

## Chapter 3

### The Scottish Enlightenment comes to Virginia

This chapter explains both the events and the philosophies that mark Jefferson's evolution from the country Whig of 1774 to the more rounded Enlightenment thinker who embarked for Paris ten years later. First, the relevant events in Jefferson's life, drawn from his own words.

On the 1st of January 1772. I was married to Martha Skelton widow of Bathurst Skelton, & daughter of John Wayles, then 23. years old. mr Wayles was a lawyer of much practice, to which he was introduced more by his great industry, punctuality & practical readiness, than to eminence in the science of his profession..... he acquired a handsome fortune, died in May. 1773. leaving three daughters, and the portion which came on that event to mrs Jefferson, after the debts should be paid, which were very considerable, was about equal to my own patrimony, and consequently doubled the ease of our circumstances.

When the famous Resolutions of 1765. against the Stamp-act were proposed, I was yet a student of law in Wmsbg. I attended the debate however at the door of the lobby of the H. of Burgesses, & heard the splendid display of mr [Patrick] Henry's talents as a popular orator. they were great indeed; such as I have never heard from any other man. he appeared to me to speak as Homer wrote. (*PTJ: RS 17: 311*).

Thus began Jefferson's political career and his entanglement with Patrick Henry (1736-99), which developed into mutual loathing. Elected to the Virginia House of Burgesses in 1769, he was spurred by British acts of reprisal for the 'Boston Tea Party' of 1773 to help coordinate protest from the colonies, which resulted in the 'Summary View' of 1774, discussed in the

previous chapter. His reputation went with him to the 1776 Continental Congress in Philadelphia, where he was asked to be one of the drafters of a document declaring that the United States were independent from Great Britain. Jefferson's draft of the Declaration of Independence is discussed later in this chapter.

Returning to Virginia, Jefferson met a new delegate, James Madison Jr (1751-1836), of whom he said

the rich resources of his luminous and discriminating mind, & of his extensive information, and rendered him the first of every assembly afterwards of which he became a member. never wandering from his subject into vain declamation, but pursuing it closely in language pure, classical, and copious, soothing always the feelings of his adversaries by civilities and softness of expression (*PTJ: RS 17: 321-2*).

Jefferson and Madison threw themselves into revising the laws of Virginia. First came a bill to abolish entail, then one for the abolition of slave imports. However, "the severest contests in which I have ever been engaged" (*PTJ RS 17: 320*) surrounded their campaign to abolish the special privileges of the Episcopal (Anglican) church in Virginia. The three achievements which Jefferson (successfully) asked to be inscribed on his tombstone are:

Author of the Declaration of American Independence  
  
of the Statute of Virginia for religious freedom  
  
& Father of the University of Virginia (Fig 2.1).

[Fig. 2.1 about here]

The Statute was not finally enacted until 1786, while Jefferson was in Paris, but it originated in Jefferson's and Madison's campaign ten years earlier.

In 1779, Jefferson was elected Governor of Virginia, the least happy of his public roles, about which he says almost nothing in his fragmentary autobiography. He made one wise decision, to move the state capital inland to Richmond in 1780, Williamsburg being horribly vulnerable to a British attack. But in December 1780 a British force led by Benedict Arnold, who had changed sides, raided and badly damaged the new capital. Despite George Washington's sending of his aide-de-camp, the French soldier Marquis de Lafayette, to help defend Virginia, another British raid in June 1781 almost captured Governor Jefferson, who had only a few hours to escape west from Monticello. His term as governor had ended but he had not been replaced. From Staunton, over the Blue Ridge, to which the assembly had fled, Patrick Henry instigated an inquiry into Jefferson's conduct. If they were not already bitter enemies, that event ensured that they became so. As Jefferson was no soldier and had nobody (apart from his loyal slaves) to help him defend Monticello, it is hard to see what he did wrong. In the event, he was not censured.

In September 1782, Jefferson "lost the cherished companion of my life, in whose affections, unabated on both sides, I had lived the last ten years in unchequered happiness" (*PTJ: RS 17: 330*). Martha Jefferson died of complications after childbirth, leaving Jefferson a widower with three young daughters. In his brief mention of her father Jefferson does not say that John Wayles was a migrant from Lancaster, England, and that his main business was as a slave broker and debt collector. Among the slaves that Jefferson inherited from his father-in-law were members of the extended Hemings family. Elizabeth Hemings, the daughter of a brief fling between an English ship captain and an African woman, bore six children by John Wayles, of whom the youngest, Sally, was born in 1773 (Gordon-Reed 2008: 58-71 and endpapers).

