

## "HIS PROMISES, ON WHICH SHE IMPLICITLY RELIED"

JAMES AND SALLY Hemings had many months to contemplate their possible return to Virginia. Jefferson had, in fact, been preparing to go home long before he received official word that his request for a leave of absence had been granted; he had packed his bags to be ready to go on a moment's notice.<sup>1</sup> The Hemingses, as well as his daughters, were expected to return with him, and were likely as much on tenterhooks as he, for they, too, had to be ready to leave as soon as word arrived. When it was clear that return to America was imminent, Sally Hemings was pregnant, and her pregnancy created a problem that she and Jefferson had to address and sort out. Madison Hemings described what happened:

But during that time my mother became Mr. Jefferson's concubine, and when he was called back home she was *enciente* by him. He desired to bring my mother back to Virginia with him, but she demurred. She was just beginning to understand the French language well, and in France she was free, while if she returned to Virginia she would be re-enslaved. So she refused to return with him. To induce her to do so he promised her extraordinary privileges, and made a solemn pledge that her children should be freed at the age of twenty-one years. In consequence of his promises, on which she implicitly relied, she returned with him to Virginia.<sup>2</sup>

There is much to consider about this very simple, yet powerful, explanation of what happened between Sally Hemings and Thomas Jefferson

in France. First, it could only have been a shorthand version of all that actually happened, all the words that passed between these two. There is no way to know whether Hemings first thought of staying in France before or after her pregnancy, whether the struggle with Jefferson was a relatively short one or one that took place with varying degrees of intensity over the months that he hung in suspension waiting for permission to return to America. One thing is clear: the events described were not the heedless work of a passing conversation. The stakes were extremely high for both, but highest for Hemings. She knew all too well what slavery meant, and she lived with the hard knowledge that, were she to return to Virginia, every child from her womb would follow her condition. In this moment and place, she was in the best position she would ever be in to walk away from *partus sequitur ventrem* forever. Most important of all, she could do that without having to depend upon the benevolence of any one man—to trust Jefferson, over French law, with her life and the lives of her children.

Another option, of course, was open to Hemings. Abortion was not unknown to women of all colors and statuses in Hemings's time. Jefferson's daughter, Martha, once warned a sister-in-law that if taken in certain quantities, a particular medicine could induce an abortion, and doctors believed that some women, in this case white women, were using the medicine she referred to for that purpose. Masters sometimes suspected that enslaved women were controlling their fertility through contraceptives or abortion, perhaps with the aid of enslaved midwives who understood the dilemma their sisters faced. A moment normally associated with hope for the future (impending motherhood) was firmly embedded in the unhopeful present-day circumstances of their enslavement.<sup>3</sup>

We cannot know what Hemings thought about abortion for herself or whether the thought of not keeping her baby even crossed her mind. She was away from the network of her mother and female siblings who could counsel her and, as far as we know, without a network of women of color to confide in and discuss a matter so personal. Indeed, one wonders how much preparation Hemings had actually had for womanhood. She left Monticello for Eppington in 1783 when she was ten years old. If her mother went with her, she did not stay, for, as was noted earlier, Jefferson's correspondence with his gardener places Elizabeth Hemings at Monticello in February of 1785. At Eppington, Hemings's half sister

joined the ranks of people of all races and cultures who throughout human history have braved unknown territory and built lives for themselves amid hostile, isolated, and barren wildernesses—as well as forbidding, cramped, and chaotic urban environments. The risks of hardship and failure are inevitable facts of life for free people of any color. Courage was not foreclosed to either of them.

Jefferson, however, was a very persuasive man. As we will see, his leverage over James Hemings brought the young man back to the United States and, for a time, to Monticello, until his emancipation. As for Sally Hemings, one wonders whether her threat to stay in France for the sake of freedom was not, in the end, merely a ploy she used to get what she really wanted: to go home with assurances that she could expect a certain type of life at Monticello with the rest of the Hemingses and Jefferson, along with his “solemn pledge” that *partus sequitur ventrem* would end in her line forever.

## “THE TREATY” AND “DID THEY LOVE EACH OTHER?”

AT FIRST GLANCE the terse presentation of how Hemings and Jefferson resolved the standoff between them at the Hôtel de Langeac has the look of a deal between two parties who, if not exactly operating at arm’s length, were at least bargaining in a manner that seems unworthy of a man and a woman with any true emotional bond between them. Their son’s description of the agreement as a “treaty” calls to mind diplomats from two foreign nations drawing up terms for the cessation of hostilities or forming an alliance for trade or united defense against a common enemy. This runs counter to romantic conventional wisdom about the way women and men act when they are emotionally attached to each other and are embarking on a life together. In that convention, a particular conception of “love” occupies center stage; it blots out all talk of things practical and utilitarian, as if their very mention would cheapen the value of any truly heartfelt sentiments existing between the man and the woman.

Because Jefferson was more powerful than Hemings, and a vastly more important actor in world history, the temptation to focus on his thoughts and likely feelings is great, as though his legal ownership of her in America obviated the need to consider her actions in France. She, a mere object of his power, could never have influenced him or the course of her life, in any way. The historiography of slavery has long since moved beyond the notion that slave owners were deity-like in their omnipotence and that slaves really were actual chattel, like pieces of furniture lacking consciences and will. It

is now well recognized that within their admittedly limited sphere, enslaved people helped shape the contours of the master-slave relationship, both as actors and as reactors.<sup>3</sup>

Whatever her situation in Virginia, Hemings had a sphere of influence much larger in France; Jefferson, a much diminished one. His power as a master was not coterminous with his whiteness. Although Jefferson was white wherever he went, he did not carry the legal powers of a Virginia slave owner wherever he went. One cannot speak seriously about the meaning and application of law without addressing the always pivotal question of *jurisdiction*—when and where the law speaks. Virginia slave law did not speak in France. There was, then, no way for Jefferson to legitimately exercise the power those laws gave him. Just as he did not carry his power as a master everywhere, the Hemingses did not carry their Virginia-induced powerlessness as slaves to France as if their legal condition had been truly grafted onto their skin, as white Virginians tried to make it. There was no such thing as an immutable slave character that endured beyond geographical, political, social, and legal boundaries.

