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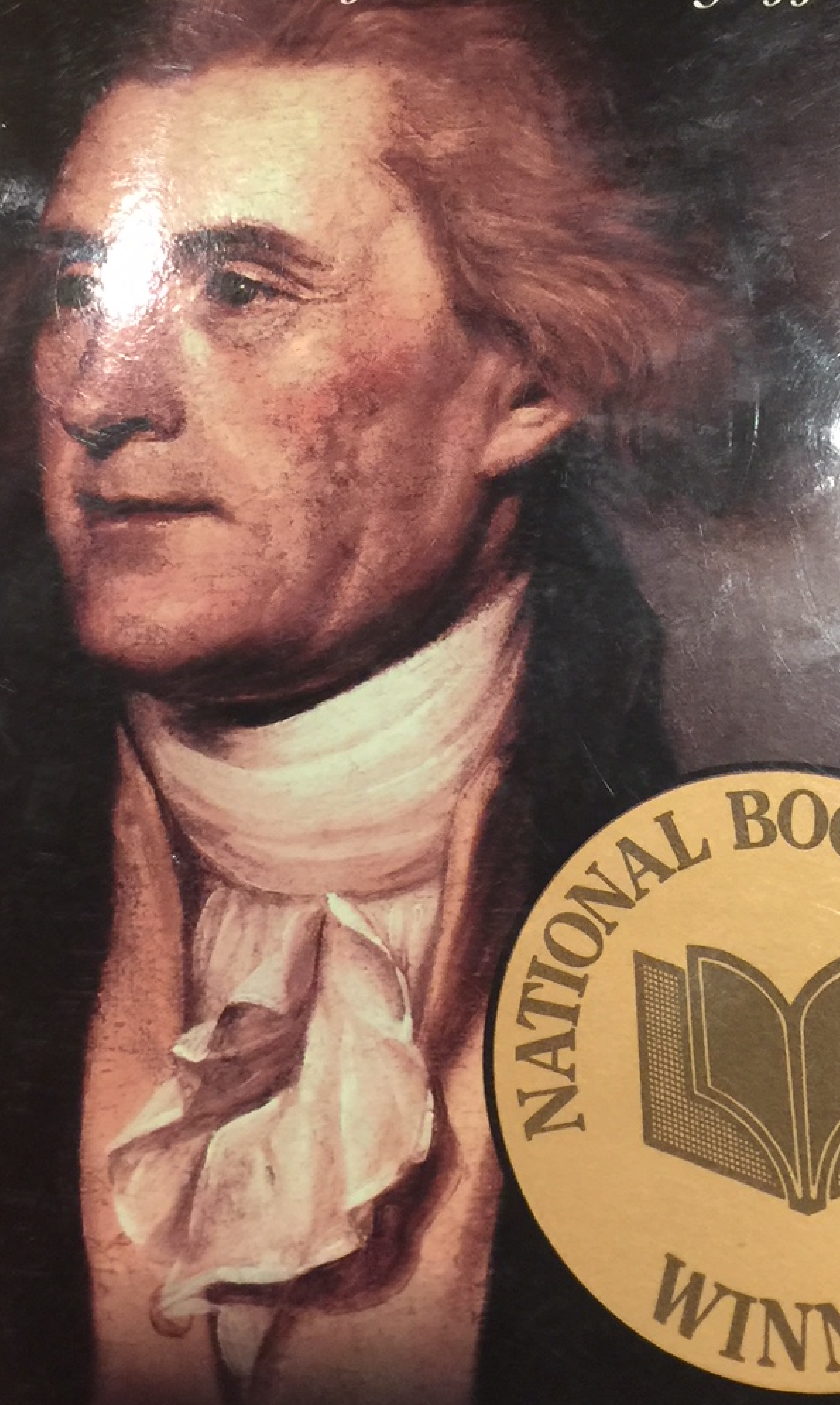
AMERICAN SPHINX

The Character of Thomas Jefferson



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Shays's Rebellion) had passed and the future looked clear and bright: "Quiet is so well established here that I think there is nothing further to be apprehended. The harvest is so near that there is nothing to fear from the want of bread. The National assembly are wise, firm and moderate. They will establish the English constitution, purged of its numerous and capital defects."[90]

It was in this brave and buoyant mood that Jefferson sat down on September 6, 1789, to write what has subsequently proved to be one of the most famous letters in his vast correspondence. "The course of reflection in which we are immersed here on the elementary principles of society," he explained to Madison, "has presented the question to my mind." The question itself was not entirely new. It was "Whether one generation of men has a right to bind another," which Jefferson claimed had implications that had not been sufficiently appreciated in either Europe or America. His answer to the question had the kind of unequivocal ring that he normally reserved for documents like the Declaration of Independence. "I set out on this ground," he announced, "which I suppose to be self-evident, *that the earth belongs in usufruct to the living.*"