The death of Martha Wayles Jefferson led her widower to accept, at the third time of asking, a request to represent the United States. Now recognized as an independent state, it was to negotiate a peace treaty in Paris. However, he had not set out before the treaty was signed, and his trip was delayed a further two years.

The focus of this book is Jefferson's intellectual life, not his political or personal lives, so the above very brief summary of his life between 1774 and 1784 is the minimum needed to set the scene for his intellectual development. The period saw a flood of influence from Scotland into Virginia. The next section introduces the leading philosophers of the Scottish Enlightenment. Later sections analyse the arrival of their philosophy in Virginia.

### Five Scottish philosophers

The Scottish Enlightenment produced five philosophers who influenced the thought of Jefferson and his Revolutionary contemporaries. They are Francis Hutcheson (1694-1746), Henry Home, Lord Kames (1696-1782), Thomas Reid (1710-96), David Hume (1711 - 76), and Adam Smith (1723-90). Three of the five held the position of professor of moral philosophy at Glasgow University; Hume and Kames never held a university post. Henry Home and David Hume were distant cousins, whose surname is pronounced as David spelt it (he changed the spelling). For some reason Jefferson always spells Kames (which was Henry Home's title as a senior Scottish judge) as 'Kaims'. In this section, we deal first with the Scottish context in which they wrote; second, with those of their writings that resonated with American revolutionaries (not always those for which they are now best known); third, how their work influenced the foundation of the American Republic generally; finally, how much it touched Jefferson specifically. Reid was a year older than Hume and followed the younger Smith at Glasgow University. His main book

was a response to Hume, as was Kames' book on moral philosophy. Therefore, we deal with them in what seems the most logical order rather than by date of birth.

The five I highlight were not the only Scots intellectuals to influence Jefferson and his contemporaries. Others are important as disseminators of Scottish thought; because they built on their predecessors' work and came to Jefferson's notice later in life; or because they influenced American social science after Jefferson's time. These include James Burgh (1714-75); Dugald Stewart (1753-1828), and Sir John Sinclair (1754-1835). Jefferson knew all of their work, met Stewart in Paris, and corresponded later in life with him and Sinclair. For all their importance as transmission belts, we do not deal with them extensively here.

#### A weak church and a weak state

The sudden flowering of carefully-reasoned, non-theistic, moral philosophy and social science in 18<sup>th</sup>-century Scotland, poor and thinly-populated as it was, may seem like an intellectual miracle. The foundations of moral philosophy and philosophy of mind were rebuilt; those of economics, political science, and sociology were laid down for the first time. (So, as it happens, were those of physical chemistry and geology, respectively by Adam Smith's two executors, Joseph Black and James Hutton. But Jefferson did not own the work of either). But as David Hume taught the world, 'a miracle is a violation of the laws of nature' (Hume 1777/2007: 83). The Scottish Enlightenment was not a violation of the laws of nature. Two necessary, though not sufficient, conditions for it were the existence of up to five universities, and the Union of the parliaments and governments of Scotland and England in 1707. Once these are understood, the Scottish Enlightenment, though no longer miraculous, remains remarkable.

For a dirt-poor country, medieval and Renaissance Scotland was remarkably endowed with universities. The University of St Andrews originated in 1410 as a by-product of war. Recurrent war between England and Scotland prevented Scots from going to Oxford or Cambridge. At the same time, the 'Great Schism' of the Catholic Church produced a pope in Rome and a rival pope in Avignon. As England was loyal to the Rome pope, so Scotland must be loyal to the Avignon pope who gave St Andrews its first charter. Glasgow and the first of two universities in Aberdeen were likewise granted papal charters in the fifteenth century, now by the single pope after the end of the Great Schism. A second university in Aberdeen, and the University of Edinburgh, were founded after the Protestant Reformation, which in Scotland had an anti-monarchical Calvinist flavor. Edinburgh University dates to 1582, when a royal charter authorized the allocation of property expropriated from monasteries to be assigned to a university.