Problems remain as we try to recover as much as we can of Hemings and Jefferson, the flesh-and-blood individuals operating in those final months in France. Unexamined conventional wisdom inhibits clear assessments of this extraordinary pair. In modern times a marriage is often treated as proof that love exists between the two people who join in matrimony. That Hemings was born into a society that did not allow her to have a legal marriage confuses and makes it hard to see, and easy to disparage, the idea of love and, what we may call, authenticity in any bond she formed. With no law to serve as a guide for how to think of her relationship, we assume all was chaos or insignificance. There are other stumbling blocks: the assumption that all black-white sex under slavery was degraded per se, the idea that Sally Hemings, an enslaved woman, was simply too indelibly degraded to be considered "lovable" by a man like Jefferson, and that Jefferson, a slave owner, was simply too implacably evil for Hemings to have loved. Under these rules, the "treaty" their son described could not have grown out of any non-meretricious attachment-based or "decent" sentiment. These notions—operating together or on their own—make up the very complex American response to matters involving not only slavery but even more particularly race and gender.

Love and the authenticity it supposedly gives to relationships are inherently difficult concepts to capture in any venue, but there is no question

that slavery complicates matters almost exponentially, given the moral, social, and political implications of such a discussion. For modern observers the glaring problem with the idea of love between a slave and master is that southern apologists for slavery, near the end of the institution and long afterward, set teeth on edge with their endless talk about "the love" that existed between black and white in old-time Dixie, as if affection between discrete individuals could ever mitigate the inhumanity of the southern slave system or affect an individual's overall commitment to white supremacy. Human beings, creatures with the capacity to observe and reason, understand the concept of "exceptions"—that persons, things, or rules can vary from an accepted norm. "*This black person, that white person, is different from all the others.*" It is quite instructive that all the talk never extended to love between males and females like a Sally Hemings and a Thomas Jefferson, who were eligible to engage in what people of their day would have thought of as "normal" heterosexual intercourse.<sup>4</sup>

Very importantly for Hemings and Jefferson, if we look closely at how we think we know when love and authenticity exist between a man and a woman, and when we are firm in our understanding that it did not and could not have existed, we can see the almost hidden hand of the law and the very open hand of white supremacy leading us to exalt the humanity of whites and to seriously discount the humanity of blacks in much the same manner as was done during slavery. This becomes clear when we try to get at the nature of Hemings's response to Jefferson at the Hôtel de Langeac by comparing her unprotected status in her relationship with him to that of her sister Martha Wayles, who was protected in her relationship with the very same man.

### *The Cover of Marriage*

When Martha Wayles Skelton decided that she would marry and live the rest of what would be her altogether too brief life with Thomas Jefferson, she did not have to ask certain questions or make a "treaty" with him. Legal marriage itself was "the treaty," such an important one that society did not leave it to them to set their own basic terms. The deal between a man and a woman was the community's business as well as the couple's, and certain core terms were therefore set down as a matter of law, both religious and civil. By the time Martha and Thomas married centuries of English law

(adopted in large measure in the new American context) had already set down the terms of engagement between men and women who were casting their lot together as married partners. Whether the couple loved each other or not, and for most of the history of marriage love was not the pre-eminent consideration, the parties had certain rights and obligations that were explicitly set forth.

Martha did not have to ask Thomas whether he would take good care of her. That was in the deal called coverture. He covered her with his protection and in return gained the right to control all of her property and to direct the course of her life. She ceased to exist as a separate legal person, hence Blackstone's famous description of marriage, the husband and wife became one, and the one was the husband.<sup>4</sup> Martha did not have to ask whether Thomas would take care of the children they had together and whether they would receive a patrimony from him. Laws about a father's duty of support and children's inheritance rights—a very elaborate array of rules—took care of that as well. Neither Martha nor Thomas had to wonder whether they were going to have sex, because that was part of the legal understanding of what made a marriage as well. In their time, marriage was the symbol of the union of male and female and what that union could achieve. If the two became one physically, and they were both healthy, they would produce children, which was what traditional marriage was supposed to be about. An unconsummated marriage was not a true one. If at some point one of the parties refused to have sex, that was considered abandonment of the marriage bed and was a ground for divorce.<sup>5</sup> No couple in Virginia eligible for legal marriage had to talk to their potential spouses about any of these matters at all.

This was, for Jefferson's time, an efficient system for the smooth operation of Anglo-American family relationships. Legal marriage existed for reasons that had absolutely nothing to do with slavery and white supremacy. Still, the availability of marriage to whites and the denial of it to enslaved black people served as yet another means of advancing both—strengthening and beautifying whites in their relationships with each other and weakening and degrading blacks in their relationships with each other and whenever they were involved with whites. With no opportunity for legal marriage, Sally Hemings, unlike her sister Martha, was operating without the benefit of any written rules. The plan for her life at Monticello with Jefferson was made up to suit their particular circumstances, and the carrying out of that

plan depended not upon law but upon Hemings's ability to hold Jefferson in some serious fashion over the years and, more importantly, the quality of his personal character and his willingness to remain committed to her.

It is not all surprising, therefore, that Hemings and Jefferson talked of the very matters that were among the core issues addressed in the basic marriage contract for free couples in the world in which they lived: the treatment of the woman, the man's duty's and obligations toward the children, and what the children would receive from the man when they became adults, questions that men and women in every type of society from time immemorial have had to address. That the two would be having sex was implicit in the understanding that Hemings was going to have more children and that provision would be made for them as well as the one about to be born—the particular one that Hemings most wanted: their freedom.

That whites who wanted to marry never had to ask these most basic and practical questions moved their unions beyond the realm of more obvious deal making and horse-trading. Upper-class families did their share of negotiating about property matters before marriage, when they chose to do so. But for the most part the premarital negotiations that went on for white couples of means reflected their families' desire to help the new couple as they started out in life, augmenting the basic terms of the marriage contract.<sup>7</sup> With the need to negotiate the most elemental terms out of the way, Anglo-American legal unions evolved to the point where they could easily be portrayed as about something inevitably greater—more pure and romantic—than a deal (a "treaty," if you will) in which a man and a woman figure out how they are going to have steady access to sex and company in their lives with a partner acceptable to them, raise the children that come from that sex, and determine what they will do about their respective items of property.

