

Thomas Jefferson's Liberal Anticapitalism

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This article reassesses Thomas Jefferson's political economy in light of debates about the influence of liberal and republican ideas on his thought. I argue that Jefferson embraced liberal premises, but used them to reach anticapitalist conclusions. He opposed neither commerce nor the prosperity it promised; he opposed working for a wage, and he did so on liberal grounds. The first section of this article shows that John Locke's theory of property turns on the justification of capitalist labor relations. The second section establishes, first, that Locke's argument played a decisive role in the development of Jefferson's own and, second, that Jefferson redefined its terms to fashion a forceful critique of wage labor. An examination of Jefferson's writings elucidates a neglected variant of the liberal tradition, prevalent in the United States until the Populist agitation. Its core is the stigma attached to working for hire as a diminished form of liberty, tantamount to wage slavery.

Underlying recent debates about the lineage of Thomas Jefferson's political theory is the premise that liberalism is uniquely associated with capitalism. Republican interpretations stress that only a civic humanist or communitarian inheritance can explain Jefferson's aversion, widely shared by his contemporaries, toward uninhibited private gain (Gibson 2000, 274, 293–97; Yarbrough 1998, 1–26, 55–152; Sheldon 1991, 57–58, 146; Banning 1986, 12–17; Matthews 1984, 119–26; McCoy 1980, 67–85, 120–135, 152–78, 236–52; Wood 1969, 413–29). Challenging this reading, students of Jefferson's work cite his repeated endorsements of a dynamic, prosperous economy as evidence of the liberal provenance of his thought (Dienstag 1996a, 1996b; Zuckert 1996, 79–81, 212–19; Appleby 1992, 253–76, 291–319; Appleby 1984). For the founders' generation, contends Appleby (1984, 22–23, 104), capitalism represented an emancipatory promise, providing ordinary householders with the material resources to gain real control over their lives. Jefferson was unaware of capitalism's characteristic vices, the unrestrained acquisitiveness and class inequalities that became apparent over the course of the

nineteenth century (Appleby 1992, 337–38; Kloppenberg 1987, 28–29). In reinstating the predominance of his liberal vision, however, scholars have ignored the evidence of Jefferson's profound hostility to capitalist accumulation.¹ Can Jefferson's liberal sympathies be reconciled with his antipathy to unlimited appropriation?

In this article, I argue that Jefferson reinterpreted Locke's theory of property to reach anticapitalist conclusions. Locating Jefferson's thought in its Lockean matrix reveals a central dimension of his reservations about capitalist development. Accounts of his profound debt to Locke overlook the fact that it does not encompass Locke's defense of the wage relationship (see, e.g., Dienstag 1996a, 1996b; Zuckert 1996). On the contrary, Jefferson's conception of property precludes capitalist labor arrangements. One of his principal aims is to protect self-directed work. Accordingly, he amends the property right to proscribe economic relations that require some individuals to work under the direction of others. Jefferson's opposition to hired labor is equally important in explaining his approach to markets. Producing goods for profit is morally defensible: proprietors secured a comfortable

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I wish to thank the reviewers of the *AJPS* for helping to sharpen my argument.

¹See, e.g., Jefferson's strictures upon the "barren and useless" investments in "paper speculation" (TJ to George Washington [May 23, 1792] 1984, 986); "the manufacturers of the great cities in the old countries, . . . with whom the want of food and clothing necessary to sustain life, has begotten a depravity of morals, a dependence and corruption, which renders them an undesirable accession to a country whose morals are sound" (TJ to Mr. Lithson [Jan. 4, 1805] 1903, 11: 55); the "happiness of scientific England," where economic growth rests on "the pauperism of the lowest class, the abject oppression of the laboring, and the luxury, the riot, the domination and the vicious happiness of the aristocracy" (TJ to Dr. Thomas Cooper [Sept. 10, 1814] 1999, 137–8); the "wars for commerce" to abet the "avidity" and "commercial speculations" of a "a few millinary merchants" (TJ to William Crawford [June 20, 1816] 1903, 15: 29). This evidence belies attempts to present Jefferson as an advocate of capitalist development (see Pangle 1988, 98–100, 299–300, n. 8).

American Journal of Political Science, Vol. 47, No. 1, January 2003, Pp. 1–17

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ISSN 0092-5853

independence by exchanging a variety of goods and services. The market in labor, however, is inconsistent with his understanding of liberty. Additionally, an examination of Jefferson's writings elucidates the genesis of a neglected variant of the liberal tradition, common in the United States from the early Republic to the Populist agitation. At its core is the stigma attached to wage labor as a condition of abject dependence (Wiebe 1995, 89–96; Lasch 1991, 168–225; Wilentz 1984; Foner 1980, 57–76). Americans adapted Locke's theory of property to establish a link between liberty and the ownership of productive resources (Vickers 1990; Taylor 1989, 4–10; Bogin 1988, 402–25). Householders possessing sufficient property—a modest farm or workshop—ensured that neither they nor their families had to work for anyone else. A reappraisal of Jefferson's political economy allows us to recover this tradition of liberal anticapitalism that is now lost from view.²

The first section of this article shows that Locke's theory of property turns on the vindication of capitalist labor relations.³ The second section establishes, first,

²Studies of America's republican inheritance refer to *The Wealth of Nations*, underscoring Adam Smith's preference for rural over industrial life, as the source of Jefferson's misgivings about the moral consequences of economic progress (see Yarbrough 1998, 57–61; Banning 1995b, 24–25; Shalhope 1992, 78–82; Merrill 1990, 465–94; Pangle 1988, 100–4; McCoy 1980, 34–47). Smith's work is rightly presented as an effort to reconcile a republican legacy with the requirements of growth. Efforts to draw parallels between Smith and Jefferson, however, ignore their conflicting visions of the countryside. The rural life they juxtaposed to industry was composed of different property arrangements. For all of his reservations about the activities of merchants and manufacturers, Smith defended capitalist labor relations in agriculture: the distinction between the three main categories of income (rent, profit, and wages) referred to the three main rural classes (landlords, farmers, and wage laborers) (1: 58–60, 73–74, 276–78). Smith (1: 141–42) championed the superior character, the “judgement and discretion” and “variety of knowledge and experience” of the “common ploughman,” in contrast to “the greater part of mechanic trades.” Nevertheless, “the lower ranks of the people,” composed of the “servants, labourers and workmen of different kinds” who “make up the far greater part of every great political society,” were unquestionably wage-earners, working under the supervision of the “landlords and farmers” who formed “two of the largest classes of masters” (Smith 1: 88, 93). To be sure, Jefferson was a complex thinker who drew on various intellectual traditions (see Gibson 2000, 261–62, 265–80; Sheldon 1991, 2–3, 7–18, 51–52, 93–94, 169). Banning (1986, 12, n. 30) reminds us that “there were many points of contact and even of confusion” between the liberal and classical ideas to which Americans were heir. Republican interpretations, however, insist that Jefferson's fears about growth cannot be explained “without a comprehension of the vital role of neoclassical or civic humanist ideas” (Banning 1992, 99). The thesis of this article is that the anticapitalist elements of Jefferson's thought do not derive from the premodern aspects of his thinking but rather from his reading of Locke's political economy.

³Tully (1993, 125–36; 1980, 135–45) finds in Locke's writings a moral opposition to wage labor, but only by rendering Locke vir-

that Locke's argument played a decisive role in the development of Jefferson's own and, second, that Jefferson redefined its terms to fashion a forceful critique of wage labor. Locke and Jefferson used liberal premises to defend alternative conceptions of private property. A critical aspect of the liberal understanding of appropriation is the elimination of premodern forms of ownership. Jefferson's debt to Locke is evident in the way he applied it to sanction the dispossession of Native Americans. Republican versions of Jefferson's political economy maintain that he advocated an extension of the republic “across space” to preclude its development “through time” (McCoy 1980, 185–208). Missing from this analysis is an account of Jefferson's policy toward the Indians who stood in the way of western expansion: he offered a plainly Lockean endorsement of its goals. Locke and Jefferson diverged, however, in specifying the economic conditions of liberty. For Locke, freedom presupposed self-ownership; selling one's labor for a livelihood was consonant with liberty. For Jefferson, independence presupposed access to one's own productive property. He anticipated the charge, familiar to Americans until the close of the nineteenth century, that working for hire represented a diminished form of liberty, tantamount to “wage slavery.”