Exactly what Jefferson meant by this proposition has been the subject of endless debate among historians for some time. In the letter itself Jefferson seemed to be advocating some version of generational sovereignty. "We seem not to perceive," as he put it to Madison, "that, by the law of nature, one generation is to another as one independent nation is to another." He produced elaborate calculations based on Buffon's demographic tables to show that, on average, a generation lasted about nineteen years. It therefore followed from the principle–"the earth belongs always to the living generations"–that all personal and national debts, all laws, even all constitutions, should expire after that time.[91]

Madison, always the gentle critic of Jeffersonian ideas, complimented Jefferson on his "interesting reflections," then proceeded to demolish the idea of generational sovereignty, which was not really an idea at all, he suggested, but rather a dangerous fantasy. In the course of presenting his argument, Jefferson had asked Madison to imagine "a whole generation of men to be born on the same day, to attain mature age on the same day, and to die on the same day." Here, Madison observed not so diplomatically, was the chief clue that Jefferson was engaged in magic more than political philosophy. For there is not, and never can be, a generation in Jefferson's pure sense of the term. Generational cohorts simply do not come into the world as discrete units. There is instead a seamless web of arrivals and departures, along with an analogous web of obligatory connections between past and present generations. These connections are not only unavoidable but absolutely essential for the continuation of civilized society.[92]

Madison did not say it, but the whole tenor of his response implied that Jefferson's letter was an inadvertent repudiation of all the painstaking work that he and his Federalist colleagues had been doing for the past two years. For Jefferson's idea (or, if you will, fantasy) struck at the very stability and long-term legality that the new Constitution was designed to assure. The notion that all laws, contractual obligations and hard-won constitutional precedents would lapse every nineteen or twenty years was a recipe for anarchy. Like Jefferson's earlier remark about wanting to see "a little rebellion now and then," which it seemed to echo, the generational argument struck Madison as an utterly irresponsible and positively dangerous example of indulged speculation and just the kind of abstract reasoning that gave French political thinkers a reputation for building castles in the air.[93]

As usual, Jefferson listened to Madison's advice. He never put forward his generational argument as a serious legislative proposal, and he refrained from ever mentioning the matter to Madison again. But whatever practical problems the idea posed, whatever its inadequacies as a realistic rationale for legal reform, he clung to it tenaciously, introducing it in conversations and letters for the rest of his life. If, as Madison had suggested, the core of the idea was incompatible with the way the world actually worked, it was compatible with the way Jefferson's mind worked. Indeed, there is no single statement in the vast literature by and about Jefferson that provides as clear and deep a look into his thinking about the way the world ought to work. The notion that "the earth belongs to the living" is in fact a many-faceted product of his political imagination that brings together in one place his essential obsessions and core convictions.

It therefore behooves us to ask when and how Jefferson acquired the idea. One can detect the first inkling in an earlier letter to Madison, describing his impressions of the French countryside around Fontainebleau in 1785. His encounter with a peasant woman led him, he told Madison, "into a train of reflections on that unequal division of property which occasions the numberless instances of wretchedness which I had observed in this country and is to be observed all over Europe." These reflections then led him to the conclusion that "the earth is given as a common stock for man to labour and live on. If, for the encouragement of industry we allow it to be appropriated, we must take care that other employment be furnished to those excluded from the appropriation. If we do not the fundamental right to labour the earth returns to the unemployed." What seems to be driving Jefferson's thinking here is a fresh appreciation of the entrenched poverty afflicting Europe's peasant class and the discrepancy between that near-hopeless condition and "the fundamental right to labour the earth." What seems to be the culprit are the accumulated inequities and inherited inadequacies, the dead hand of the Europeans past–in a word, feudalism.[94]

The next installment of the idea appears in Jefferson's correspondence with Lafayette between January and July 1789. The correspondence itself is an elliptical and elusive source per se, but its major topic, the drafting of a Declaration of Rights, prompted both men to think about what Lafayette called "the right of succeeding generations" (*le droit des générations qui se succèdent*), a phrase included in the proposed Declaration of Rights that Lafayette submitted to the National Assembly in July. At one level the phrase was designed to assure subsequent constitutional reform, in the form of either amendments or conventions of the sort pioneered by the new American states. At a deeper level the thinking behind the language suggested the need to anticipate posterity's independent appraisal of its own best interests. After all, the current French political crisis had been prompted by fiscal problems that now required the present generation to assume the accumulated debts of its predecessors. Inherent in the French political situation, in other words, was a heightened sensitivity toward the burdens the past imposed on the present, especially in the form of debt but also in the form of legacies like clerical and aristocratic privileges. Jefferson and Lafayette seemed to be groping toward built-in constitutional mechanisms that would relieve future generations from the same burdens.[95]