An upper-class, married white woman in Virginia, no matter how her status was obtained—as part of a plan to unite large property holdings, to rein in the impulses of a headstrong girl, or to achieve a step up in her family's circumstances—could never have been a rape victim or degraded sexual object in her marriage. The marriage contract made her consent to sex implicit and all the resulting sexual activity "clean." A married white man, no matter how he came to be the husband of the bride—with the aid of family force or from a desire to gain wealth—could never have been a rapist or one who tainted the notion of true love in the relationship by bringing

ambition for material or social gain into the plan for union. The law created a reality beyond itself and its purposes. It told a story about the lives of those whom it protected—men and women like Thomas and Martha—supposedly defining their basic natures and the quality of their characters, almost the very state of their souls.

The cover of legal marriage made every white "wife" an honorable woman, presumptively morally and spiritually superior to any enslaved woman, actually any black woman. This attitude prevailed among whites long after Hemings's time and shaped the way black people and their families and sexuality were viewed, the coupling of blackness with the degradation of slavery having done its work. As late as the 1950s, some newspapers in southern states refused to apply the honorific "Mrs." to even legally married black women. This had nothing to do with the disabilities of slavery—it had been abolished—and nothing to do with the protective veil of legal matrimony: these women had it. When all was said and done, "honor" and dignity were racially based. No black woman, even a lawfully wedded one, could ever have had either, or certainly their honor and dignity could not have been recognized on an equal footing with that of white women's in any public forum.<sup>8</sup>

Because they were legally married, the question whether Thomas Jefferson loved Martha Wayles Skelton as he first got to know her would never have been asked. We assume we know what he was thinking and feeling simply because he married her. Even raising the question might be considered an insult to their memory. The truth is that we do not know exactly what the young Thomas was thinking when he encountered Martha, the beautiful and rich widow. We do not even know when and where he first encountered her. What percentage of his initial attraction to her was that ineffable feeling that draws one human being to another in a heartfelt way that we all respect and honor as one of the highest expressions of our emotions? And what percentage of the attraction was the reality that a legal marriage to a woman whose father was very rich and well connected in the society in which Jefferson wanted to rise would bring him vast wealth that he might never have achieved on his own—a mercenary concern that is not a part of the kind of "love" that we long for and revere? The fact is we simply cannot know.

We know that Jefferson waxed enthusiastic about his prospective bride to friends during his courtship,<sup>9</sup> although he could not very well have gone

on and on about his sexual attraction to her—apart from tasteful paens to her beauty—and the virtues of her father's extensive land holdings and slaves. He would never have put cards on the table like that. With no letters from her and no diary, Martha left no trace of her thoughts during this period. So we do not even have Jefferson filtered through her observations. There is the testimony of their affection during their courtship from their great-granddaughter, who never knew either of them, and the statement, ironically enough, of one of his sons with Sally Hemings.<sup>10</sup> We do know from the way Jefferson conducted himself during his life with his wife—and from his actions at the end of their marriage—that he loved her profoundly and was utterly devastated by her loss. That was after the passage of ten years. It still does not get precisely at what the twenty-seven-year-old man was thinking as he first met and then planned to join his life with Martha Wayles Skelton.

What is left to us to do is to work our way back from what we know of the Jefferson marriage and add that to the actual fact of their marriage to reach a conclusion about his likely earliest feelings for her. The legal marriage, as an origin of their life together, gives us the freedom to feel comfortable saying we know for certain that the kind of romantic love we respect and understand existed between Thomas and Martha Jefferson, not as an outgrowth of their years together, but from the very moment they first interacted with each other. We take this freedom to know the quality of the Jeffersons' love even though the basic contours and expectations of their eighteenth-century marriage would be utterly foreign (and totally unacceptable) to modern sensibilities. In one extremely important area—property—it was not even acceptable to nineteenth-century sensibilities. The reforms of the Married Women's Property Acts that swept across the nation in the mid to late 1800s altered what Jefferson thought was a key component of his relationship with and marriage to Martha Wayles Skelton: the right as her husband to control her considerable property.<sup>11</sup>

After John Wayles died and his daughters inherited his thousands of acres and hundreds of slaves, Jefferson convened a meeting between himself and the husbands of Martha's sisters. He and his brothers-in-law decided on a plan of action for handling and disposing of the property.<sup>12</sup> In their time, that extreme display of paternalism, which essentially treated their wives like children, would be construed as evidence of their love for their spouses, a kind of love that would likely be incomprehensible to most modern Americans.

Even an attempted display of it in a current-day context might land the men in divorce court.

Hemings and Jefferson, slave and master, who had no chance for a legal union, were in a particular bind. The basic quality of their relationship, what they meant to each other in their daily intimate lives, not how the world outside characterized them, may have been better than that of many other legally married couples. As the legal historian Ariela Gross has noted, "Legal language is made up of words that *do things*. Saying 'I do' *makes you* legally married, if the words are said in the right setting."<sup>13</sup> Hemings and Jefferson were nowhere near the "right" setting when they were formulating a plan for their life together at Monticello. Without the safety blanket of legal marriage to gather up all our beliefs and fictions about love and unions between men and women, and with our knowledge of all that could legally happen between a master and a slave, there is an understandable uncertainty about exactly what a union between the two could really have been about. They do not fit any respectable couple that we can imagine, because they were absolutely not supposed to exist as a respectable couple.