There were flowerings of Scottish culture in art and literature in the Renaissance, which gave the world the buildings of Falkland Palace (between 1537 and 1541) and the poetry of William Dunbar (c. 1460-1530). But the seventeenth century was mostly grim. Charles I tried and failed to impose episcopalianism on the whole of Scotland in the 1630s. His attempt turned into a riot on St Giles' Church in Edinburgh, where a market trader called Jenny Geddes threw her stool at the preacher, shouting 'Wha daur say Mass in my lug? (Who dares to say [the Roman Catholic] Mass in my ear?': Stevenson 2004). This led a Scots Presbyterian army to march on England, initially successfully, and in turn to the miscalled English Civil War, better named War of Three Kingdoms as it raged in Scotland, England, and Ireland, although not all at the same time. Calvinists in Scotland then fought off later attempts to impose bishops on them, while splitting into multiple factions as they argued among themselves on how, and how much, to resist this.

There were thus numerous religious splits and battles, often between competing sects of Calvinism; but also between Presbyterians (Calvinists) and Episcopalians, who remained strong in the Aberdeen region.

Three events, two good and one bad for the material interests of Scots, changed all this in a span of less than twenty years. The first was the flight of James VII (James II of England) in 1688 after unsuccessfully trying to promote Roman Catholicism. James' Catholicism had already sparked two attempts to exclude him from the succession or depose him. Locke's *Second Treatise of Government* was probably written during the 'Exclusion Crisis' of 1679.

Monmouth's Rebellion of 1685 against James failed, but had a fascinating link to Jefferson's last letter which we will explore below.

After the flight of the king, both England and Scotland held Convention parliaments: that is, self-summoned bodies to choose a monarch. Each offered their crown to the Dutch Calvinist invader William of Orange and his wife Mary (who was James's sister). The choice was not entirely free, as William had already invaded England unopposed after James fled. But in each case the offer was contractual. The monarchs governed by consent of their parliaments, not by divine right. The Scottish conditions included protecting the establishment of the Presbyterian, Calvinist, Church of Scotland. The Jacobites (supporters of James and his descendants) bolted the Scottish parliament and made the first of several unsuccessful attempts to restore the Jacobite line in battle. In distant Virginia, William and Mary chartered the first college in 1693. It would offer higher education to the grandsons of Cavaliers (royalists) who had migrated to Virginia after losing the previous constitutional struggle; and also to Thomas Jefferson.

However, the Scots elites and William soon soured on one another (Queen Mary had died in 1694, the occasion for Henry Purcell's immortal funeral music). In 1695, the Scottish Parliament

chartered the Company of Scotland Trading to Africa and the Indies, giving it a monopoly of trade to those places. The 'Indies' still included the Caribbean. European geographical awareness had not improved since Columbus.

The Company of Scotland set up a trading post in Darien (modern Panama) which failed totally, through disease and obstruction by William's English government, but not before absorbing a large proportion of the free capital stock in Scotland. This failure showed Scottish ministers that the Union of the Crowns that had existed since James VI of Scotland became also James I of England in 1603 was untenable. A single crown could not oversee two governments with conflicting policies. The only viable options were a parliamentary union or Scottish independence. The latter was financially unfeasible but it gave Scottish negotiators their ace of trumps. The Scottish Parliament resolved in 1705

Not to name the Successor [to Queen Anne, who had succeeded William in 1702] till we have a previous Treaty with *England* for regulating our Commerce, and other Concerns with that Nation (Duke of Hamilton's Resolve, 1705, quoted in McLean 2012: 54)

This forced the English treaty negotiators to take Scotland seriously. Everybody knew that Anne would have no heir; numerous children had died in childhood, and she was past child-bearing age. Hamilton was threatening a Stuart (Jacobite) restoration in Scotland, rather than accepting the Protestant house of Hanover, as provided by the English Act of Succession 1701. England would have faced hostile monarchies to the north and south, and possibly west if there were a successful Jacobite rebellion in Ireland.

The ensuing Treaty and Acts of Union of 1706-7 were therefore a true bargain, albeit between unequal powers. They were not, as has often been misunderstood, an imposition of English rule



on Scotland. By the terms of the treaty, Scotland gained protection for the ‘true Protestant religion’ (viz., the Presbyterian Church of Scotland), and of Scots law. Both protections are still in force. And it created a free trade area with England, which benefited the small partner much more than the large one (full details in McLean 2012: 47-85). In particular, it benefited Glasgow, which was the closest British city to the American colonies in sailing time (Defoe 1962). By Jefferson’s time, Glasgow was the most important tobacco port in the UK. This had multiplier effects. It made Glasgow University rich enough to employ three of the finest philosophers in the Anglophone world; and it galvanized the book (and more generally, intellectual) trade. Jefferson owned many books with Scottish imprints, including the highest-quality imprint of its day, the Foulis press run from Glasgow University (McLean 2010). Foulis books provided a return load to the Virginia tobacco that made Glasgow the entrepot of Europe.