The Political Economy of John Locke

Locke's discussion of property, in chapter five of the *Second Treatise*, justifies the two relations that constitute capitalist agriculture: “an inequality of private possessions,” and the authority of “a Master over his Servant” (II, 50, 2).⁴ On the one hand, Locke vests individuals

tually into a premodern figure. Not only is this reading mistaken in crucial ways, but his Locke would be unrecognizable to Americans. An analysis of Locke's influence on Jefferson presupposes an account that would make sense to the Jefferson who considered him, together with Bacon and Newton, “as the three greatest men that have ever lived” (TJ to John Trumbull [Feb. 15, 1789] 1984, 939). What is also needed is an explanation of the ways in which he appropriated Locke's legacy to reach conclusions that are recognizably Lockean but which Locke would not countenance.

⁴That Locke's theory of property was intended to justify capitalist economic relations, most closely associated with the work of Leo Strauss (1953) and C.B. Macpherson (1962), remains a well established thesis in analyses of Locke's writings. Locke, however, was no apologist for the mercantile and manufacturing capitalists of his day. He anticipated Smith's view that merchants posed a threat to the common good, warning against multiplying “the arts of intervening brokers and engrossers,” who “eat up too great a share of the gains of trade: by that means starving the labourer, and impoverishing the landholder, whose interest is chiefly to be taken care of” ([1692], 1823, V: 74, 28; see Smith 1: 143, 519). Rather, Locke endorsed the rise of *agrarian* capitalism, a system of property relations involving a landowner and a tenant farmer who supplied the

with the right to enclose “disproportionate and unequal” holdings from the common lands to improve agricultural yields for commercial profit (Locke II, 48–50). On the other, rural reorganization entails depriving small producers of their customary access to the land, forcing them into a dependence on wages to survive. Locke (II, 2) distinguishes various domains of human activity in terms of the authority relations appropriate to them: polity (magistrate-subject), war (lord-slave), household (parent-child, husband-wife), economy (master-servant) (Zuckert 1994, 247–48). Each relation, he suggests, merits separate treatment; working for hire requires showing that individuals owning nothing but their persons nevertheless retain equal rights to life and liberty.

Locke (II, 25, 27, 44) derives the natural property right from the right of individuals to their self-preservation and the ownership of their labor. Neither self-preservation nor labor alone, however, sanctions private appropriation. Ownership must cause no harm to others: created by God “all equal and independent,” every person has a duty not “to harm another in his Life, Health, Liberty, or Possessions” (Locke II, 6). The harm principle distinguishes legitimate from illegitimate accumulation, the activity of “the Industrious and Rational” from “the Fancy or Covetousness of the Quarrelsome and Contentious” (Locke II, 34). Spoilage and sufficiency constitute the tests for harm: they protect every individual’s equal opportunity to labor for a livelihood. The purpose of labor and appropriation is material well-being. Locke (II, 34, 37, 42, 43) emphasizes that labor is painful, and no one would undertake sustained effort if its fruits could not be enjoyed. Property’s purpose sets the limits of its “due use”: spoilage—negligent or wasteful destruction—squanders resources human beings need to live (Locke II, 31, 37, 38, 46). As Zuckert (1994, 256, 267–68) points out, the spoilage limitation fails to protect the claims of others (see also Waldron 1988, 213). If something is used “to any advantage of life before it spoils,” it does not matter that its acquisition may deny another the means of subsistence (Locke II, 31, 46). Sufficiency, the proviso that appropriations must leave “enough, and as good” for others, provides the missing justification of property: there is no cause to “complain” so long as enclosures diminish no one’s material prospects (Locke II, 27, 34; see also II, 33, 36, 37, 41, 42).⁵

capital and organized agricultural production, and hired workers who provided the labor. Among the best historical studies of this connection is Wood (1984).

⁵Zuckert’s (1994, 255–8, 266–71) claim that Locke abandons the sufficiency proviso is unconvincing. Rather, sufficiency plays a central role in justifying capitalist improvement, making it consonant with rights to life and liberty (see Sreenivasan 1995, 47–58).

One of Locke’s objectives in the chapter on property is to undermine premodern claims to the land and its resources. Scholars have identified the introduction of money, whereby Locke divides the state of nature into two historical stages, as the turning point in the expropriation of small holders and the emergence of inequality. But a prior dispossession clears the countryside of its traditional encumbrances, destroying the economic viability of premodern producers. “Men . . . come to have a property in several parts of that which God gave to Mankind in common, . . . without any express Compact of all the Commoners,” because Locke eliminates their customary rights (Locke II, 25). At stake is the legitimacy of enclosure. Although this practice had various aspects, its aim was clear: to suppress the jurisdiction of the traditional village over agrarian practices—its customary rules prescribing the common rights of cultivators and the methods of cultivation—in favor of individual, exclusive ownership. Tully (1993, 137–76) rightly argues that Locke deploys the theory of property in defense of England’s (and his own) colonial interests, to expropriate Native Americans (see also Arneil 1996). But he mistakenly contends that Locke intended to protect the English commons from contemporary enclosure (Tully 1993, 128–30, 145–46; Tully 1980, 130, 165, 169). To the contrary, the purpose of Locke’s argument is the same in America and in England: to redefine property relations in the interest of an emerging agrarian capitalism.

America

The need for mobility and ecological diversity determined the characteristics of Native American property systems (Cronon 1983, 54, 128. See also Sahlins 1972, 1–39). Hunting and gathering over extensive territory dictated a casual attitude toward ownership. Indian families in southern New England, for example, enjoyed exclusive access to their planting fields and the land on which their wigwams stood. “But neither of these were permanent possessions. Wigwams were moved every few months, and planting fields were abandoned every few years” (Cronon 1983, 62). They were equally indifferent, for similar reasons, toward private acquisition: “Personal goods could be easily replaced, and their accumulation made little sense for the ecological reasons of mobility” (Cronon 1983, 62). Patterns of land usage were governed by usufruct rights, claims to specific uses of the land and to the things that are on the land during various seasons of the year (Cronon 1983, 65). This conception of property encompassed a wide variety of coincidental use rights, shaped by custom, that regulated overlapping usages of the same resources.

Locke's natural right to property subverts the legitimacy of premodern patterns of ownership. His conception of labor sanctions only one kind of property, both in the fruits of the earth and in the earth itself. Native Americans live in an original state of nature, prior to the introduction of money and the commerce it makes possible (Locke II, 49). Locke acknowledges that the labor of hunters and gatherers entitles them to exclusive possession of its fruits. But only the last step, the actual picking or killing, counts as labor for the purposes of legitimate appropriation. Indians derive their subsistence from the "spontaneous hand of Nature" (Locke II, 26). As Tully notes, "the planning, coordination, skills, and activities involved in native hunting, gathering, trapping, fishing, and non-sedentary agriculture, which took thousands of years to develop and takes a lifetime for each generation to acquire and pass on, are not counted as labor at all" (1993, 156). Equally discounted are the complex relations of sharing and gift giving that defined Indian economies. What remains is the final individual act of private appropriation: "He that is nourished by the Acorns he pickt up under an Oak, or the Apples he gathered from the Trees in the Wood, has certainly appropriated them to himself. . . . I ask then, When did they begin to be his? . . . And 'tis plain, if the first gathering made them not his, nothing else could. That labour put a distinction between them and common" (Locke II, 28).

Locke performs a similar procedure, delegitimizing usufruct rights, when he turns from the discussion of the earth's fruits to "the Earth it self; as that which takes in and carries with it all the rest" (II, 32). Only "Industrious and Rational" labor entitles an individual to claim ownership, and only settled husbandry merits this description: "as much Land as a Man Tills, Plants, Improves, Cultivates, and can use the Product of, so much is his Property" (Locke II, 32, 34; see also II, 42, 43). The "Labour . . . that puts the difference of value on every thing" involves "Land planted with Tobacco, or Sugar, sown with Wheat or Barley" (Locke II, 40). Sedentary agriculture uniquely introduces exclusive possessions. All other economic practices fail to establish ownership, precluding the possibility that resources may be appropriated in common: unenclosed lands invariably "lie waste," abandoned to "un-assisted Nature" (Locke II, 45; see II, 40, 42, 43). The grounds that Indians divided according their ecological uses are thus transformed into "vacant" territory: unowned, the land is available to any taker who legitimately claims it, without the consent of others (Locke II, 36. See Zuckert 1994, 251, 252–53; Thompson 1991, 160; Waldron 1988, 139, 153–57).

