careful not to overlook his words, it is nevertheless important to look beyond what Jefferson wrote and toward what he did (or at least what he attempted to do) as a father and an affectionate mentor. I tried to show that Jefferson's understanding of the educative function of fathers and other affectionate mentors is similar to Rousseau's portrayal of the tutor's functions in *Emile*. Among other things, Jefferson's emphasis on an affectionate form of pedagogy, instruction by example, his appeal to natural rights and utility, and the importance of cultivating autonomous, duty-minded individuals puts him in close company with Rousseau.

Overall, Jefferson and Rousseau are remarkably similar on a number of significant levels. In addition to the features I have outlined in the dissertation, there are several other points that deserve mentioning. First, both Jefferson and Rousseau sincerely believed in the natural goodness of man as well as man's educability. Even though both recognized inherent limitations on the extent to which individuals could be educated, both agreed that individuals were, by and large, educable to at least a minimum degree. Some are indeed more educable than others—Jefferson's "natural aristocrats" and Rousseau's *Emile*, or those who are made for leading, as it were—but all individuals of sound mind were capable of receiving an education that would allow them to be competent, responsible citizens.

Second, both Rousseau and Jefferson romanticized the agrarian way of life and a pastoral sort of republicanism. Rousseau could only envision the pastoral, as he did with Clarens in *Julie* (and to a certain extent in *Emile*); Jefferson, on the other hand, did all he could to cultivate the pastoral at his beloved Monticello. Both loathed the deleterious effects of urban society and both expressed a deep mistrust of commerce and manufacturing. While Rousseau was free to abandon bourgeois society and retreat into himself, Jefferson could not. Though he very much longed to retire to the domestic tranquility of his mountaintop estate, Jefferson reluctantly returned to politics on several occasions to serve his fellow citizens in a variety of capacities (for instance, his emergence from retirement to serve two terms as President and his service during a second retirement as the founder of the University of Virginia).

Although Jefferson and Rousseau share much in common at the level of principle, there are undoubtedly important points at which they simply diverge. For instance, Jefferson's deep, principled commitment to freedom of expression made it impossible for him to countenance anything like the scheme for a civil religion that Rousseau prescribes. Jefferson's "eternal hostility against every form of tyranny over the mind of man" leads him to foreclose on the possibility of public sanctions on non-believers (or better, non-conformers). Jefferson may have attended worship services and other religious functions during and after his presidency in much the same fashion (and for the same reason) as Wolmar does in *Julie*. Moreover, Jefferson and Wolmar are, in many ways, akin to Rousseau's great legislator: both stand above the people insofar as they understand the principles of political right and the best ways to translate these principles into practice; and, because they are sufficiently enlightened, neither needs the consolatory benefits

religion provides to ordinary individuals. However, while Wolmar is indeed an atheist—or better, a God-like figure whose atheism is merely a logical necessity required to complete his character construction—this much cannot be said of Jefferson.

Jefferson was convinced that the American people were generally uncorrupted and lived in a place of great political possibility. As a result, Jefferson tended to be rather optimistic when it came to the people and their prospects for self-government. Although Rousseau remained unconvinced that a territorially expansive nation-state could be a cradle for republican virtue, he did believe that an uncorrupted people would be ideally situated for the legislator to mold them into virtuous republicans. Still, Rousseau doubted whether a truly uncorrupted people existed in the eighteenth century; even the Corsicans displayed difficulties that caused Rousseau to have misgivings about their potential to become virtuous republicans. The *Government of Poland* reveals Rousseau's pessimism about real-world projects for constitutional revision: the Poles, nearly corrupted beyond repair, can only hope to patch up the disrepair into which their institutions have fallen; at any rate, the Poles will eventually succumb to the might of the Prussian army, so it matters little what they do in the interim.