In addition, the Treaty and Acts of Union thereby created both a weak state and a weak church in Scotland. The Church of Scotland had gained the doctrinal protection it sought. But it lost the power to ask the state to execute blasphemers. As recently as 1697, the General Assembly of the Church of Scotland had egged on the state to prosecute and execute an Edinburgh student called Thomas Aikenhead, who had allegedly

... repeatedly maintained, in conversation, that theology was a rhapsody of ill-invented nonsense, patched up partly of the moral doctrines of philosophers, and partly of poetical fictions and extravagant chimeras: That he ridiculed the holy scriptures, calling the Old Testament Ezra's fables, in profane allusion to Esop's Fables; That he railed on Christ, saying, he had learned magick in Egypt, which enabled him to perform those pranks which were called miracles (Howell 1816: col. 924).

Only fifty years later, David Hume could say more destructive things about miracles with complete impunity ('the *Christian Religion* not only was at first attended with miracles, but even at this day cannot be believed by any reasonable person without one': Hume 1748/2007: 95). The state had gone south, leaving the government of Scotland in the hands of a single minister, the Lord Advocate. No post-1707 holder of the post was willing to use it to prosecute blasphemy.

During the 18<sup>th</sup> century, the Church of Scotland continued to split multiple times. In clear breach of the Act of Union, and against the votes of most Scottish MPs, the new Union Parliament enacted the Patronage Act 1711, which allowed lay patrons to select parish ministers (McLean and McMillan 2005 ch. 1). Some Presbyterian factions then left the Church of Scotland altogether in protest. Others stayed in and argued. Nobody in the Church of Scotland welcomed lay patronage; all felt it was fundamentally incompatible with the right of a parish to 'call' its minister. But some were content to live with the situation, registering purely *pro forma* complaints against the Act every year. This faction – the Moderates as they came to call themselves – were also socially liberal and tended to come from rich parishes near Edinburgh, so that they could easily come to the governing General Assembly there and prevent it from behaving as it had in the Aikenhead affair. The opposition party called itself 'popular' and 'evangelical'. It won in the end, but not until after Jefferson's time.

However, the split had a powerful effect on the American Revolution. The most articulate Evangelical was John Witherspoon, a minister in Ayrshire (Landsman 2004). The knowledge that his side was losing the votes in the General Assembly must have made him receptive to the call to be the principal of a new college in New Jersey. Witherspoon duly went to (what became) Princeton. He became a fierce proponent of American independence (Witherspoon 1778); taught Scottish Enlightenment thought (broad-mindedly including 'the infidel Hume' in the Princeton

syllabus); signed the Declaration of Independence; and mentored numerous revolutionary leaders, most momentously James Madison. He also taught from the works of Hutcheson, Reid, and Dugald Stewart. He is the most important individual link from the Scottish to the American Enlightenment. He did not teach Jefferson, but the ideas he transmitted came to Jefferson through his lifelong collaboration with Madison. Jefferson later bought Witherspoon's collected works, which he catalogued under 'Religion' (Witherspoon 1800; Sowerby 1952 II: 134) but did not own his main Revolutionary-era pamphlet (Witherspoon 1778).

The weak church and weak state in Scotland enabled our five philosophers to teach and publish mostly unhindered. Hutcheson, Kames, and Hume met some religious pushback; Smith and Reid did not.

### **Francis Hutcheson**

Hutcheson was an Ulster-Scot. His father and grandfather were Presbyterian ministers in Ulster. The Protestant settlement of Ulster (north-eastern Ireland) had taken place in the early 17<sup>th</sup> century after a revolt of Catholic earls. Part deliberate settlement by the English government, part the result of voluntary moves from Scotland, it resulted in eastern Ulster (half of today's Northern Ireland) becoming majority-protestant. The established church in Ireland was the Church of Ireland, which was Anglican. This meant that Hutcheson never became entangled in the Scottish church controversies about establishment. His forebears had been ministers of a church that neither was, nor ever tried to be, established.