Locke uses the standard of capitalist improvement to assess different forms of economy. Aboriginal land use

accounts for the "needy and wretched" conditions of Indian life (Locke II, 37). "Land that is left wholly to Nature," Locke (II, 42) explains, "that hath no improvement of Pasturage, Tillage, or Planting, is called, as indeed it is, wast; and we shall find the benefit of it amount to little more than nothing" (see also II, 34, 37, 40, 45). Improvement is predicated on production for profit, which supplies the incentive to undertake the effort of enclosing (Locke II, 48). Locke (II, 43) measures the value labor adds to nature in terms of commercial sale: an acre of unimproved land in America is not worth one-one thousandth of an English acre of equal fertility, "if all the Profit an Indian received from it were to be valued, and sold here" (see also II, 48). Studies of European colonization point out that Locke fails to notice that, on his own view that Indians had moderate desires, they would hardly recognize themselves as poor (Cronon 1983, 54–5, 79–81. See Locke II, 36, 37, 48, 51, 107–08). Locke's aim, however, is not to explore the economic motivations of individuals in nonmarket societies, but to legitimate capitalist ones.

European colonization satisfies the principle of no harm. Indeed, Locke shows that Native Americans benefitted from English settlement. Indians had no "reason to complain, or think themselves injured," because they "would still have room, for as good, and as large a Possession (after the other had taken out his) as before it was appropriated" (Locke II, 36; see also II, 34). Rather, by failing to appropriate legitimately, Indians "offended against the common Law of Nature" and were "liable to be punished" (Locke II, 37). The English settler, in improving land by husbandry,

does not lessen but increase the common stock of mankind. For the provisions serving to the support of humane life, produced by one acre of inclosed and cultivated land, are (to speak much within compasse) ten times more, than those, which are yielded by an acre of Land, of an equal richnesse, lyeing wast in common. And therefore, that incloses Land and has a greater plenty of the conveniencys of life from ten acres, than he could have from an hundred left to Nature, may truly be said, to give ninety acres to Mankind. For his labour now supplys him with provisions out of ten acres, which were but the product of an hundred lying in common. (Locke II, 37)

Locke's argument is doubly disingenuous: not only does he indicate that the same settlers, provided with commercial opportunities, will "be apt to enlarge their Possessions" (II, 48); but, since European settlement would destroy their hunting and gathering grounds, Indians would

benefit only if they adopted European agriculture. That is precisely Locke's point: capitalist agriculture best serves the preservation of life and liberty.

England

Locke's arguments were widely adopted to justify English colonization.⁶ What is their applicability to England? Locke presents England as a commercial economy: most of the land is enclosed, and the introduction of money leads to "an inequality of private possessions" (II, 50). What kind and degree of economic inequality does Locke sanction? Specifically, does Locke endorse the elimination of the English commons, on the ground that dispossession does no harm to the commoners? Tully contends that Locke's discussion involves only the juxtaposition "between European techniques of land improvement and Amerindian culture" (1993, 129). The expropriation of Native Americans Locke countenances, he argues, is disallowed in England, where Locke's intention is to protect small producers from landlords seeking to concentrate their holdings (Tully 1993, 129, 145).

Locke's analysis is not merely about the methods of improvement, but about the distinctive mode of appropriation that encourages them. The crucial issue is the status of the traditional English commons. Locke generalizes the capitalist agriculture that predominated in the lowlands to describe all of England (Wood 1984, 44–45). Scattered resources remain unowned, he acknowledges, available for unilateral acquisition (Locke II, 30). More typically, lands held in common are retained "by Compact, i.e. by the Law of the Land," as "the joint property of this Country, or this Parish" (Locke II, 35). Protected by law, these lands may not be severally enclosed "without the consent of all . . . Fellow-Commoners" (II, 35).⁷ But vast tracts of the English countryside in the seventeenth and eighteenth centuries—fens, woods, heaths, marshes—were governed by oral traditions and usages never recorded in any law (Thompson 1991, 97–114; Wood 1984, 62–63). Usufruct rights, regulated by the inherited customs of village communities, defined and protected the terms of access of commoners.

⁶For their application to America, see Arneil 1996; Tully 1993, chapter 5; Cronon 1983, chapter 4. For their use in the South Pacific and South Asia, see Thompson 1991, 164–75.

⁷Two references to the English commons specify its establishment by formal compact (Locke II, 28, 35). A third reference (Locke II, 42) does not indicate its legal status, and a fourth (Locke II, 30) mentions resources still unowned. For Locke's discussion of the common, see II, 27–30, 32, 34, 35, 38–40, 44–46, 48, 51.

These customary tenures have no standing in Locke's text. The contrast he draws "is always between societies where land has been privately enclosed and societies where it has not been cultivated at all" (Waldron 1988, 170). Without formal legal recognition, the traditional usages that underwrote the economic viability of small holders and tradesmen are wholly unprotected from enclosure (Wood 1992, 681–82). This interpretation is strengthened by the striking parallels between Locke's arguments for appropriating the original common and the common established by law. First, Locke (II, 28, 42) describes both as waste, land which is of "no use" unless it is privately appropriated. Its resources are merely the product of "unassisted Nature" (Locke II, 42; see also II, 45). Second, individual acquisition in the state of nature is analogous to acquisition by individuals "in Commons, which remain so by Compact;" both involve appropriation of goods by labor "in any place where I have a right to them in common with others" (Locke II, 28). Third, the only labor that justifies property is the last step in the process of appropriation: "the taking [of] any part of what is common, and removing it out of the state Nature leaves it in, . . . begins the property (Locke II, 28). Accordingly, Locke (II, 28) states that private appropriation of its fruits "does not depend on the express consent of all the Commoners," leaving entirely out of account the "restraints and stints," established since "time out of mind," that villagers had developed to govern its use (Thompson 1991, 107). Fourth, "the right employing" of lands requires enclosure to encourage "improvement of Pasturage, Tillage, or Planting" (Locke II, 42). Nothing in these passages serves to safeguard customary use rights. Enclosure is not predicated on anyone's consent, either in the original state of nature or in the traditional English commons.

Private appropriation is not unconditional. Tully (1993, 120–21, 128–29) correctly insists that Locke's defense of property includes stipulations for its "due use," defined in terms of the no harm principle (Locke II, 37). He wrongly concludes that Locke's conception of property permits only "rights of usufruct in land," suggesting that his views were part of a "radical attack on large estates" quite distinct from "standard justifications of capitalism" (Tully 1993, 121, 129. See also Ashcraft 1986, 270–76). That legitimate appropriation is predicated on "due use" does not constitute a critique of private property or of capitalist arrangements. Locke defends enclosure, production for commercial profit, and unequal possessions precisely because they encourage industry and thus afford individuals an incentive to produce "the greatest Conveniencies of life" (Locke II, 34). Capitalist agriculture not only satisfies the spoilage proviso (Locke II, 46), it permits the industrious and rational to discharge their natural law

obligations to “preserve the rest of Mankind” (Locke II, 6). Due use distinguishes productive from unproductive uses of private property. Accordingly, Locke recommends government policies that promote the first and penalize the second. “Men’s paying taxes of mortgaged lands,” he suggests, “is a punishment for ill husbandry, which ought to be discouraged: but it concerns very little the frugal and the thrifty” (Locke [1692] 1823, V: 75; see also II, 42). Landholders enclosing lands to introduce agricultural improvements are not subject to limits on accumulation (Locke II, 48–50).

Private appropriation in England will not, as in America, leave more land, at least for Indians forced or willing to take up husbandry. The improvement it makes possible, however, yields more of the comforts that provide Locke with his main evidence for the superiority of capitalist production (see Sreenivasan 1995, 47–58). Private accumulation and expropriation benefit the whole community. Locke estimates that Indians, despite occupying America’s “fruitful Soil, apt to produce in abundance, what might serve for food, rayment, and delight; yet for want of improving it by labour, have not one hundredth part of the Conveniencies we enjoy: And a King of a large fruitful Territory there feeds, lodges, and is clad worse than a day Labourer in England” (II, 41). Locke’s justification of capitalist agriculture is not that it increases the amount of land available to others. Day laborers lacked access to sufficient land to escape a life of working for hire (Locke [1692] 1823, V: 23–24, 71). The sufficiency condition refers to the means of subsistence: English day laborers are materially better off—fed, lodged, and clad—than kings in an uncultivated state of nature (see also Locke II, 36).