### *Working Backward and Forward*

When we work our way backward over the course of the thirty-eight years of Hemings and Jefferson's life together at Monticello to their beginnings in France, we come not to a wedding ceremony between a free white man and free white woman. We come instead to a white man who was the legal owner, under American law, of a young African American woman who believed that she was free under the laws of the country where they were living. We assume that Jefferson could not have forced himself upon Hemings's sister Martha without repercussion. He could have been arrested or his behavior might have caused her to reject him as a partner. Hemings, too, evidently cared how Jefferson treated her.<sup>14</sup> While it is certain that the Admiralty Court would have supported Hemings's bid for freedom, there was no assurance that Jefferson would have suffered any penalty (beyond mortification) if she had sought help from the authorities if he had forced himself upon her. It would have been her word against his; and at all levels of society, proving rape accusations has always been difficult for women. But even if Hemings had had no support from French authorities, a violent act or obnoxious pressure would likely have turned her against Jefferson

and figured greatly in her decision about staying in France. The questions are whether Jefferson's ability to rape Hemings means we are to assume that he did it, and whether we are to take his ability to do it as the strict measure of how he felt about her.

For some, the reality that Jefferson "could have" raped Hemings is the only reality that counts. For it is here that we find, in concentrated form, the evil of slavery, the enormous power that one group had to control and wreak havoc in the lives of another. The problem with making what Jefferson "could have" done the sole question is that it suggests that the actual details of Hemings's life are meaningless. This way of viewing African Americans has survived slavery and hints that some present-day considerations of Hemings and Jefferson, which typically proceed as discussions about the nature of slavery, are really discussions about experiences supposedly universal to all black people throughout American history. The erasure of individual black lives—indeed, the assumption that the concept of individual as opposed to group identity is meaningless for blacks—makes it hard to accept any presentation of a black life that moves beyond well-set, predetermined, and very limited parameters. Making what *could* have happened to black people as a group the only question about a given black person's life saves one the effort of having to care about, discover, and analyze any of the details of that person's life. The *idea* of black people matters more than actual black people themselves. What is known about a defined group is very useful for predicting what might happen in the life of one of its members that is yet unfolding. When the person's life is over, however, what actually happened to him or her should take precedence over the almost infinite variety of things that could have happened. If we do not ignore specific information about Sally and James Hemings in favor of making a larger point about slaveholders' overall power, we have evidence that sheds light on the nature of the relationship between Hemings and Jefferson.

As to Sally Hemings, there is no one response to rape. It takes a huge liberty with her life, however, to assume that she was raped, and that she knew she could escape from her rapist forever, and for a time actually asserted her right to be free of him, but nevertheless decided to return with him to Virginia to live out the rest of her life having more forced sex. That construction too easily uses the fact that she was born a slave (and a black person) to presume an irreparably damaged, completely cowed, and irrational personality over one who had the capacity to know her circumstances and

to intelligently use her knowledge to assess the risks and possible rewards of taking a particular action—in other words, to think. Her son, who was clearly proud of her, depicted her as a person who thought rationally about her situation and came to a conclusion. In the absence of any specific information about her to rebut his portrayal, all that is left is stereotype. Too many enslaved women, with far fewer opportunities than Hemings had in France, complained about, resisted, and ran away from rape at the threat and cost of their lives, to assume that willing and unconsidered submission was the automatic response of any enslaved woman—especially one who had an alternative.<sup>55</sup> An even more staggering notion is that Hemings, who showed such obvious concern for her children's future, would have "implicitly relied" on a man who had violated any trust she could have had in him by forcing sex on her. What would such a vicious act have told an intelligent person about the likelihood that Jefferson would be honorable enough to carry out his promises to her at some distant point in the future? Nothing about the institution of slavery warrants an assumption that an enslaved woman in Hemings's position in France would have operated at that level of mentality.

The historian Sharon Block describes the sexual coercion of enslaved women as a "process" in which some of the women tried to "bargain their way out of sexual assaults."<sup>56</sup> Their bargaining made it easy for those insensitive to their plight to portray any subsequent "sexual encounters" with their masters as having been based upon consent. Block rightly sounds a note of caution about drawing that conclusion in situations where enslaved women had no law or surrounding society to guide them or support their "bargaining" with their masters. The critical difference for Hemings, of course, is that her negotiations with Jefferson were conducted on French soil under the power of French, not American, law—which they both knew. She could speak to Jefferson in a different voice. Although Hemings ultimately decided not to invoke the formal machinery of law, her use of law as a basis for negotiating was not the act of cowed individual. It sounds much more like the handiwork of a smart, if overconfident, attractive teenage girl who understood very well how men saw her and was greatly impressed with her newly discovered power to move an infatuated middle-aged man. Her mother was not there to tell her that such spells rarely last forever.

Hemings and Jefferson did not exist in vacuum. What happened between them in France necessarily moved through the web of her enslaved relatives.

For seventeen years Robert and James Hemings had traveled with Jefferson, personally attended him, shaved him, and anticipated his wants and needs. Because of the extraordinary experience of living abroad with him for a substantial period of time in very intimate and singular circumstances, Sally Hemings was the logical extension of Robert and James; she was a female version perfectly suited to take their role as intimate personal caterers to Jefferson to a level where neither man could go—to his bed. How he dealt with her in that role mattered greatly. Her mother and siblings would have felt any of her misery he inspired, thus destroying the delicate ecology of the world he had built with the family. They would have had to carry on serving him, but in a changed climate, one that he would not have cared for. On the other hand, if they saw him acting in as decent a fashion as possible, that he was now bound to them by blood might have made at least some of them more inclined to see him in a positive light, thus shoring up the affective role that they certainly played in his life. As will be shown in the chapter to come, members of Hemings's family, free and enslaved, sometimes responded to Jefferson in ways that suggest they thought of him as more a version of an in-law than the rapist of their family member.

Her brother James knew the institution of slavery firsthand, including the special problems slave women faced. Aggressive as he was, we would not expect him to have exacted any direct reprisal if he believed Jefferson had raped his sister. We might think, however, that the rape of his sister would have meant something to him and affected his views about returning to Virginia with Jefferson, and his view of the man overall. Hemings, as we know, did return to America, and after he was a free man visited then Vice-President Jefferson, while he was in Philadelphia, talking to him about his past travel, his future travel plans, and life in general.<sup>57</sup> Until the end of his too brief life, he told people he always kept his work situations open so that if Jefferson wanted to hire him as a chef—for the right pay, of course—he would be ready to go.<sup>58</sup>

American slavery, in and of itself, would not make an enslaved man act with such callous disregard of his sister's life. Eighteenth-century enslaved siblings, perhaps echoing kinship traditions from Africa, were known to be especially close to one another.<sup>59</sup> We see this very clearly in the Hemings family's insistence on naming their children after one another down the generations. If they were not close before their time in France, James and Sally Hemings shared a very intense, life-altering experience together in an

alien land. One cannot tell the sister's story without telling the story of the brother; his responses to her situation speak to the kind of man he was.