Ulster Presbyterians were unable to study at Oxford, Cambridge, or Trinity College Dublin, all of them reserved to Anglicans. So they gravitated to Scotland, especially Glasgow (the nearest university to Ulster). Hutcheson arrived there in 1710 or 1711, and studied a curriculum already

notable for its focus on English and Dutch liberal thought. Returning to Ireland, he was invited to teach in an academy for dissenters in Dublin unable to enter Trinity College, the only Irish university. There he published his first philosophical works, *An Inquiry into the Original of our Ideas of Beauty and Virtue* (Hutcheson 1725/2004) and *Essay on the Nature and Conduct of the Passions and Affections, with Illustrations on the Moral Sense* (Hutcheson 1728/2002). In 1730 he was elected professor of moral philosophy at Glasgow. The election was promoted by the Earl of Ilay (later Duke of Argyll: Murdoch 2006a, b), who was the government's manager for Scotland, and particularly for the University of Glasgow. The opposition to him came from religious conservatives, and the basis of their objections can be inferred from a wonderful *Vindication of Mr Hutcheson* (*Vindication* 1738) published by some of his students (who could have included Adam Smith, as he was one of them).

The students confirm that Hutcheson had taught what he was accused of, viz. that 'we have a notion of moral goodness prior in the order of knowledge to any notion of the will or law of God':

We count God morally Good, on this account, that we justly conclude, he has essential Dispositions to communicate Happiness and Perfection to his creatures... [W]e must have another notion of moral Goodness, prior to any Relation to Law, or Will....

Otherways, when we say God's Laws are Good, we make no valuable Encomium on them; and only say, God's Laws are conformable to his Laws or, his Will is conformable to his Will.... So, when we say God is morally good or excellent, we would only mean, he is conformable to himself; which would be no Praise unless he were previously known to be good (*Vindication* 1738: 7).

Hutcheson's reported language is more careful than Aikenhead's; but only 40 years after the first was hanged, the second faced down an attempt by the Presbytery of Glasgow to have him fired. His philosophy, summarizing his Glasgow lectures, was set out in his posthumously published *System of Moral Philosophy, in Three Books* (1755/2015). In the advertisement for the 1728 *Essay*, Hutcheson explains its scope:

In which the principles of the late Earl of Shaftesbury are Explain'd and Defended, against the Author of the Fable of the Bees: and the Ideas of Moral Good and Evil are establish'd, according to the Sentiments of the Antient Moralists. With an Attempt to introduce a Mathematical Calculation in Subjects of Morality.

Shaftesbury was, with Locke, the apostle of English Whig opposition to Charles II and James VII/II. The 'Author of the Fable of the Bees' was Bernard Mandeville (1670-1733), a Dutch provocateur (Mandeville 1970; Goldsmith 1985). In his Fable, a hive decided to abandon selfishness and embrace cooperation, with disastrous results. Mandeville's moral was that self-interest ('private vices') could lead to public benefit. The other thorough-going materialist whom all the Scottish philosophers attacked was Thomas Hobbes (1588-1679), who grounded the whole of government and morality in the (enlightened) pursuit of self-interest (Hobbes 1960).

Note, though, that Hutcheson's attack on Mandeville follows 'the Sentiments of the Antient Moralists', and not anything derived from religion or Christianity. We know from the *Vindication* that he thought such attempts were circular or trivial. Of our five philosophers, only Reid made any attempt at a religious foundation of ethics. Hutcheson passed on his fascination with the Greek Stoics to his student Adam Smith, who called him the 'never to be forgotten Doctor Hutcheson' (AS to Dr Archibald Davidson, Nov. 16 1787 in Smith 1987 #287).

## David Hume

The most precious possession of the Royal Society of Edinburgh is a modest manuscript by David Hume, entitled 'My own life', written in April 1776 when he knew he was dying (probably of bowel cancer: for facsimile see Hume 2017). It was published soon afterwards in editions of Hume's *History of England* (Hume 1778/1983). Jefferson first bought a set of Hume's *History* in 1764. That set was destroyed in the Shadwell fire in 1771. His replacement set, which he presented to Congress in 1815, was published in 1790, and contains *My Own Life*. I use it to frame this sub-section. All quotations below except for Hume's 1754 letter to Smith are from the published version, Hume 1776/1987.