Nor is the natural right to liberty violated when dispossessed producers are forced to work for others to survive. The key theoretical moves involve the treatment of wage labor. First, Locke sets aside the principle limiting appropriation to an individual’s own productive contributions. He equates the capitalist landlord’s command of another’s labor with the small landholders’ command of their own, extinguishing the distinction between capitalist and petty appropriation. “The Turfs my Servant has cut” (as well as “the Grass my Horse has bit”) are analogous to “the Ore I have digg’d.” Both “become my Property, without the assignation or consent of any body” (Locke II, 28). As long as labor contributes to the community’s enrichment, it matters little whether it belongs to the servant or to the master who purchases it and directs the work. Second, small holders without resources of their own may freely enter into employment relations with capitalist landlords. The terms of employment involve purchase and sale of the capacity to work, and al-

though “this commonly puts him into the Family of his Master, and under the ordinary Discipline thereof,” the servant is nevertheless juridically free. The employment contract “gives the Master but a Temporary Power over him, . . . no greater than what is contained in the Contract between ‘em” (Locke II, 85).

A spirited controversy attends Locke’s distinction between premodern and modern forms of service. How does Locke draw the line between them? Tully’s view (1980, 135–45) is that Locke allows no conceptual space for exchange across class lines, including capitalist labor relations. He contends that wage labor involves a form of political subjection, comparable to vassalage or slavery, ruled out by Locke’s conception of human agency. On Tully’s reading, the free servants Locke (II, 85) describes retain control over the performance of their work, selling a finished product or rendering a full service. They agree to work for a master who hires their labor, but planning and execution of the work is theirs to determine; unlike wage-earners, they do not transfer self-governance to another human being. Moreover, coercion encompasses desperate exchanges: “a Man,” Locke (I, 42) writes, “can no more justly make use of another’s necessity, to force him to become his Vassal, by with-holding that Relief, God requires him to afford to the wants of his Brother, than he that has more strength can seize upon a weaker, master him to his Obedience, and with a Dagger at his Throat offer him Death or Slavery.” Servants are free only if, in consenting to work for another, they have the option of working for themselves, and deal with the employer from a position of independence.⁸

For Locke, however, the distinction between premodern and modern forms of service corresponds to a sharp contrast between political and economic forms of authority. Self-ownership constitutes the line separating them. Political power involves “making Laws with Penalties of Death, . . . and of employing the force of the Community, in the Execution of such Laws” (Locke II, 3). He restricts violations of liberty to deliberate acts of “Force and Violence” against another’s person or possessions (Locke II, 16). Only coercion or the intent to coerce—“to compel me by force to that, which is against the Right of my Freedom, i.e. make me a Slave”—count for the purposes of

⁸Although Tully (1993, 132, 249–53) revised his analysis of the master-servant relation, he nevertheless reaffirmed the view that Locke’s approach to the political subject is “incompatible” (1993, 252) with his approach to the economic subject. The reason is that Tully equates the alienation of self-governance in politics with the alienation of self-governance in the workplace. “The person who becomes a slave in this way ceases to be sovereign over herself in the same manner as a person who sells her labor-power ceases to be sovereign over her abilities” (1993, 252). This powerful indictment of wage labor is strikingly similar to Jefferson’s; but it is not Locke’s.

defining acts of “Force without Right” (Locke II, 17, 19. See also II, 18, 135, 137, 172, 176, 186, 199, 202). In contrast, economic authority excludes compulsion. “Master and Servant,” Locke (II, 85) writes, “are Names as old as History, but given to those of far different condition.” Unlike his premodern counterpart, the modern servant may not be taxed, conscripted, imprisoned, or executed by his master, whose authority is strictly limited in scope and time. That the master organizes work and gives orders is morally irrelevant, as long as the orders are not politically enforced or subject the servant to political penalties.⁹ “The Master of the Family,” explains Locke (II, 86), “has a very distinct and differently limited Power, both as to time and extent, over those several Persons that are in it,” namely, “Wife, Children, Servants and Slaves. . . . Excepting the Slave. . . . he has no Legislative Power of Life and Death over any of them, and none too but what a Mistress of a Family may have as well as he.”

Locke’s stipulation limiting coercion to deliberate acts of force leaves more than enough room for capitalist labor relations. Rather, it precludes any conceptual space for exploring the coercive dimensions of a property system that requires some individuals to sell their labor and work under their employer’s supervision for a living. No one may consent to enslavement or submit to absolute rule without abdicating his rights as a human being. Locke (I, 1) argues that slavery is not merely “miserable,” but “vile.” Only punishment allows physical coercion; no other circumstance permits the use of force against another person. Tully mistakenly extends Locke’s stricture against vassalage and slavery to include wage relations. Locke argues that necessity cannot be used to force the servant into any form of political subjection: “Propriety in land,” he explains (Locke I, 43), does not confer “any Authority over the Persons of Men, but only that Compact might.” Necessity entails no harm to liberty as long as the servant retains the freedom to negotiate his terms of employment. In this case, “the Authority of the Rich Proprietor, and the Subjection of the Needy Beggar began not from the Possession of the Lord, but the Consent of the Poor man, who prefer’d being his Subject to starving. And the Man he

thus submits to, can pretend to no more Power over him, than he has consented to, upon Compact” (Locke I, 43). Charity protects individuals against threats to their self-preservation, affording every person “a Title to so much out another’s Plenty, as will keep him from extream want, where he has no means to subsist otherwise” (I, 42). It is not an alternative to wage labor.

Thomas Jefferson’s Liberal Anticapitalism

The Lockean core of Jefferson’s political economy is the claim that private property is a natural right. This is a controversial statement: a widely accepted view is that Jefferson excluded property from his conception of rights, clear evidence of his distance from Locke. Support for this interpretation rests on two arguments. The first appeals to the list of inalienable rights Jefferson affirms in the Declaration of Independence: he adopts Locke’s “life and liberty” but omits “estate” in favor of “the pursuit of happiness.” Similarly, he recommends excising “property” from Lafayette’s draft declaration of rights for France. “The omission,” writes Matthews (1984, 27), “is significant. While Locke views property as a natural right and its accumulation as the fulfillment of human endeavors, Jefferson does not. Jefferson’s vision of man and of man’s telos is much grander” (see also Yarbrough 1998, 89–91; White 1978, 213–28). The second argument cites Jefferson’s distinction between occupancy and ownership as evidence that he did not include property among the natural rights (see Yarbrough 1998, 89–90). Jefferson writes (to Isaac McPherson [Aug. 13, 1813] 1999, 579–80):

It is agreed by those who have seriously considered the subject, that no individual has, of natural right, a separate property in an acre of land. . . . By an universal law, . . . whatever, whether fixed or movable, belongs to all men equally and in common, is the property for the moment of him who occupies it, but when he relinquishes the occupation, the property goes with it. Stable ownership is the gift of social law, and is given late in the progress of society.

Jefferson does not preclude a natural right to appropriate. Rather, the distinction between occupancy and property serves two aims. First, it differentiates the natural right from the formal title to things established by political societies, where property is regulated by law and fulfills purposes determined by the community. The protection

⁹Wood (1984, 87, 90–92) maintains that the unity of conception and execution is irrelevant to the wage relationship. The capitalist’s authority was established long before the detail specialization that divorced wage workers from control over their work. Early forms of capitalist manufacturing and out-work involved craftsmen or rural households producing finite products for merchant employers. Their ability to make independent decisions, however, was surely diminished when they worked for an employer rather than directly for customers. A significant part of “conception” or self-direction was lost as they took orders from the manufacturer or the furnishing merchant (see Vickers 1994, 317–19). The important question is whether Locke countenances this loss of self-governance in work.

of “persons and property make the sum of the objects of government” (TJ to James Madison [Sept. 6, 1789] 1999, 596. Cf. Locke II, 123–24). The guiding principle of “a wise and frugal government,” Jefferson states in his first inaugural address, is to “restrain men from injuring one another, . . . leave them otherwise free to regulate their own pursuits of industry and improvement, and . . . not take from the mouth of labor the bread it has earned” ([Mar. 4, 1801] 1999, 175). Jefferson democratizes Locke’s notion of consent, conferring on every generation the right to remake its constitution. But the radical point here is not, as Matthews (1984, 20) suggests, “that positive law, not natural right, creates property rights,” but the Lockean point that government may not regulate property without the proprietors’ consent (Locke II, 120, 138–40, 193).