In a similar vein, Emile's education might produce a moral man, a model father, and a virtuous citizen, but Rousseau holds out little hope for Emile's happiness down the road. In fact, in the unfinished sequel, *Emile et Sophie, ou les Solitaires*, Rousseau suggests that despite Emile's virtue and despite his learning to bear the yoke of necessity, nothing in this world can forestall the inevitable; more importantly, nothing can shelter his heart from the pangs of betrayal and promises broken. Whereas prior to his engagement to Sophie, Emile's happiness was in his own hands and he was more or less

impervious to the deleterious effects of civil society and *amour propre*, now he is vulnerable, and his happiness rests with Sophie's will alone. *Emile* does conclude on an optimistic note: a newly married man is about to embark on the most important calling of his life, fatherhood; but the sequel bespeaks the painful reality that forms a constant thread throughout Rousseau's writings: the ideals that Rousseau goes to great lengths to construct—the model state in the *Social Contract*, the model man in *Emile*, the model of virtue in *Julie*—all succumb, in one way or another, to the acrimony of a world that is driven by corruption and a human existence that is marked by desire and despair.²

Like the demigod of Clarens, M. de Wolmar, Rousseau himself stands to be something of an intellectual artificer when it comes to laying down rules and principles of political right. In Rousseau's mind, he has discovered these eternal principles (or at least he has come extremely close); though he will not admit it directly, he seems to see himself as capable of transmitting these principles to his readers and, by extension, to those who care to take seriously the founding of a republic and the education of citizens to moral and civic virtue. Rousseau is under no illusion that the system he conceives will ever be realized. He understands that people are simply too corrupted to engage in the enterprise of self-government as he has envisioned it; he is certain that education, public or private, can never achieve what *Emile* achieves; and he is confident that Julie's

² Lori Marso has suggested that Rousseau's projects ultimately fail because, although he "finds emotions absolutely necessary to initiate and sustain sociability, his fear of divisive interests and erotic passion toward particular others ultimately undermines his commitment to democratic community." Marso, "The Stories of Citizens: Rousseau, Montesquieu, and de Staël Challenge Enlightenment Reason," *Polity* Vol. 30, No. 3 (1998), 446. Rousseau is certainly ambivalent about the prospects for success in any of his projects, but I would not say he has failed *per se*. Instead, I think Rousseau tries to show why the ideal of detached, universal reason will not work in practice (if, in fact, it is much of an ideal at all). His "fear of divisive interest" does not undermine his democratic commitments; he is simply trying to point up the dangers inherent in the suppression of divisive interest, much like Madison does in the *Federalist*. In fact, what Rousseau says in *Emile* about interests seems to suggest this much. There is, after all, a difference between properly directing passions and suppressing them altogether. Rousseau is decidedly not after the latter.

virtue—what is, perhaps, an embodiment of the type of civic virtue he really believes to be necessary to good republican order—is nothing but pie in the sky.

In certain ways, Jefferson too can be seen as something of an intellectual artificer. In fact, it is possible to view Jefferson as the American analogue to each of Rousseau's three artificers. Jefferson spent years constructing (and reconstructing) an idyllic, pastoral backdrop against which the bonds of community and family would be forged. Like M. de Wolmar at Clarens, Jefferson was both architect and overlord of Monticello: the day-to-day work of the plantation and its seemingly natural, fluid functionality was, of course, borne on the backs of slaves; the intricate design and flawless mechanics, however, are owed almost entirely to Jefferson's intellect. Just as Wolmar's artifice ensures that the Alpine estate at Clarens functions flawlessly and with an almost natural rhythm, Jefferson's Monticello marked time perfectly by the beat of his own mental metronome.

In addition to being the intellectual artificer of Monticello, Jefferson also stands to be the analogue to Rousseau's great legislator. As the principal author of the Declaration of Independence, Jefferson's role as a founder is obvious. By articulating to the world the principles of the American Revolution and American republicanism—by giving voice to the American mind—Jefferson stood to be the metaphorical father of the United States. Of course, many others were involved in the Revolution but it was Jefferson's mind that unified the colonists in principle, that justified Lexington and Concord, and that presented to King George—indeed, to the world—a concise, yet thorough statement of the American political creed.

Ultimately, what we get from my reading of Rousseau and Jefferson is a better sense of how each author wrestled with some of the more salient moral and political problems of the eighteenth century. More generally, we get a better sense of how Rousseau and Jefferson attempted to meet some of political philosophy's more pressing problems. In their monumental study of the educational thought of the American Founders, Lorraine Smith Pangle and Thomas Pangle begin by considering a problem of perennial import in political philosophy, a problem with no easy solution, but a problem that is, in many ways, prior to all others. In very broad terms, the problem is pedagogical: what is the best (or rather, proper) way to educate individuals to be good citizens? To be sure, much is bound up in both the concepts of "citizen" and "goodness." What does it mean to be a citizen? What does it mean to be a good citizen? Without considerable qualification, both of these concepts slide quickly into relativity and lose much, if not all of their meaning.

