Episode 856: The Thomas Jefferson Nobody Knows

Guest: Kevin Gutzman

WOODS: All right, you've got this great book on Jefferson, and I'm not done talking about it and I'm pretty sure you're not done talking about it, so here we are. All right I want to start off with this. I have to ask you the question that would really be on any host's mind. I don't know how many books there are on Thomas Jefferson but I'm sure it's a lot, and something said to Kevin Gutzman, I've got to add another one to that pile. And I assume that part of what was saying that to you was the conviction that, of all these books, whatever their merits, there's something about them that hasn't quite gotten Jefferson right. Am I right about that's why you did it?

GUTZMAN: Well, you're exactly right about that's why I did it. In fact, if you consider the main contemporary studies and students of Jefferson, like Joseph Ellis, Andrew Burstein, Merrill Peterson, Matthews and his book *Radical Politics of Thomas Jefferson*, I don't think any of them really understands Jefferson the way I would like for them to have done. I also think that they tend to focus on questions about which I don't really care for that much. So, for example, people always want to talk about the question: did Jefferson have sex with one of his slaves? Well, do we care about that? I guess I have an opinion about it, but I don't think that if you're going to read 300 pages about Thomas Jefferson in your life what you want are 70 pages devoted to whether he had sex with one of his slaves.

So what I decided to do was take the main themes I see running through Jefferson's statesmanship and lay them out and describe him by reference to those, or through showing you what it was about him that distinguishes him. I think he's properly understood as a radical. Actually, you and I both are friends and acquaintances with Clyde Wilson and Brion McClanahan, and Brion and Clyde both reject the idea that Jefferson was a radical at all. I don't understand this. I can see wanting to associate principles of Jefferson's that you like with the idea of him being a conservative, but if you take even, for example, federalism, which of course is the issue that Clyde Wilson and Brion are both most interested in, he's a radical on that score. The traditional model of government is you have an autocrat as your ruler and he's in the center and he can tell everyone what to do. That is the absolute opposite of Thomas Jefferson's idea of the way government ought to be structured, if you're going to have government at all. So oddly, I end up immediately attacking friends of mine [laughing], but —

WOODS: But to the amusement of the rest of us, who enjoy watching these exchanges.

GUTZMAN: Well, if you look, for example, at the people are the outstanding Jefferson scholars of the 20th century, Dumas Malone and Merrill Peterson, Dumas Malone and Merrill Peterson gave us a Jefferson who was congenial to the New Deal project. And for example, their generation are the people who said the Virginia and Kentucky Resolutions were a defense of civil liberties. This is complete and utter distortion of Jefferson. Jefferson's first concern in that context was federalism, what local self-government, was, Wow, once again we're right back where we were in 1774 with overweening distance foreign authority — actually, of course, we know that he called the federal government "our foreign government" at one point.

And so of course, Peterson and Malone aren't interested in telling you that Jefferson viewed the federal government as this foreign government because they're not interested in having you think of it that way. So Peterson for one tries to dismiss Jefferson's concern with state rights as somehow subordinate or his concern with local self-government as somehow subordinate to other concerns like freedom of speech. Freedom of speech is of course important, but it's not the most important thing. The most important thing is that the people in their community should handle their political problems locally among themselves. That is the ultimate Jeffersonian principle, so it follows logically from his philosophical understanding of government, which is essentially — not strictly, but essentially Lockean and also accepts the idea that there are some areas of human life that are pre-governmental and that government has no right to intrude into — most notably religion, but there are other things too.

I also of course reject Matthews' notion that Jefferson was some kind of 20th century radical. He's useful for socialists and people on the far left. That's absolutely incorrect. Jefferson was an individualist. Ultimately, he thought man was possessed of some dignity that government had to respect, and I think that's entirely contrary to the understanding of Mao and Pol Pot and Lenin and the whole freaking — Bernie Sanders — the whole lot of them.

WOODS: All right, let me play devil's advocate here. Where would be the fun without that? There's no Brion McClanahan around; there's no Clyde Wilson; there's just Woods. And let me lay out what I remember the argument to be, because it's based on an article that Clyde wrote for *Modern Age* back around probably 1969 or 1970, called "The Jeffersonian Conservative Tradition."

GUTZMAN: Right.

WOODS: And what I take him to be saying is something like the following things: there are two different possible lines of origin of the peculiar set of ideas that we know of as American conservatism and almost everybody traces them back to Hamilton. Almost everybody. But interestingly enough, Russell Kirk didn't. Now, Russell Kirk wasn't necessarily a big fan of Jefferson either, but he said Hamilton certainly isn't a conservative because all he anted to do was tinker, and that's not what a conservative wants to do. So what Clyde was arguing was not necessarily in the whole context of the world-historical moment in which Jefferson lived was he a radical, but rather, in the tradition that we call conservatism that is in the U.S., to which line do we properly trace that? And he would say, Well, what were the principles in America at the time of the Revolution? Well, local self-government had

actually been going on throughout the colonial period for a century and a half, and the Americans just wanted to keep on doing that.