Second, and more importantly, the distinction between occupancy and ownership underscores Jefferson’s view that the natural property right is conditional. One of Jefferson’s most significant debts to Locke is the adoption of the no harm principle to govern appropriation:

there exists a right independent of force; . . . a right to property . . . founded in our natural wants, in the means with which we are endowed to satisfy these wants, and the right to what we acquire by those means without violating the similar rights of other sensible beings; . . . no one has a right to obstruct another, exercising his faculties innocently for the relief of sensibilities made a part of his nature. (TJ to DuPont de Nemours [Apr. 24, 1816] 1999, 292–93)

Jefferson follows Locke in offering spoilage and sufficiency as the tests for harm. First, he maintains that “the earth belongs in usufruct to the living” (TJ to James Madison [Sept. 6, 1789] 1999, 593). Interpretations of this claim have overlooked the similarity between Jefferson’s conception of usufruct and Locke’s spoilage proviso (see Banning 1995a, 27–55; Sloan 1993, 281–315). Negligent or wasteful destruction of the land or its fruits violates others’ rights to the means of subsistence. An obligation to conserve resources for the benefit of future generations limits private appropriation. Jefferson presses his argument beyond Locke’s, charging that for one generation to encumber its successors with debt, squandering “the usufruct of the lands for several generations to come,” is a form of enslavement, forcing unborn men and women to work for the dead (TJ to James Madison [Sept. 6, 1789] 1999, 593). Second, Jefferson develops a version of Locke’s sufficiency proviso, requiring property holders to leave enough and as good resources for others:

Whenever there is in any country, uncultivated lands and unemployed poor, it is clear that the laws of property have been so far extended as to violate natural right. . . . If for the encouragement of industry we allow it to be appropriated, we must take care that other employment be provided to those excluded from the appropriation. If we do not the fundamental right to labour the earth returns to the unemployed. (TJ to Rev. Madison [Jan. 30, 1787] 1999, 107)

What distinguishes Jefferson from Locke is the interpretation of the no harm rule—the way he marshals it to assess different property systems and to guide public policy. In reflecting on his country’s future, Jefferson adopts a view of the economic stages of human history familiar in the eighteenth century (TJ to William Ludlow [Sept. 6, 1824] 1999, 590–91).¹⁰ He uses this narrative as a normative framework to assess the evolution of property relations, comparing three forms of appropriation: Native American, American, and European. American economic arrangements represent a middling level of development, an expansive economy fostered by private property, without the deep class divisions accompanying European production. As he presents it, the no harm principle countenances the expropriation of American Indians, but it prohibits the dispossession of independent small holders. He envisions a market economy that excludes the necessity of working for hire.

Native Americans

Native Americans were for Jefferson the principal example of peoples living in the state of nature, “having never submitted themselves to any laws, any coercive power, any shadow of government” (“Notes on the State of Virginia,” 1984, 220. Cited as NVa.). That Indians lived without formal authority did not mean that they were unsocial or antisocial. The natural condition of human beings was not, as it was for Hobbes, a state of war. Jefferson echoes Rousseau’s criticism that “the *bellum omnium in omnia*, which some philosophers . . . have mistaken . . . for the natural, [is] instead . . . the abusive state of man” (TJ to Samuel Kercheval [July 12, 1816] 1999, 215). He underscores the Indians’ capacity to live peaceably without coercion, noting that “crimes are very rare among them” (NVa., 1984, 220). Although free from political controls, Indians were subject to restraints established by

¹⁰Locke’s natural history of property represents a rudimentary version of this developmental sequence (see Wood 1984, 51, 133–34, nn. 7–12).

“their manners, and that moral sense of right and wrong, which, like the sense of tasting and feeling, in every man makes a part of his nature” (NVa., 1984, 220). Recalling Locke’s (II, 107–11) account of an innocent golden age, Jefferson draws an invidious contrast between the freedom of Native American villages and European despotism (NVa., 1984, 220; TJ to Edward Carrington [Jan. 16, 1787] 1999, 153).

Jefferson is not unequivocally enthusiastic about Indian communal life. If it represents, as Matthews claims (1984, 64), “a model of man prior to and removed from the forces of emerging commercial society,” it is not a happy one. He describes the stage of Indian cultural and economic development as a “state of barbarism and wretchedness” (Report: University of Virginia [Aug. 4, 1818] 1999, 301). Indians lived like paupers in a land of vast natural potential, wasting the ample resources available to them. Hunting and gathering are improvident forms of appropriation: constantly exposing women to want and hazard, it is one of the principal causes of the low levels of Indian population (NVa., 1984, 186). Indian men, Jefferson writes (to General Chastellux [June 7, 1785] 1999, 517), devote themselves primarily to hunting, diplomacy, and war, “their manners rendering it disgraceful to labor.” He notes one exception to the absence of coercion among Indians—the treatment of women. They “are submitted to unjust drudgery,” forced to sustain the way of life of Indian men (NVa., 1984, 185).

Jefferson’s criticism reveals a great deal about his views on proper land usage. His theory of appropriation closely parallels Locke’s. Jefferson begins with the premise that “the earth is given as a common stock for man to labour and live on” (TJ to Rev. Madison [Jan. 30, 1787] 1999, 107. Cf. Locke II, 25). The original common refers to land that is unoccupied but available for appropriation: “each individual . . . may appropriate to himself such lands as he finds vacant, and occupancy will give him title” (“The Rights of British America” [July 1774] 1999, 78). “The earth belongs in usufruct to the living,” but only one kind of labor—settled husbandry—confers authentic occupancy. The Indians’ negligent use of resources discredited the legitimacy of their customary usages: uncultivated and unimproved, their lands were “vacant,” open for white settlement (TJ to Benjamin Austin [Jan. 9, 1816] 1999, 567; “First Annual Message to Congress” [Dec. 8, 1801] 1903, 3: 330; “Answers to Demeunier’s Queries” [June 22, 1786] 1984, 589). Jefferson was willing to acquiesce temporarily to Indian claims to their lands. American policy affirmed that Indian cessions to the government were the sole means of legitimately transferring land to American control (Wallace 1999, 165–70). But he had no intention of allowing the Indians to retain their

traditional use rights in America’s resources. He would not concede that the way Native Americans occupied the land was as legitimate as the way settlers intended to use it. Determined to transform the frontier into a landscape dedicated to the pursuit of happiness through private property, he insisted that it was unjust and irrational for the small population of Indians to maintain as hunting grounds millions of acres suitable for cultivation. Acknowledging the Indians’ right of soil was a tactical concession: purchase was a safer and less expensive way of acquiring land than war, and it made for a better representation of American intentions before European public opinion (TJ to Charles Carroll [Apr. 15, 1791] 1999, 519; “Notes for a Second Inaugural Address,” 1999, 530). Jefferson deployed the considerable powers at his disposal to induce Native Americans to cede land: purchase, force, ruse, bribery, and persuasion. If the instruments of policy were variable, the aim was not: the Indians would give up their lands, or face expulsion, if not extermination (TJ to Baron von Humboldt [Dec. 6, 1813] 1999, 194).

The most promising alternative to warfare involved integrating the Indians into American culture. An assimilationist policy guided Jefferson’s relations with Native Americans throughout his presidency (Wallace 1999, 220–26; Sheehan 1973, 168–81, 244–50). Its economic core involved transforming Indian hunters into farmers. The Lockean vocabulary of improvement legitimated it: enclosure and husbandry would enable Indian families to use much less land to provide a more comfortable subsistence for themselves, and to sell “their surplus and waste lands for the means of improving those they occupy” (“Fifth Annual Message to Congress” [Dec. 3, 1805] 1903, 3: 392. Cf. Locke II, 37). Jefferson’s environmentalism rested on the premise that all human beings had an equal capacity for progress, if only they allowed themselves to be taught.¹¹ Instructing Benjamin Hawkins on the guidelines of American policy in Indian affairs, he wrote ([Feb. 18, 1803] 1999, 521–22):

I consider the business of hunting as already become insufficient to furnish clothing and subsistence to the Indians. The promotion of agriculture, . . . and household manufacture, are essential in their preservation. . . . This will enable them to live on much smaller portions of land, and indeed will render their vast forests useless but for the range of cattle. . . . While they are learning to do better on less land, our increasing numbers will

¹¹ He did express reservations about the potential for improvement among blacks. See NVa., 1984, 164–70. For a comparison of Jefferson’s attitudes toward Indians and blacks, see Miller 1988, 56–76.

be calling for more land, and thus a coincidence of interests will be produced between those who have lands to spare, and want other necessaries, and those who have such necessaries to spare, and want lands.