Certainly no white man in freedom, in the depths of villeinage, serfdom, or Arab enslavement, could be casually portrayed as so base and craven that he would pay gratuitous social calls on his sister's rapist and voluntarily make his sister's attacker his employer of first choice, because a white man would be presumed to have had a soul. One would have to offer very specific and persuasive evidence *about the man himself* to rebut that presumption, for the system of oppression a white man lived under would never be said to automatically signal the state of his individual character.

Enslaved men who lived on the same plantation with their sisters, wives, and daughters who were raped had little choice but to continue in the company of the men who raped them. They weighed responding to one horrific event against the likelihood of provoking other, more extensive horrific events that could destroy their families even more thoroughly. That was one of the deepest and harshest realities of slave life. James Hemings could be excused if he visited Monticello to see the rest of his family and deemed it better for their well-being to swallow any pride and stop by and visit with his former master who had raped, and was continuing to rape, his sister. After the Philadelphia visits, Hemings did return to Monticello to work for Jefferson as a paid employee, for a time, and was thinking about taking Jefferson's offer to be the White House chef just before his death.<sup>29</sup> But no other Hemingses were in Philadelphia when he visited Jefferson after his emancipation. Going to see Jefferson was merely going to see Jefferson. There is no indication that the Hemings family would have suffered reprisals if Hemings had simply never bothered to call on him.

IT IS, IN part, the uncertainty about the precise origins of the Hemings and Jefferson relationship that makes it hard to accept the idea that they were emotionally attracted to one another. Even if working our way back to the Hôtel de Langeac brings us to a beginning that was not presumptively pristine, as we view his origins with his wife, we find enough signs from both Hemings and Jefferson (him far more particularly) that these two people were emotionally attached to one another, and there is no reason to suppose that they were not from the very beginning. Saying that works no fundamental change in the nature of American slavery, even if many choose

to treat Hemings and Jefferson as symbols of the institution—the violation of an entire people by the system of slavery, the violation of countless black women—reenacted in the lives of these two human beings, who because of their fame are easy to use as stand-ins for those larger phenomena.

Whatever the notion that Hemings and Jefferson may have loved each other makes us think of them as individuals, the idea of their love has no power to change the basic reality of slavery's essential inhumanity. For any who fear the effects of romanticizing the pair, the romance is not in saying that they may have loved one another. The romance is in thinking that it makes any difference if they did. Rhys Isaac, writing of Hemings and Jefferson (although the idea applies to Jefferson and Martha Wayles, too), has wisely cautioned, "We have to recognize that gender relations in past times and other cultures make 'love,' as we are inclined to idealize it, extremely problematic."<sup>30</sup> And how do we tend to "idealize it"? By demanding a great deal of the emotion, separating it out, and enshrining it above all others that move and direct the course of human affairs, viewing it as cure-all, able to end war, famine, disease—even beliefs in white supremacy. It is common to think of love as an always positive transformative force and, from our inevitably personal perspectives, transformative in just the ways we think are significant.

Love has been many things throughout history: the simple comfort of the familiar, having a person to know and being known by that person in return; a connection born of shared experiences, an irrational joy in another's presence; a particular calming influence that one member of the couple may exert on the other, or that they both provide to one another. A combination of all these and myriad other things can go into making one person wish to stay tied to another. Anyone who is not in the couple—that is, everyone else in the world—will not understand precisely how or why it works for two people.

The most intimate of situations, the one least likely to be observed by others—sexual compatibility—can also be a form of love. But in our Western culture (and some others, to be fair) sex is considered, if not exactly dirty or shameful, a somewhat guilty pleasure that must always be separated from more exalted love. This is especially true when a couple, like Hemings and Jefferson, for reasons of race, status, or gender are not supposed to be together, as if partners who do not have the imprimatur of law, society, and custom could never feel the emotion of love for one another. The invariable



charge against such pairs is that they are inauthentic per se, because they are bound together purely for sex, rather than love.

We may turn once again to "Old Man Eloquent," John Quincy Adams, on *Othello* to make the point emphatically. After his earlier essay on the subject, mentioned in chapter 9, Adams confronted the issue of Desdemona's character again in a review essay written in 1836 in which he explained more fully the source of his objections to her.

She absconds, from her father's house, in the dead of night, to marry a blackamoor. She breaks a father's heart, and covers his noble house with shame, to gratify—what? Pure love, like that of *Juliet* or *Miranda*? No! Unnatural passion; it cannot be named with delicacy. . . . Her admirers now say . . . that the color of *Othello* has nothing to do with the passion of *Desdemona*. No? Why, if *Othello* were white . . . she could have made no better match. Her father could have made no reasonable objection to it; and there could have been no tragedy. If the color of *Othello* is not as vital to the whole tragedy as the age of *Juliet* is to her character and destiny, then I have read Shakespeare in vain. The father of *Desdemona* charges *Othello* with magic arts in obtaining the affection for his daughter. Why, because her passion for him is *unnatural*; and why is it *unnatural*, but because of his color!<sup>23</sup>

After noting that Shakespeare could not have intended to present Desdemona as an example of feminine virtue, because he has her "eloping in the dead of night to marry a thick-lipped wool-headed Moor," Adams wrote further of the black and white pair,

*Othello*, setting aside his color, has every quality to fascinate and charm the female heart. *Desdemona*, apart from the grossness of her fault in being accessible to such a passion for such an object [*Othello*], is amiable and lovely; among the attractive of her sex and condition.<sup>24</sup>