Thus, it seems that questions of civic education cannot be answered in universalistic terms; the ends of civic education—and the means we choose to achieve those ends—are determined first and foremost by regime type. Hence, John Adams insisted, in classic republican style, that moral and civic virtue were the pillars of any sound republic, and, more importantly, virtue must be the foundation upon which the American Republic was to be constructed. However, as Pangle and Pangle point out, Adams repeatedly broached a larger and certainly more complex question with his inquiries into the relationship between moral and civic virtue: is virtue *prior to* or the *product of* a good political constitution?³ This question—and the attendant question of

³ Lorraine Smith Pangle and Thomas L. Pangle, *The Learning of Liberty: The Educational Ideas of the American Founders* (Lawrence, KS: University Press of Kansas, 1993): 2-4.

how best to educate individuals to moral and civic virtue—is a question as old as the republican tradition itself; as I demonstrated in Chapters Two and Five, this is also a question to which Rousseau and Jefferson devoted a considerable amount of time and energy to answering. On Adams’s account, the cultivation of moral virtue depends largely, if not entirely on institutional arrangements, wherein “power [is] opposed to power, and interest to interest.”⁴ In slightly oversimplified terms, Adams (along with certain other Federalists) believed virtue would be the only logical (perhaps even natural) outcome of a sound constitutional order in which the rule of law prevailed.

But Adams was wrong. The rule of law and good institutions are indeed necessary, though hardly sufficient to produce genuinely virtuous citizens. Moral and civic virtue is not—and cannot be—the necessary outcome of well-ordered institutions and the rule of law. Rousseau and Jefferson clearly understood this better than John Adams, and perhaps they understood it better than any of their contemporaries. Their differences notwithstanding, the affinity in principle between Rousseau and Jefferson is unmistakable. Bearing in mind the comparisons I have drawn, it should be readily apparent that Rousseau and Jefferson share certain fundamental commitments that, for one reason or another, scholars have largely overlooked.

Finally, perhaps the most overlooked (or rather, underemphasized) way in which Jefferson is analogous to a Rousseauian artificer is in his capacity as affectionate mentor and father figure. In addition to his role as the father of the University of Virginia (and, to an extent, elementary public education in his native state), Jefferson took it upon

⁴ John Adams, “Defence of the Constitutions of Government of the United States,” in *The Works of John Adams*, 4:556.

himself to serve as an affectionate mentor to numerous charges throughout his life, in much the same way as others had done for him. Jefferson learned the value of affectionate pedagogy through the examples of his own father as well as the various father figures he encountered at Williamsburg, individuals with whom he formed significant and enduring relationships. But he acquired something more from these men, something that transcended the particular lessons in law that he learned from George Wythe and William Small, or the understanding of classical authors he derived from studying under Reverend James Maury. Beginning with the example set by his own father at an early age, Jefferson learned that parents were obliged to educate their children; but more importantly, Jefferson came to see that this obligation extended to others as well. As Hellenbrand puts it, when Jefferson took care to mentor Peter Carr, Robert Skipwith, and others, “his life echoed the designs of pedagogical philosophy and literature, as well as the solicitude of his own teachers.”⁵

Jefferson’s crowning achievements are engraved on his epitaph at Monticello: beneath the obelisk is buried the “Author of the Declaration of American Independence; of the Virginia Statute for Religious Freedom; and Father of the University of Virginia.” The remarkable achievements Jefferson is lauded for are, in many ways, hallmarks of American republicanism. But Jefferson’s grand political deeds would not have been possible in the absence of his affectionate mentors. Likewise, the blessings of republicanism that flow from Jefferson’s deeds are difficult, if not impossible to realize when we fail to adhere to one important pedagogical maxim: the preservation of republicanism depends, first and foremost, on the cultivation in children of an honest heart and a knowing head.

⁵ Hellenbrand, 67.

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APPENDIX

Figure 1. Artist unknown, *The Providential Detection* (1797-1800), Courtesy of the American Antiquarian Society, Worcester, Massachusetts.