The core of the teaching Indians had to internalize was not, or not primarily, the techniques of scientific farming. They had to learn what property was and what it was for. The language of instruction, as Dienstag (1996a, 996) aptly notes, amounted to “a kind of Lockean baby-talk.” Responding to a complaint from Handsome Lake about land purchases, Jefferson admonished ([Nov. 3, 1802] 1999, 520):

The lands were your property. The right to sell is one of the rights of property. To forbid you the exercise of that right would be a wrong to your nation. Nor do I think, brother, that the sale of lands is, under all circumstances, injurious to your people. While they depended on hunting, the more extensive the forest around them, the more game they would yield. But going into a state of agriculture, it may be as advantageous to a society, as it is to an individual, who has more land than he can improve, to sell a part, and lay out the money in stocks and implements of agriculture, for the better improvement of the residue. A little land well stocked and improved, will yield more than a great deal without stock or improvement.

Jefferson’s policy toward Native Americans applied Locke’s justification of colonialism to American western expansion. It exposed the limits of their liberal vision, its intolerance to nonliberal ways of life, providing what Sheehan (1973) called the seeds of extinction of Indian culture. But it also pointed to the differences between Locke and Jefferson. Jefferson’s hopes for the Indians epitomized his ideal—the independent proprietor. The role of property extends beyond encouraging material improvement: access to their own homesteads protected small holders from economic subservience. “Let me entreat you,” he wrote (to Captain Hendrick, et al. [Dec. 21, 1808] 1903, 16: 452), “on the lands now given you to begin to give every man a farm; let him enclose it, cultivate it, build a warm house on it, and when he dies, let it belong to his wife and children after him.”

The Harm Principle: The Right to Life

Jefferson is convinced that private property and commercial exchange form the economic bases of a progres-

sive civilization (Appleby 1992, 253–76). Self-sufficiency is neither feasible nor desirable: “Our citizens have had too full a taste of the comforts furnished by the arts and manufactures to be debarred the use of them,” he writes to George Washington ([Mar. 15, 1784] 1984, 787), and government should promote their economic interests, committing public funds to internal improvements and foreign policy to open markets around the world (NVa., 1984, 300; “Report on Foreign Commerce” [Dec. 16, 1793], 1984, 435–48). The United States “have an immensity of land courting the industry of the husbandman,” but he assumes that the land will be commercially developed (NVa., 1984, 290).

Jefferson does not embrace economic expansion without reservations. His focus is not the market per se, but the property relations it serves. How does Jefferson distinguish acceptable from unacceptable concentrations of land? He addresses the problem of dispossession in a letter to Rev. James Madison ([Oct. 28, 1785] 1999, 105–07), prompted by his encounter with widespread destitution in France: “the numberless instances of wretchedness which I observed in this country,” especially among the large class of “poor who cannot find work.” The cause of poverty, he initially suggests, lies in the “unequal division of property.” The underlying problem is that “a very considerable proportion” of the French countryside is “uncultivated, . . . undisturbed only for the sake of game.” Extending “the laws of property” to protect the aristocracy’s extravagant waste of resources so many need to live is to “violate natural right.” For Jefferson, as for Locke, property laws must distinguish productive from unproductive uses of lands. Private appropriation is admissible “for the encouragement of industry.” Nevertheless, public policy “must take care that other employment be provided to those excluded from the appropriation. If we do not, the fundamental right to labor the earth returns to the unemployed.”

Jefferson defines this condition in terms of the harm principle: appropriations must occur “without violating the similar rights of other sensible beings” (to DuPont de Nemours [Apr. 24, 1816] 1999, 292). No harm to others presupposes sufficiency: enclosures must leave enough and as good for all to acquire a livelihood by their labor. At this juncture, Jefferson’s argument diverges from Locke’s. Locke (II, 36, 37, 41; I, 42) restricts sufficiency to sustenance: accumulation is unlimited so long as it contributes to the well-being of the community, including its poorest members.¹² Jefferson applies it to land ownership,

¹²Sreenivasan (1995, 111–19) shows that, in limiting sufficiency to a minimum measure of subsistence, Locke fails to satisfy its normative requirements. “Taking sufficiency seriously” would be

rejecting the theoretical moves from smallholding to capitalist property. He opposes solving the social problem by lifting the limits on the expropriation of small producers. Commercial accumulation is permissible only if it does not deny others an equal opportunity to possess their own productive property. "Other employment" refers to independent proprietorship, precluding the necessity of working for hire. He recognizes "that an equal division of property is impracticable." Nevertheless, he sketches a political theory in which "the small land holders are the most precious part of a state." He counsels that "legislators cannot invent too many devices for subdividing property," giving the highest priority to policies that provide "by every possible means that as few as possible shall be without a little portion of land" (TJ to Rev. Madison [Oct. 28, 1785] 1999, 107).

Jefferson's best known proposal, included as a provision in his draft constitution for Virginia of 1776 (1984, 343), would have granted fifty acres to each freeman who did not own that much land. His government lowered the costs of entry to frontier lands, dramatically increasing sales: "though speculation was not altogether discouraged, the reduction in the size of tracts and the easing of the terms of credit brought into the market a new and larger class of purchasers." Entries in the land registers during the first decade of the nineteenth century provided evidence "that the small man was buying" (Gates 1968, 133). Additionally, Jefferson proposed a steeply graduated tax, ensuring that "the poor man in this country . . . pays not a farthing of tax to the general government. . . . Our revenues once liberated by the discharge of the public debt, and its surplus applied to canals, roads, schools, etc., and the farmer will see government supported, his children educated, and the face of his country made a paradise by the contributions of the rich alone" (TJ to DuPont de Nemours [Apr. 15, 1811] 1903, 13: 39; see also TJ to Rev. Madison [Oct. 28, 1785] 1999, 107).

Successful implementation of these measures rendered both markets and inequality morally harmless. The extensive distribution of landownership in the United States, in contrast to England, ensured that markets strengthened the economic position of ordinary producers: small farmers pursuing a diversified husbandry promoted economic development. Growing domestic and foreign demand for an increasing range of agricultural commodities enhanced the value of the goods they raised, inducing them "to increase surpluses without giving up the basic structure of the family farm" (Appleby 1992, 264; see also Vickers 1990). Provident farmers prospered.

fulfilled by a right to land. His conclusion parallels Jefferson's but, as Sreenivasan acknowledges, it is not Locke's.

Although Jefferson favors progressive taxation to reduce inequalities of wealth, he does not condemn all material inequality or endorse an equality of condition:

To take from one, because it is thought that his own industry and that of his fathers has acquired too much, in order to spare to others, who, or whose fathers have not exercised equal industry and skill, is to violate arbitrarily the first principle of association, 'the guarantee to every one of a free exercise of his industry, and the fruits acquired by it.' (TJ to Joseph Milligan [Apr. 6, 1816] 1903, 14: 466. See also his "Second Inaugural Address" [Mar. 4, 1805] 1999, 535)

Interpretations of Jefferson's political economy that de-emphasize its egalitarian implications mistake the nature of the limits he imposes on private appropriation (see Yarbrough 1998, 95–99; Zuckert 1996, 217–18; cf. Banning 1995a, 30–31, 50–51, n. 11). Jefferson recoils from the considerable inequalities that result from appropriating the labor of others. Dispossession is proscribed by the sufficiency proviso: morally innocent inequalities presuppose that everyone has, or can acquire, an estate adequate to an independent livelihood. Without access to a regular supply of labor, economic inequalities will tend to be confined within rather moderate bounds (TJ to Dr. Thomas Cooper [Sept. 10, 1814] 1999, 138; TJ to John Adams [Oct. 28, 1813] 1999, 190).

Jefferson's interpretation of the sufficiency limitation privileges one way of providing a comfortable subsistence—appropriation of one's own resources. There are alternatives: individuals may satisfy their needs by employment on the property of others. Locke claimed that capitalist appropriation improved the common stock of mankind, ensuring a better livelihood to a much larger population. Why does Jefferson foreclose this option?

The Harm Principle: The Right to Liberty

The justification for property is both comfort and independence.¹³ "The cultivation of wheat," unlike tobacco, "feeds the labourers plentifully, . . . and diffuses . . . happiness among the whole." Just as important, Jefferson stresses that growing wheat is better suited to independent farming, uncorrupted by a reliance on slave labor (NVa., 1984, 293; see Appleby 1992, 270). The farmers' independence, their ability to direct their own economic

¹³On the significance of securing a comfortable independence for working people in the early Republic, see Vickers 1994, 13–29; Vickers 1990.

lives, accounts for their character, for “dependance begets subservience and venality, suffocates the germ of virtue, and prepares fit tools for the designs of ambition” (NVa., 1984, 290–91). Jefferson jettisons Locke’s view that self-ownership alone adequately safeguards the equal right to liberty. Free labor means self-employment: a comfortable independence presupposes that householders possess sufficient property to ensure that neither they nor their families are regularly forced to search abroad for work. Working for a wage is unobjectionable, but only as a stage in life or as a by-employment to agriculture. With homesteads available for anyone interested in quitting the wage-earning class, hired laborers remain as free as husbandmen (TJ to Mr. Lithson [Jan. 4, 1805] 1903, 11: 55; TJ to John Adams [Oct. 28, 1813] 1999, 190. See Macpherson 1977, 17–19).