So you could argue that the correct conservative view is to continue with the local self-government that we've already had, not to be hankering after the possibility of being a great power, or of artificially hastening the establishment of industrialism, or of using government to bring about the preferred social and economic system that you want, but rather a system that more or less does allow people to live their lives without a central planner. And then he would say, on that basis, we can say — And then moreover, what were the state governments looking like at the very end of the colonial period and going into the 1780s? Well, most of them had relatively weak executives with legislatures that were predominant. So maybe we say that a weak executive is also a principle that we ought to hold. And all this traces back to Jefferson as our proper ancestor of conservatism.

So that's what I think he's saying. He's not saying that — obviously somebody who believes in religious liberty, yeah, in the year 1200 there's no question. He's definitely a radical. And even in his own age, he's a radical for that, in a world-historic sense. But in America, where we don't really have a conservative tradition in the Burkean sense but we do have certain principles that we believe in, Jefferson seems to be the embodiment of them.

GUTZMAN: Well, I think it's true that, as M.E. Bradford said, people who are usually considered conservative in America are actually Whigs, and Jefferson was a Whig. But he was a left-wing Whig. And so I would accept what you just said about contemporary America, somebody who's a conservative is actually better advised to follow Jefferson's record of thought, but in his own day, he was radical.

And what do I mean by that? Well, he's the fellow that wrote the law that got rid of the land tenures that held two-thirds of today's Virginia in 85 pairs of hands. He's the fellow who wrote the law and ultimately his friend got it passed over substantial opposition from many leading politicians, including most of Jefferson's friends, that disestablished the church and made Virginia the first officially secular society, as far as I know, ever, anywhere. He's the fellow who first made it respectable in Virginia to argue that slavery had to go, that slavery was intolerable, that the idea of God was contrary to slavery. Jefferson also took the lead in Virginia in arguing against continued tie to the British monarchy. I think that program amounts to about as left-wing a program as anybody —

Actually, I once got into a dispute with Brion McClanahan about this general question, and he said, Well, no, Jefferson was a conservative. I said, Okay, so let me list ten political issues that divided people in Virginia. And I started with land tenures and disestablishment and so on, and I listed ten questions. I said, On every one of these, Jefferson was left of everybody he argued with. [laughing] So I could point to three or four where he was left of George Mason, two or three where he was left of his friend Madison, he's left of his friend Edmund Pendleton on most of them. So the bottom line — and these weren't just incremental changes either. Saying for the first time since Constantine we're not going to have an established church, that was radical. That was — saying we're not going to have the land tenures that have marked English society since 1066, that was radical — and so on down the list.

Now, of course, within the contemporary American context saying, Well, we'd like to keep the principles that were established in the Revolution, okay, I agree with Kirk that John Adams was the conservative, not Alexander Hamilton, but I don't think Kirk ever said that Jefferson was a conservative.

WOODS: No, I'm sure he didn't.

GUTZMAN: No, so I continue to hold to this point. And contemporary scholars don't want any of this. They either want to blast Jefferson in a totally unhistorical way for being a slave owner, which, if you're going to condemn a man for having been a slave owner, well, Jefferson inherited slaves, so he was a slave owner without doing anything. So what does that prove exactly? Now, of course there's more to Jefferson's record than that, but that's not usually the ground on which they criticize him. So I'm not arguing for his perfection, but I think he's interesting on grounds that are different from the ones on which people study him.

That I guess is what distinguishes my book from other books about Jefferson. I don't think that if you have time to read 300 pages about Thomas Jefferson you want to spend 40 pages on how he got along with his daughter and his father and — you know, I think that's secondary. And frankly, it's difficult to decide which strains of his thought to focus on in only 300 pages. He was a dynamo of thought and action. He's really kind of amazing. And I actually didn't know him as well when I started working on this book as I thought I did. So that's why I still think, having completed it, that another book on Jefferson was needed.

WOODS: All right, let's pause to thank our sponsor.

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Let me ask you a quick question just about the work involved in writing a book on Jefferson. I remember, there's a — I think it was Saint Isidore of Seville who once said that anybody who claims to have read everything Saint Augustine wrote must be a liar.

GUTZMAN: [laughing]

WOODS: Now, I don't know the exact scope of Jefferson's writings and letters, but I'm going to put you a little bit on the spot: have you read all of them?