In the end, the couple's individual personal qualities, which Adams concedes are excellent (aside from Desdemona's flaw in being able to become attracted to a person of another race), are totally irrelevant to the plausibility of their feelings for one another. The two could never connect on the basis of their mutually attractive innate human attributes. There was a barrier that

could never be breached, and Adams makes clear what that barrier is when he intones, "I have said the moral of the tragedy is, that the intermarriage of black and white blood is a violation of the law of nature."<sup>24</sup> Even across the years, in other passages dripping with disgust, Adams's turmoil and conviction fairly leap off the pages of his essay. He well knew that intermarriage between the races was not *actually* against the law of nature, because if "nature" had cared whether blacks and whites mixed their blood, "nature" would have fixed it so they could not: black and white people would not be able to have children together. They could and did, of course, so the locus of nature's prohibition had to shift. Blacks and whites can have sex and produce children (a basic, biological function), but they can never experience together higher-order emotional responses; they can never love each other in a romantic way. Only a lower-order (animalistic) response—lust—can explain the lives of men and women who connect across the boundaries of race. Nature's loophole that allowed for black and white procreation was to be closed by refusing to credit (and certainly not to dignify) interracial couples' feelings for one another. Indeed, they and their feelings were to be subjected to extreme ridicule to discourage others from following their example. The statement about the inability of men and women of different races to love one another was (is) at its heart an expression of anxiety-driven aspiration rather than a description of reality.

Adams very openly grounded his belief in the impossibility of real love between *Othello* and *Desdemona* in his superstitions about race and the rules of human nature in a way that might make at least some modern readers uncomfortable. The fact is his views are not so different in practical effect from grounding the notion of the impossibility of love in interstatus and interracial contexts in superstitions about the power of law and social customs: that they operate (like Adams's human nature) as irresistible forces that inevitably control individual sensibilities. When they do not, it is the result of deep perversion: something is morally (in Adams's time) or psychologically (in our time) wrong with the people who transgress.

Neither view takes account of the almost infinite permutations of human personality and circumstances that make every person unique. Nor do they account for human beings' great ability to rationalize behavior until it fits, at least in the privacy of their own minds, the rules of whatever social game is being played. "What a stupendous, what an incomprehensible machine is man!" indeed. <sup>25</sup> Both approaches to the question of authentic love—faith

in a version of human nature, faith in the plenary power of law and social custom—are troubling because they are deterministic and, like all deterministic formulations about the ways of men and women in society and history, diminish the human spirit and virtually require ignoring contrary evidence and the role of contingency and subjectivity in the lives of people and societies. They are even more problematic because one suspects that they are invoked to achieve a particular end: control. The idea of authentic love, and wielding the power to say when that can legitimately exist for some people and not others, emerges as a tool (with a romance all its own) used to ratify some aspect of an existing social order, or to make sense of one that is perhaps too difficult to comprehend or merely deeply disturbing. What one cannot understand, or put into a suitable category, simply does not exist.

It is an empirical, not just an intuitive or romantic, fact that law and social mores have never been able to stamp out constitutive elements of the human personality. The American slave society in which Hemings and Jefferson lived, with its tremendous grant of power to one group over another, grossly distorted the distribution of human emotions. One encounters vastly more instances of the negative ones that helped the institution along—some from Jefferson's own hand—than benign or positive ones that contradicted its basic tenets. Yet we would never expect law and even extreme social opprobrium to remove from a population jealousy, hatred, greed, sympathy, mirth, possessiveness—the entire palette of human emotions. If the shapers of law and social customs had that kind of power, social orders would stand forever. Cultures would never change. Very often the seeds of change are planted in the privacy of individual minds, homes, and bedrooms—any place where people retreat to escape from the demands of society's rules and to take on personae that are more suited to their own needs than those the external community would have them adopt.

In the Marriage Act of 1753 in England, parts of which Jefferson tried without success to bring to Virginia as one of his proposals for legislative reforms, parents were given the right to void the marriages of their minor children. Jefferson had his own reasons for supporting the law, but the original drafters' primary concern was that children might make matches that threatened the status of great families in the society. What if, one supporter asked, "a young Girl of fifteen, for instance, one of the Daughters of a gentleman, happening to fall in Love with her Father's Butler" would marry him

rather than 'her equal'; or that 'a boy of sixteen, her apparent to an Estate, whose Fancy is captivated with his Mother's maid,' would marry her in order to 'gratify an impetuous passion.'<sup>26</sup> As this supporter of the law recognized, being in vastly different social classes did not mean that males and females could never fall in love with their social "inferiors" or "superiors," for there was a deep and knowing understanding, no doubt born of familiarity with life and crises within English manor houses, about the ways of human beings when they were put in certain circumstances. Note the hypothetical's pairing of the daughter of a gentleman with his butler, and son of the lady of the house with her maid, instead of imagining a cross-class liaison between people who would not have encountered one another in a household on a daily basis.

This commentator knew that for males and females, it was a simple matter of proximity and opportunity, and positive law had to step in sometimes to protect society (those at the top of the hierarchy, actually) from the all too predictable course of human nature. Societies can effectively shape how, when, and whether people express and act on certain emotions in public. They cannot decree that individuals not have them, nor can they control what individuals do behind closed doors. A gentleman's daughter and his butler, or a lady's son and her maid, might feel as deeply for one another as they wanted, but they should not be allowed to translate their feelings into publicly supported actions that might disrupt the social order. Benjamin Rush, Jefferson's great friend and noted Philadelphia doctor, patriot, and signer of the Declaration of the Independence, understood the problem very well, and fretted about its operation in the United States. Anxious to maintain what he thought were the necessary "class divisions" in the emerging Republic, he pronounced it dangerous for men (the upper-class males with whom he was most concerned) to live alone; for these unmarried men, Rush said, were at great risk for crossing socially constructed barriers to form liaisons with women of lower classes. Sex, Dr. Rush believed, was a basic and natural part of life, but only legally established relationships could preserve it in its most wholesome form. He wrote, "While men live by themselves . . . they do not view washerwomen or oyster-wenches as washerwomen or oyster wenches, but simply as women."<sup>27</sup> Given this at once astute and banal observation, one would love to know what Rush truly thought upon hearing that his dear friend Jefferson, a longtime widower, had succumbed to the tendency that he outlined so plainly.