The final sighting of the idea—that is before it took its enduring form in the letter to Madison—occurs in August and early September 1789. On August 26, responding to Lafayette's request, Jefferson hosted a working dinner for eight leading members of the Patriot Party, who gathered to debate a looming vote in the National Assembly over whether the king should have a veto over acts of the legislature. It was a far-ranging discussion, which Jefferson described as "truly worthy of being placed in parallel with the finest dialogue of antiquity, as handed to us by Xenophon, by Plato, and Cicero." While there is no direct evidence that the subject of generational sovereignty came up, the gathering conveniently symbolizes the informal and ultimately untraceable way in which new ideas were circulating in revolutionary Paris. And though neither Tom Paine nor the Marquis de Condorcet was present at the dinner, both men were members of the Patriot Party and had proposed their own versions of the generational argument. Condorcet, France's premier mathematician as well as an outspoken republican, advocated a version of the generational argument strikingly similar to Jefferson's, complete with demographic tables and the same calculations about the life span of a generation. What's more, Condorcet was friends with and a patient of Dr. Richard Gem, a physician who treated Jefferson for one of his recurrent migraine headaches during the first week of September. We know that Gem and Jefferson discussed the

question of posterity's rights and that Gem handed Jefferson a written statement on the matter that asserted the principle "that one generation of men in civil society have no right to make acts to bind another, is a truth that cannot be contested."[96]

Rather than become entangled in an endless argument about intellectual originality and primacy, it seems more sensible to bypass such unanswerable questions and conclude that Jefferson's thinking about the present generation's obligations to the future developed in revolutionary France, that his formulation of the idea was probably influenced by the specific dilemmas faced by the French government at the time and that the notion of generational sovereignty was "in the air" within the French salon culture, in much the same way that the core ideas of the natural rights section of the Declaration of Independence were "in the air" in the summer of 1776. The question then becomes: Why did Jefferson pluck this particular idea out of the air in 1789 and give it the exalted status of a newly discovered self-evident truth?

Two different but overlapping answers suggest themselves. First, Jefferson's enhanced apprehensions about the destructive potential of inherited debt had both a public and a private dimension that converged in his mind about this time. The outstanding debt of the United States had undercut his best efforts as minister to France and blocked his diplomatic initiative to negotiate treaties with other European powers. And the volatile political situation in revolutionary France had been triggered by a fiscal crisis created by a massive national debt. Moreover, his personal finances—the cost of his accommodations, clothing, furniture, horses and carriage, what he called his "outfit"—had far outdistanced his allotted salary and forced him into embarrassing exchanges with his superiors back in Philadelphia about the gap between his living costs and his ministerial stipend.

But the debt he was running up in Paris was just the tip of the proverbial iceberg. For by the late 1780s he began to become aware that the debts he had inherited from his father-in-law's estate were compounding at a rate that he might never be able to repay. It first began to dawn on him that despite owning thousands of acres and about two hundred slaves, he owed his creditors such vast amounts that he might go to his grave a debtor. This realization was almost as much a burden as the debts themselves. "The torment of mind I endure till the moment shall arrive when I shall not owe a shilling on earth," he wrote his overseer at Monticello in 1787, "is such really as to render life of little value here." He was, in effect, both intellectually and psychologically primed to appreciate what debt does to nations and to individuals and therefore open to ideas designed to limit the damage.[97]

Moreover, the doctrine of generational sovereignty was yet another version of his utopian radicalism. Madison was surely correct to declare the entire scheme wildly impractical and utterly incapable of implementation. But that was beside the point. For the vision of each generation starting from scratch, liberated from the accumulated legacies of past debts, laws, institutionalized obligations and regulations, allowed Jefferson to conjure up his fondest dream, a world where the primal meaning of independence could flourish without any restrictions, where innocence had not yet been corrupted. This was the world of the prefeudal Saxon settlers, the world of the prepolitical Indian tribes, the world of the independent yeoman farmer on the edge of the frontier, the world after a rightful rebellion has cleared the air. It was a wholly voluntary world, where coercion was unknown and government unnecessary. Though transient–history would begin to make its inevitable inroads almost immediately–the idyllic harmonies sustained themselves for that one brief, shining moment. It was therefore the proper place to house the memories of the affair with Maria Cosway (though not Cosway herself) and to preserve the feminine values she symbolized at the peak of their remembered perfection. The belief that "the earth belongs to the living," in short, was another blow struck in behalf of Jefferson's most cherished dream: a society devoid of contaminating institutions and laws; an effort to routinize their removal so that the deadening hand of history was regularly slapped away in order to make room for a pristine encounter with what he believed to be the natural order.