GUTZMAN: No, probably not. No. Actually, so far, The Papers of Thomas Jefferson project, which was started in 1950, has gotten to volume 50, and they decided a while back that, well, at this rate we're going to finish this some time toward the end of the 21st century. So they initiated a new, separate series of Jefferson's papers in retirement, and there are now several volumes of that. So if you wanted to read everything of Jefferson's writing that's in print, you're looking at like 80 volumes at the moment. And it's not hard to choose which parts to consider in writing a book about him. If you just kind of go through the indices and see what the subject matter of particular letters and addresses and so on is, then you can cull out what you're looking for.

WOODS: Right, right, right. Okay, I was just wondering about that. All right, now what about when Jefferson actually got into power, taxes were few and far between, and that seemed to be the way he liked it. Yet can't we find him commenting here and there on preferred taxes that might be egalitarian in nature?

GUTZMAN: Well, Jefferson, when he became president, the chief domestic measure he was responsible for was essentially getting rid of the taxes, because all that was left were tariffs and land sale revenue. Of course, he didn't realize at the time that there were going to be so many lands to sell. But certainly he thought that this was preferable to the Hamiltonian scheme of taxation, partly because it required far less by way of federal workforce than any other tax scheme. That's one reason why people favored tariffs over other kinds of taxes. Essentially they were really easy to administer, so I guess there wasn't the kind of social overhead that's involved in, say, having an income tax like our current income tax.

I'm not sure exactly which you're referring to, though. I do know of statements from friends of his about the preferability about tariffs — Actually, Richard Henry Lee also thought a tariff was preferable from his point of view, because the people wouldn't notice they were paying a tariff. We might think that was a bad feature of a tariff [laughing]. But I don't know of Jefferson saying anything like that. He did think that banks essentially imposed costs on society in that the costs were widely distributed, and that's one reason why he didn't like banking in general.

WOODS: Let's see. I'm just looking at a letter, Jefferson to Madison, 1785. Yeah, here, just as an example. When he says, "Another means of silently lessening the inequality of property is to exempt all from taxation below a certain point and to tax the higher portions of property in geometrical progression as they rise." Blech.

GUTZMAN: [laughing] Yes, well, actually — Right, he did say that. But his favorite project in regard to property distribution was his proposal in his draft constitution for Virginia that any man who didn't own 50 acres should be given 50 acres. So at the time, Virginia had these just gigantic unsettled land holdings, and he thought this should all be publicly distributed. And of course, the alternative view you have is today's system, in which the federal government owns 85% of Nevada and half of Idaho and so on. This is entirely anti-Jeffersonian.

So I think Jefferson's concern was that there had been these artificial tenures I'd mentioned earlier in colonial Virginia, and they had held land in so few hands, it's hard to wrap your mind around. One way of understanding it is Connecticut has eight counties, and the 85 families that owned two-thirds of today's Virginia at the time of the Revolution's beginning, each of them owned land that would amount to about half of one of today's eight Connecticut counties. So in other words, it's as if there were 85 families, each of which owned 1/16th of Connecticut. And Jefferson thought this is an entirely artificial creation and it needs to be broken up if we're going to have a republican society.

I don't think — This is a good illustration of the fact that — the fact that somebody said something in 1790 doesn't mean that that would be universally applicable. We don't know that, for example, Alexander Hamilton, who said, I think the problem for the rest of my life in federal politics will be that the state governments are too strong in

relation to the federal government — we don't know that he would think that now. What reasonable person would think that now? So we don't have any reason to think that Jefferson thought universally we want to be dividing the wealthiest people's wealth. These were principalities that these leading Virginia families — including his own, by the way — held. He was right; obviously he was right that you weren't going to have a true republic if you had 85 families, each of which owned half of one of Connecticut's eight counties.

WOODS: Yeah, I mean, I was thinking that it would probably have its origins in something like that, that we've had these artificial restrictions for a long time and maybe we have to compensate for that in one way or another. Fair enough.

Now, during his presidency — you know, a lot of people will say Jefferson wasn't such a good president because of issues related to the embargo and searches and stuff like that, but what I'm interested in asking you about is something I mentioned on my own on the show a few days ago, which involves the judiciary and Jefferson. If we look at his three Supreme Court choices, they're really not that impressive in terms of, are these really Virginia-style, Virginia-school jurists who are going to rule as if they believed in the compact theory of the union. Are these going to be strong personalities that can in some way be a check against John Marshall? And it seems like these are huge missed opportunities, unless I'm missing something.