Jefferson’s mature teaching establishes an innovative link between the political and economic dimensions of independence. He draws a parallel between the right to self-government and the right to property. Following his presidency, Jefferson abandoned an earlier understanding of consent, widely shared by the founding generation, as an agreement limited to the institution of the state. The view expressed in the Declaration of Independence—that governments derived their just powers from the consent of the governed—meant only that states are constructed by human agreement to serve human ends. The state’s form is left relatively open; consent to its institution did not mean democratic government. The constituent political community may vest authority in a variety of bodies, more or less democratic, “as to them shall seem most likely to effect their safety and happiness” (“Declaration of Independence,” 1999, 102. See Dienstag 1996a, 988–89, 995–99; Zuckert 1996, 28–30). The elder Jefferson develops the view that governments are legitimate only to the extent that they renew their just powers by the active and continuing consent of the governed: “Were I to assign to this term [republic] a precise and definite idea, I would say . . . it means a government by its citizens in mass, acting directly and personally, according to rules established by the majority; and that every other government is more or less republican, in proportion as it has in its composition more or less of this ingredient of the direct action of the citizens” (TJ to John Taylor [May 28, 1816] 1999, 207). Jefferson’s advocacy of direct democracy does not indicate a shift from a liberal to a republican conception of citizenship. Rather, he regards the right to self-government as a property right:

We consider society as one of the natural wants with which man has been created; . . . when . . . 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. (TJ to DuPont de Nemours [Apr. 24, 1816] 1999, 291. See also TJ to James Madison [Sept. 6, 1789] 1999, 596; TJ to Samuel Kercheval [July 12, 1816] 1999, 212)

To make direct democracy feasible, Jefferson proposes a sharp devolution of political authority, from the national government “down through all its subordinations, until it ends in the administration of every man’s farm by himself” (TJ to Joseph Cabell [Feb. 2, 1816] 1999, 205).

Zuckert (1996, 234–35) perceptively observes that “Jefferson formulates this extraordinary right to democracy when he assimilates the public sphere entirely to the theory of private property, that is, when he comes to see the state more completely through the lens of the Lockean theory of property and property rights.” More importantly, the parallel between self-government and property reveals the distance separating Jefferson’s from Locke’s political economy. In reconceptualizing the state from the standpoint of property rights, Jefferson exposes the political dimensions of ownership. An essential aspect of economic liberty is the equal right of individuals to “manage” or “govern” their “persons and property” (TJ to James Madison [Sept. 6, 1789] 1999, 596; see also TJ to Samuel Kercheval [July 12, 1816] 1999, 212). Self-employed proprietors exercise judgment and discretion in mastering their distinctive callings and devising strategies to sustain their households in comfortable independence. They plan, schedule, and allocate tasks and resources in light of their understanding of family needs and commercial opportunities. This is property’s political face: “the management of . . . our farms, our mills, and merchants’ stores” (TJ to Joseph Cabell [Feb. 2, 1816] 1999, 204).

Jefferson’s theory of property, in contrast to Locke’s, precludes the rise of capitalist wage relations. Employers exercise a form of political power: they command the labor of their workers. They neither menace nor invade the workers’ personal rights; their authority is subject to the terms of the employment contract. But Jefferson offers a broader understanding of power: the owner’s right to make binding decisions in the workplace is secured by property arrangements that leave wage-earners with no choice but to place themselves under the “ordinary discipline” of their employer (Locke II, 85). Compelling individuals to relinquish the right to direct their labor is equivalent to compelling them to relinquish the right to direct their government: both are inconsistent with independence. Sustained control over the activities of other

people fosters moral irresponsibility, among rulers and ruled, employers and wage-earners. "It is . . . by placing under every one what his own eye may superintend," writes Jefferson (to Joseph Cabell [Feb. 2, 1816] 1999, 205), "that all will be done for the best."

Jefferson's indictment of wage labor explains his opposition, endorsed by many of his contemporaries, to urban manufacturing (see McCoy 1980, 223–25). His preference for agriculture is normally submitted as evidence of republican sensibilities. He is not opposed to industrial development, however, but to its European form, predicated on the existence of a labor force permanently dependent on working for hire. He offers an extended "comparison of the conditions of Great Britain and the United States" in a letter to Dr. Thomas Cooper ([Sept. 10, 1814] 1999, 136–42). His analysis of England's social structure distinguishes three classes: "the aristocracy," which includes "the nobility, the wealthy commoners, the high grades of priesthood, and the officers of government"; "the laboring class"; and "the eleemosynary class, or paupers, who are about one-fifth of the whole." Jefferson first turns his attention to the economic predicament of laborers and paupers, making no distinction between rural and urban labor. The purpose of the class regime is exploitation: paupers cannot provide for themselves, "even by labor;" and the laboring poor, "whether employed in agriculture or the arts," are reduced "to the maximum of labor which the construction of the human body can endure, and to the minimum of food, and of the meanest kind, which will preserve it in life, and in strength sufficient to perform its functions." Jefferson's description of English working conditions recalls Adam Smith's (2: 302–03) analysis of the crippling effects of detail specialization. Employers achieve impressive gains in productivity by eroding the workers' autonomy. The root cause of their desperate condition is not the technology employed, but the poverty of the laborers. Excluded from access to their own property, laborers are forced into exacting toil:

To obtain food enough, and clothing, not only their whole strength must be unremittingly exerted, but the utmost dexterity also which they can acquire; and those of great dexterity only can keep their ground, while those of less must sink into the class of paupers. Nor is it manual dexterity alone, but the acutest resources of the mind also which are impressed into this struggle for life. (TJ to Dr. Thomas Cooper [Sept. 10, 1814] 1999, 137)

Americans did not lack a dependent labor force. The frontier drained the availability of hired labor: producers

able to develop land for themselves rarely wished to work for anyone else. But those who could afford help relied on the availability of unfree men and women, especially slaves. Proceeding to evaluate laboring conditions on either side of the Atlantic, Jefferson turns to a comparison of American slaves and English workers. The question of slavery deepens the discussion: Jefferson switches the standard of evaluation from the poverty of the laboring classes to their "subjection to the will of others":

And with the laborers of England generally, does not the moral coercion of want subject their will as despotically to that of their employer, as the physical constraint does the soldier, the seaman, or the slave? But do not mistake me. I am not advocating slavery. . . . I am at present comparing the condition and degree of suffering to which oppression has reduced the man of one color, with the condition and degree of suffering to which oppression has reduced the man of another color; equally condemning both. (TJ to Dr. Thomas Cooper [Sept. 10, 1814] 1999, 138–39)

The comparison between labor relations in England and the American South—the remarkable claim that individuals forced into a lifetime of wage labor are virtually as unfree as slaves—epitomizes the crucial difference in the way Jefferson and Locke deploy the harm principle.¹⁴ Locke (II, 85) draws the boundary between freedom and bondage at self-ownership; freedom means simply not being a slave. No harm occurs if others are denied access to productive resources of their own. Accumulation is culpable only if it endangers another's livelihood. Jefferson draws the boundary between freedom and bondage quite differently. He contends that laborers are meaningfully free only if they employ their own property and work for themselves, and not for an employer who puts them to work. To be constrained by necessity to subject oneself to another's will is equivalent to wage-slavery. Vindicating the free labor system in the United States, Jefferson writes:

The great mass of our population is of laborers; our rich, who can live without labor, either manual or professional, being few, and of moderate wealth. Most of the laboring class possess

¹⁴For two excellent studies of Jefferson and slavery, see Finkelman 1993; Miller 1977. The comparison between slavery and wage labor suggests that Jefferson's misgivings about capitalist development included its cultural ramifications. Economic relations involving "subjection to the will of others" are inhospitable to a liberal culture, eroding the mutual recognition that underwrites the healthy operation of the moral sense (TJ to Dr. Thomas Cooper [Sept. 10, 1814] 1999, 138; NVa., 1984, 288).

property, cultivate their own lands, have families, and from the demand for their labor are enabled to exact from the rich and the competent such prices as enable them to be fed abundantly, clothed above mere decency, to labor moderately and raise their families. (TJ to Dr. Thomas Cooper [Sept. 10, 1814] 1999, 138; see also TJ to John Adams [Oct. 28, 1813] 1999, 190)