The reality Rush described had particular consequences for slaveholding societies. Hamilton W. Pierson, who took down the memoirs of Jefferson's overseer, Edmund Bacon, wrote his own memoir of his days riding circuit as a minister in the nineteenth century. He wrote of how common it was, more common than many wanted to believe, he said, to come upon farm-houses with bachelor or widowed white men living and having children with black women who had started out as their housekeepers.<sup>27</sup> More formal evidence of this can be found in legal cases from southern states that pitted the free white children of masters against their enslaved siblings in challenges to their slave owner fathers' bequests of freedom and/or property to their enslaved children. The facts recounted in the cases are telling. These fathers, usually widowers, lived with enslaved women, usually housekeepers with whom they were in close daily contact, as if they were married. The patterns of their behavior, and sometimes their words, show that these couples conducted themselves for all intents and purposes like married people, even though the law did not recognize their unions—the man providing a home and material goods, the woman cooking, cleaning, and taking care of the man. Interestingly enough, the judges hearing these cases often referred to how common, though lamentable in their view, these unions were.<sup>28</sup> For every case that made it to court, let alone to a published opinion, some multiple number of similar situations did not. Rather than air family business in public, some white family members accepted the emancipations of their enslaved relatives and whatever grants of property were made to them. It would not have saved Monticello, but Martha Randolph could have contested the emancipations of her siblings Madison and Eston and employed slave catchers to try to go and get her brother Beverley and sister Harriet, and bring them back to be assets in the hands of the executors of their father's estate. She chose to abide by her father's wishes.

The conflict between social rules and human impulses operated at all levels of society. Think again of Celia's George. If anyone should have absorbed the lessons of society's laws and rules, and adjusted his feelings accordingly, it was he. The relatively powerless, enslaved George should have known better than to fall in love with and feel possessive toward Celia and jealous of Newsom. But he did, and his love and possessiveness put in motion a chain of events leading to Celia's execution. Although George's responses are completely understandable, his "error" was to seek something beyond what his society would tolerate from him as an enslaved black man: the right to be in an exclusive relationship with the woman for whom he cared.

Jefferson was the complete opposite of George in terms of the power and freedom he possessed. Still, however he felt about Hemings, he would never have flaunted his relationship with her or made public declarations that would alienate friends like Benjamin Rush, offend the social order, and harm him politically, and it would be wildly romantic and naive to make such actions the litmus test for his inner feelings. The very savvy and legacy-conscious Jefferson knew the way these things worked. As long as he did not issue a direct challenge to the announced values of Anglo-American society—he did not attempt to marry Hemings or legally establish his paternity of her children—he could do as he pleased, feel as he pleased at Monticello for reasons that were entirely his own. She and their children left slavery in ways designed to draw the least public attention possible to how Jefferson had lived for thirty-eight years. But, though he would never openly challenge society's expectations of him as a white man, society could not demand everything of him. To have freedom, privacy, and dominion over himself was why he had built his mountain home in the first place.

As for the transformation by love so important to modern sensibilities, we can see little trace of it in Sally Hemings, because of her status and relative invisibility in the record. One looks at Jefferson and sees none of the transformations that some, ignoring the clear limitations of his eighteenth-century Anglo-American heritage, might hope would naturally have flowed from his having loved her: giving up career and legacy and openly acknowledging her and their children, working to get himself in the position to free all of his slaves, recanting any disparaging comments about the nature of black people. Jefferson did none of those things. What he did instead was to ring down a curtain on his relations with Hemings and their children so heavy and thick that it took over a century and a half to effectively raise it. Any personal transformation that took place was conducted behind that curtain at Monticello, off-limits to all who did not see Hemings and Jefferson there and experience what it was like to occupy the same space with them.

Perhaps the most salient question for our times about Hemings, Jefferson, and love is about history, definitions, and who has the power to define. On the question of beginnings and love, some of the most important and often repeated stories illustrating the completely affectionate (as opposed to partially utilitarian) origins of Jefferson's relationship with his wife come to us from his legal white great-granddaughter, born many years after their deaths. Those stories have played a major role in

defining Jefferson in relationship to his wife. For most of American history, Jefferson's biographers had the power to write the "official" record of his family life, and they essentially wrote the Hemingses out of it. Moreover, they accepted the Jefferson family's denial of Sally Hemings's connection to him, citing that family's insistent and much repeated alternative version of who she was at Monticello, a version that ultimately could not withstand the close scrutiny of either careful analysis or modern science.<sup>30</sup>

It is also true that a Jefferson great-granddaughter through the Hemings line told a similar story about Hemings and Jefferson's origins in France when explaining why her great-grandmother gave up the chance for freedom and came back to Virginia, saying, "Jefferson loved her dearly."<sup>31</sup> In other words, she and other family members answered the questions why Hemings trusted Jefferson and came back to Virginia with him, by referencing her confidence in her knowledge of that fact, a confidence that allowed her to take what seems a breathtakingly large risk. Other members of that generation had their own stories about their family. Of course, they were no more in Paris at the *Hôtel de Langeac* in 1789 than Jefferson's legal white descendants were present at their ancestors' beginnings in Williamsburg. There is, however, every reason to believe that both sets of descendants correctly described the state of affairs in their forebears' lives.

Jefferson wanted Hemings to come back to Virginia with him, so much so that he took to bargaining with her about this. He well knew that in Virginia there were many other women, enslaved and not, who could satisfy any merely carnal impulses as soon as he returned to America. The problem was, however, that they would not actually have been Sally Hemings herself, a requirement that was evidently very important to him. Her siblings and other relatives seemed to have gauged this. As suggested earlier, their attitude toward Jefferson after Hemings's return to Virginia is in perfect keeping with the idea that they believed he cared for her. If what had happened between them in France had been along the lines of more typical master-female slave sex, Hemings's expressed desire to stay in the country, especially after she became aware that she was pregnant, would have been exactly what Jefferson needed. He could have left her in Paris with her quite capable older brother, helped the pair financially, and found James Hemings employment, thus ridding himself of a potentially embarrassing problem in a way that actually bolstered, instead of hurt, his image. History, and his philosophic friends of the moment, would have recorded that Jefferson (breathing the rarefied air of Enlightenment France) so identified with the

Freedom Principle that he let go of two of his own slaves. He would have been a veritable hero.