GUTZMAN: Well, I think you're right, and actually, my next is going to be a study of the Virginia dynasty, and the one point I made in my Madison biography, which is going to be expanded to cover the entire Virginia dynasty, I think, is that Madison's appointment of Joseph Story to the Supreme Court may have been the worst appointment in history if the purpose of an appointment is for the president to have his view of the Constitution instantiated into constitutional law. I mean, Joseph Story was Marshall's right-hand man. And not only that, but he taught Marshallism to a couple of generations of law students at Harvard, which, of course, had just a disastrous consequence.

So Jefferson didn't have any kind of leading light, terrible choices like Story, but you're right that none of them was really a winner. I think Johnson was not bad, and in fact, did follow Jefferson's and other Virginians' advice by beginning to issue notable dissents. He actually is recalled chiefly for that. But yes, surely, really there are only two people who were on the Supreme Court with Marshall — well, I guess you could count Chase in a negative way. So there are three associate justices during Marshall's tenure who are remembered. Chase is remembered because he was impeached and then unfortunately was not convicted in the Senate. And then you have two other fellows, and none of them is really on a par with Story or Marshall.

So it's true; it's true. That's one major failing. And actually, in his retirement, Jefferson devoted an increasing amount of attention to lamenting the fact that the court was behaving the way that it was and that his and Madison's appointments to that point — and actually, I guess eventually he was also commenting on this during the Monroe administration. So the three Republican presidents' appointments hadn't changed the direction of the Supreme Court at all.

WOODS: So as you look back on Jefferson's, not just his public life, but just the whole span of Thomas Jefferson's life, what part of it or what episode or anything do you look at and say either this is a real blot on his record or this is something that's curiously un-Jeffersonian?

GUTZMAN: Well, let me think about that. During his presidency, the U.S. attorney in Connecticut prosecuted a fellow for seditious libel, and we don't know that Jefferson instigated this, but we know that he didn't do anything to stop it. So that is kind of hard to fathom, I think.

What else? Well, the worst thing about his entire record, I guess, is his ridiculous military policy as president. We're in the middle of a world war, and so we're going to cut the Navy back to these ridiculous gunboats and denude the Army of most of its manpower, and I think the end result of the Madisonian experiment — this was Madison's idea ultimately, I believe. The end result was of course that the British burned down the White House and the capitol. And that can't be excused.

What else? He also in private gave support to the French Revolution, long after anybody else, essentially.

WOODS: Yeah, that's a big one.

GUTZMAN: So I don't think that there's really anything concrete that he did in support of the French Revolution, other than putting his prestige behind it, even though he was aware of the just also indiscriminate slaughter of nobles and priests and so on. That is hard to rationalize in any way. I'm very negative about him in regard to both his military policy and of course a component of his foreign policy, which was foolish in that sense.

And of course he lied to Washington's face about paying for and supporting partisan newspapers to attack the Washington administration. It's the only instance I know of in which any of these guys looked another one in the eye and just told him a flat lie. Washington said, I think you're connected with this paper that keeps just impugning me all the time, and Jefferson told him he didn't have anything to do with it. [laughing] Well, he was one of the people who organized it. So that can't be excused. There are other things, but those are the main ones.

WOODS: That's interesting stuff. I didn't know that about that confrontation with Washington and Jefferson saying that [laughing]. Yikes.

GUTZMAN: Yeah.

WOODS: Now, is that something that contemporaries all knew, or is that something that we found out as historians? Hey, wait a minute. He was involved in this.

GUTZMAN: Well, Washington had heard rumors of it, and it wasn't really a secret at the time, but I don't think the general public would have known about it. He encouraged people to start newspapers. He paid a fellow a State Department salary so the guy would have money to start a newspaper. He was one of the organizers of the

anti-Federalist press, and in time, the anti-Federalist press began making personal attacks on Washington, which I think were unjustified. But they were also just completely outside what people thought was normal political behavior, and Washington thought they were intolerable, so he asked Jefferson, and as I say, Jefferson lied to him.

WOODS: Well, how about that?

GUTZMAN: I'm sure that Washington probably knew about it anyway. Mrs. Washington said highly negative things about Jefferson in her retirement or after Jefferson —

WOODS: Oh, wow. See, I love juice like this.

GUTZMAN: [laughing] Yeah.

WOODS: I don't know this stuff. This is fun to know. Well, the book is *Thomas Jefferson, Revolutionary: A Radical's Struggle to Remake America*. As usual, I'm linking to it on the show notes page. Today's is TomWoods.com/856. And I don't know; I could just keep talking about this. I'd like to just keep getting you — because when I invited you on this morning, there was some concern, would we have anything to talk about. And I thought, Come on, man. How long have we known each other? Have we ever sat across from each other at dinner just dumbstruck with nothing to say? Never. Not ever going to happen. Thanks so much, Kevin.

GUTZMAN: Sure.