Jefferson's understanding of the differences between England and the United States explains his approach to commercial progress. The operation of supply and demand cut against England's poor: competition forced a landless laboring class, threatened with sinking "into the class of paupers," into a race for survival. For American producers, the market was a domain of freedom. Although luck and skill created inequalities of wealth, they did not divide owners from laborers in the English manner. Class played a minor role in their economic relations. Rural and urban households exchanged a variety of goods and labor: not only were the services of "carpenters, masons, smiths . . . wanting in husbandry," but farmers raised different mixes of crops and animals depending on their interests and circumstances (NVa., 1984, 291; 294–95). Because householders retained control over how their shops, mills, and farms were managed, neither party to an exchange compromised its economic independence. Nor was there much incentive to take advantage of one's neighbor, since employment relations were reversible: proprietors normally hired one another's services (Vickers 1994, 237–47). Accordingly, when Jefferson conceded the importance of developing the nation's industrial base, he stressed the need to realize the potential of household manufacturing, protecting producers from exchanges across class lines. He commended efforts to design technologies suitable for household use, enhancing the viability and productivity of small producers (TJ to General Thaddeus Kosciusko [June 28, 1812] 1903, 13: 170–71). Additionally, he held that economic freedom, and the virtues associated with it, was secure as long as property was available to rescue producers from exploitation, which would be "as long as there shall be vacant lands in any part of America" (TJ to James Madison [Dec. 20, 1787] 1999, 363).

As yet our manufacturers are as much at their ease, as independent and moral as our agricultural inhabitants, and they will continue so as long as there are vacant lands for them to resort to; because whenever it shall be attempted by the other classes to reduce them to the minimum of subsistence, they will quit their trades and go to laboring

the earth. (TJ to Mr. Lithson [Jan. 4, 1805] 1903, 11: 55)

Jefferson retained a preference for agriculture throughout his life. Wheat cultivation provided a comfortable independence while requiring "only a moderate toil" (NVa., 1984, 293). But he acknowledged that independent labor may encompass various economic activities. Jefferson's main concern was to secure the conditions whereby producers controlled their own work. He did not equate all labor with toil; only labor for others was painful. Work should be limited, allowing time for other activities and for rest, but the time spent working should also be at one's command (TJ to Dr. Thomas Cooper [Sept. 10, 1814] 1999, 138; TJ to John Adams [Oct. 28, 1813] 1999, 190). Self-directed producers exercised the right to pursue their happiness by choosing "innocent" and "honest" callings for "the relief of sensibilities made a part of [their] nature" (TJ to John Adams [Feb. 28, 1796] 1984, 1034; TJ to Jean Nicolas Demeunier [Apr. 29, 1795] 1984, 1028; TJ to DuPont de Nemours [Apr. 24, 1816] 1999, 292–93).

Conclusion

Jefferson's optimism about the opportunities available for independent proprietorship was predicated on the existence of an open frontier. As long as inexpensive land inhibited the rise of a class of dispossessed poor, he could remain largely untroubled by the right of private property and the legitimacy of commerce. Not many Americans, certainly not Jefferson, seriously questioned the morality of defusing economic inequality at the expense of the Indian domain. Jefferson did not expect the frontier to remain open indefinitely, but he was confident that "we have now lands enough to employ an infinite number of people in their cultivation," and will "for a considerable time" (TJ to John Jay [Aug. 23, 1785] 1999, 549; see also TJ to Jean-Baptiste Say [Feb. 1, 1804] 1984, 1144).

Historians credit James Madison with probing more deeply (Banning 1995b, 33–4; McCoy 1980, 126–32). Like Jefferson, Madison (1981, 185) favored a republic of small, independent producers. Unlike Jefferson, he grappled with the challenge posed by the frontier's closing. Laws favoring a subdivision of property may temporarily ameliorate "the misery of the lower classes," he wrote to Jefferson, but "a certain degree of misery seems inseparable from a high degree of populousness" (cited in Banning 1995a, 164). In his view, as in Jefferson's, the principal object of government was the protection of "the rights of persons, and the rights of property" (Madison 1981, 36). But Madison's understanding of the course of American

history anticipated a separation of these two rights and their devolution onto two different economic classes. Growth will expropriate an increasing proportion of the population, until they become a "Majority . . . without landed or other equivalent property and without the means or hope of acquiring it" (Madison 1981, 397; see also 36–37, 406). Madison (1981, 395–97) feared that class conflicts would undermine the republic, both by "agrarian laws, and other leveling schemes," and by the oppression of laborers at the hands of the wealthy. Nevertheless, he upheld the legitimacy of the division between property and persons:

An obvious and permanent division of every people is into the owners of the Soil, and the other inhabitants. In a certain sense the Country may be said to belong to the former. . . . This view of the subject derives force from the principle of natural law, which vests in individuals an exclusive right to the portions of ground with which he [*sic*] has incorporated his labour and improvements. . . . It would seem unreasonable to extend the right [of the other inhabitants] so far as to give them when become the majority, a power of Legislation over the landed property without the consent of the proprietors. (Madison 1981, 397–98)

Madison and Jefferson articulated alternative visions of liberalism. In time, these differences had fateful consequences for its relationship to capitalism. Madison's political economy represented a narrowing of liberal possibilities, an accommodation to the prerogatives of capitalist ownership: he acquiesced to the Lockean premise that freedom was predicated on self-ownership. Despite his misgivings, Madison endorsed the view that some may rightfully accumulate a large amount of capital while others own nothing but their persons.

Jefferson pointed liberalism in an alternative direction. He rejected the division between the rights of persons and property, inaugurating a tradition of social criticism that saw individuals permanently forced to sell their labor almost as unfree as chattel slaves (Wiebe 1995, 89–96; Lasch 1991, 168–225; Wilentz 1984; Foner 1980, 57–76). To be sure, Jefferson did not think through the problem of retaining economic independence in a complex economy. He relied on the safety-valve of public lands to allow families the opportunity to escape the wage-earning class. Is there a continuing significance to the Jeffersonian position? Jefferson's theory of ward republics indicates the outlines of a liberal alternative to industrial wage labor. He proposed a decentralized regime in which social functions were discharged at the lowest appropriate level. The

size of wards was limited so that "every citizen can attend, when called on, and act in person" (TJ to Samuel Kercheval [July 12, 1816] 1999, 213). The secret to "good and safe government" lies in making every citizen "the depository of the powers respecting himself, so far as he is competent to them, and delegating only what is beyond his competence . . . 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" (TJ to Joseph Cabell [Feb. 2, 1816] 1999, 204–05). This distributive principle encompassed both public and private domains, from "the Governor and Council" to "the management of all our farms, our mills, and merchants' stores. . . . 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" (TJ to Joseph Cabell [Feb. 2, 1816] 1999, 204–05). Ward republics were not intended as arenas for the cultivation and display of civic virtue. Local control secured the negative ideal of nonsubordination: it worked against the inequalities of tyrant and subject, master and servant.

Applying the theory of wards to the problem of industrial government suggests a right of individuals to govern their workplaces by democratic means. Democratic work relations—cooperatives or self-governing enterprises—offer a way of recreating the virtues associated with independent proprietorship under conditions of large-scale agriculture and industry. Trade unions and populist movements in the nineteenth century experimented with producers' cooperatives as alternatives to a life of wage-earning. They did not thereby abandon their Jeffersonian roots: cooperative arrangements were seen as a means whereby small producers pooled their resources, in effect becoming their own masters (see Goodwyn, 1976). The vocabulary of independent labor is evident in the defense of cooperation offered by labor leaders: for William Sylvius, it promised that "we will become a nation of employers—the employers of our own labor." According to Ira Stewart, it would usher in an era in which "every man will be a capitalist" (cited in Montgomery 1967, 229, 259). Contemporary liberal theorists have rarely taken up this aspect of Jefferson's legacy.¹⁵ Faced with the human costs of capitalist development, they defend ways of protecting self-ownership rights, principally by means of welfare programs, without questioning the distinction between the rights of property and persons. Jefferson's critique of wage labor was relinquished to variants of socialist and

¹⁵The most notable exception is Robert Dahl (1985).

republican thought. That his theoretical departure was a road not taken is unfortunate: the ethic of comfortable independence, grounded in control over the means of production, invites reflection on a critical dimension of capitalist economic relations without abandoning liberalism's commitment to the separation of economy and state.

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