Instead of doing that, Jefferson insisted on setting up an arrangement with a young woman that he knew could easily result in a household of children whose existence would be easily tied to him. He could not have foreseen in 1789 his eldest daughter's problematic marriage, which eventually required her to spend more time with him than was normal, and complicated his life at Monticello with Hemings and their children. Even without knowing that, his resolution of his conflict with her created many other potential problems for his personal life and reputation that were entirely foreseeable. He accepted the risks and forged ahead. During the decades that followed their time in France, and after an extremely hurtful public exposure that threatened his stature and legacy, this most thin-skinned of individuals persisted on his course, ignoring his family's wishes to send Hemings away, and having more children with her who were named in the same fashion as the older ones: for his important and favorite family members and his best friends.<sup>32</sup> James Madison Hemings was born almost at the virtual height of the public and political scandal surrounding Sally Hemings. Jefferson continued on, guided by his own internal compass and, no doubt, his awareness that the woman being vilified in the press had given up to him a thing whose value he understood: her freedom. He knew very well that these people, really, did not know what, and whom, they were talking about.

If sex had been the only issue, it would have been a far simpler and more practical matter, for himself and his white family when they returned to Monticello, for Jefferson to have installed Hemings in one of his nearby quarter farms at the base of the mountain and visited her there when the mood hit him. Then his daughters, their children, and visitors would have had scant opportunity to come upon either Hemings or her children who looked so much like him. Instead, Jefferson arranged his life at Monticello so that Hemings would be in it every day that he was there, taking care of his possessions, in his private enclave.

What most disturbed contemporary commentators about the arrangement at Monticello was not that the master had a slave mistress but that she was not sufficiently hidden away.<sup>33</sup> Hemings was a visible presence in his home when everyone knew that Jefferson had the resources to have her be someplace else. The racism and sexual hysteria this unleashed among white Americans was a thing to behold. It was common at the time, and remains so among many

today, to construct whites who have sex with black people as inherently licentious, or as the victims of some version of sexual voodoo expressed crudely in the phrase "once you go black, you can't go back." If Jefferson had one enslaved African American mistress, he must have had a thousand. Yet, through all the talk during Jefferson's lifetime of his "Congo Harem," "Negro Harem," and "African Harem," only one woman's name emerged: Sally. Jefferson's enemies of the day could list each of Hemings's children, their order of birth and ages, what her duties were at Monticello, but they could never produce the name of another specific woman to be a part of his alleged seraglio.

From her side, it was Hemings who backed down from her decision to stay in France in return for a life at Monticello in which Jefferson would be a very serious presence. While she certainly had another compelling reason for wanting to remain tied to the mountain—her family—she was, for a time, prepared to forgo a life with them, although she may not actually have believed that she would never see her family again. Enslaved people who ran away often had thoughts of reunions with loved ones under changed circumstances. It is harder to interpret her actions once she returned to America and before she left Monticello upon Jefferson's death because in those years she was legally under his control. But during an almost twenty-year period of childbearing, she conceived no children during Jefferson's sometimes prolonged absences from Monticello as he acted as a public servant, indicating that she had no other sexual partners.<sup>14</sup> That could well have been at his insistence as much as her own personal desires. Still, the expectation of fidelity—on her part at least—suggests something about the nature of their relationship. Hemings was apparently not supposed to, or did not want to, be involved with another partner. Whatever she felt for Jefferson aside, she was not acting under the cover of Anglo-American marriage, which presumes that all the children of a marriage are the children of the husband. That legal presumption has enabled wives, in countless situations, to require husbands to pass along resources to children who were not their biological offspring. Hemings's connection to Jefferson, held together totally by whatever was going on between them, was her children's way out of slavery, so long as her children were his, too. She was apparently unwilling to do anything (as in having babies by other men) that might jeopardize that connection and bring the effects of *partus sequitur ventrem* back into her life.

Before Hemings died, she gave one of her sons as heirlooms personal items that had belonged to Jefferson, a pair of his eyeglasses, a shoe buckle,

and an inkwell that she had kept during the nine years after his death. These artifacts—things she saw him wear and a thing he used to write words that would make him live in history—were seemingly all that she had left of him. Monticello and virtually all its contents were sold to pay debts or were in the control of his legal white family. These items were quietly passed down in the Hemings family until well into the twentieth century.<sup>15</sup> Slavery and racism worked such a distortion of human emotions (and continue to do so) that we may not feel comfortable attaching to this gesture the first inference that we would draw if the man whose belongings Hemings carefully saved and passed on to her offspring had been an enslaved black man or if she had been a white woman, even an unmarried white woman, handling a white man's possessions in this fashion. The meaning of her sister Martha's valediction to Jefferson—her unfinished copying of a passage from one of his favorite books, *Tristram Shandy*—is easy to discern.<sup>16</sup> Whether she knew the passage from her own reading, or whether she heard it first during the weeks that Jefferson helped to take care of her in her final days and may have read to her to keep her amused, she was attempting to tell him, and anyone who might read her transcription, what she felt as her life was ebbing away. It is both literal and literary, the very thing that historians love to see: words on a page that tell without much effort what the writer is saying. Words are not everything, and in the realm of deep emotion, quite often fail. Hemings's action, which at the very least exhorted her descendants to both remember Jefferson and her connection to him, indicate that she wanted them to know he meant something to her. She had, after all, lived with him for decades, and he had given her valued children whom he had let go to make their way in the world, something her father had not done for her and her siblings. Jefferson had kept his promises to her.

Distortion of human feelings is not the same thing as the total destruction of them. Sally Hemings, though enslaved, was a human being. Working backward to 1789 from either her death in 1835 or Jefferson's death in 1826, one can say that sixteen-year-old-old Hemings's instincts about how she might best shape her future in the context of her particular circumstances and needs were as sound as her older sister Mary's instincts about Thomas Bell, developing at the same time on another continent. Hemings could not have known this as she treated with Jefferson at the Hôtel de Langcaz, but at the end of her life she would be able to say that she got the important things that she most wanted.