Hume explains that he was the younger son of 'a good family, both by father and mother'. However, because of Jefferson's bete noire, primogeniture, he inherited no wealth when his father died. After unsuccessfully trying, at his family's request, first law and then business,

I went over to France, with a view of prosecuting my studies in a country retreat; and I there laid that plan of life, which I have steadily and successfully pursued. I resolved to make a very rigid frugality supply my deficiency of fortune, to maintain unimpaired my independency, and to regard every object as contemptible, except the improvement of my talents in literature.

There he composed his *Treatise of Human Nature* (Hume 1739/1978), which, however,

fell dead-born from the press, without reaching such distinction, as even to excite a murmur among the zealots.

He therefore reworked his philosophy in what he hoped was a more accessible form, publishing it as *Essays Moral and Political* (Hume 1748, first published in 1741); *Enquiry Concerning*

*Human Understanding* (Hume 1777/2007, first published in 1748); and *Enquiry concerning the Principles of Morals* (Hume 1751). What he regarded as his most dangerous work, *Dialogues concerning Natural Religion*, was not published until after his death (Hume 1779). It is not specifically mentioned in *My Own Life*. Jefferson may not have known it directly. He acquired the *Essays* (by bequest from George Wythe in 1806), but not the *Treatise*, neither *Enquiry*, nor the *Dialogues*.

*My own life* continues with Hume explaining that in 1752 he was appointed librarian of the Faculty of Advocates in Edinburgh. It was the best library in Scotland (and now forms the core of the National Library of Scotland). Hume took the job but not the salary, which he arranged for the blind poet Thomas Blacklock to collect (see letter to Adam Smith, Dec. 17 1754, in Smith 1987: #19). Hume explained to Smith that this deprived his many puritanical enemies of an opportunity to evict him from the post (for the alleged sin of buying smutty French books). The library gave him the resources he needed to write his *History of England*, of which he first published a volume covering the period from the accession of James VI and I to the English Civil War:

I expected proportional applause. But miserable was my disappointment: I was assailed by one cry of reproach, disapprobation, and even detestation; English, Scotch, and Irish, Whig and Tory, churchman and sectary, freethinker and religionist, patriot and courtier, united in their rage against the man, who had presumed to shed a generous tear for the fate of Charles I. and the Earl of Strafford

... who were both executed during the War of Three Kingdoms. The following volume, which ran 'from the death of Charles I to the [1688-9] Revolution', was, Hume says, more acceptable to the Whigs. However,

I was so little inclined to yield to their [the Whigs'] senseless clamour, that in above a hundred alterations, which farther study, reading, or reflection engaged me to make in the reigns of the two first Stuarts, I have made all of them invariably to the Tory side. It is ridiculous to consider the English constitution before that period as a regular plan of liberty. (All the above extracts from *My Own Life* are from Hume 1778/1987: xxvii – xxxi).

This passage perhaps suggests why Hume, sitting in his library in Edinburgh, chose to write a history of England, not of Scotland. Pre-1707 Scotland had little to interest him. Even in the weak state and weak church of Scotland, Hume sailed closer to the wind than any of the other four philosophers in this section. He was suspected of atheism from an early date (including by Thomas Reid and his Aberdeen Wise Club). The suspicion sufficed to block him from chairs in both Edinburgh and Glasgow. Especially in the *Essays*, he often, but not always, uses an ironic tone so that the reader cannot be *quite* sure if he means what he is saying.

Hume was a radical skeptic not only on religion but also on knowledge of the external world. Though not directly relevant to Jefferson, this skepticism led all his Enlightenment contemporaries, including Kames, Reid, and Smith, to engage with him.

Henry Home, Lord Kames

Even by the standards of the Scottish Enlightenment, Kames was omnivorous. He was the first Scottish Enlightenment writer whom Jefferson encountered, but as a lawyer before he met him as a philosopher. Born in the Scottish Borders not far from his kinsman David Hume, he did not go to university but trained as a lawyer, qualifying as an advocate in 1723 and becoming a judge in the Court of Session in 1752, when he took the title Lord Kames. Jefferson owned a copy of the



first edition of his most important philosophical work, viz., his *Essays on the Principles of Morality and Natural Religion* (Kames 1751/2005). This edition was published anonymously, but by the time Jefferson bought his copy he knew that the author was ‘Kaims’ as he always called him. Jefferson’s copy has ‘By Henry Home, Lord Kames’ written in another hand on the title page, and several notes made by what scholars recognize to be Jefferson’s immature hand. This solves the minor mystery of how Jefferson could own works by Lord Kames before he became Lord Kames (Sowerby 1952, II: 11). It also shows that it is the first philosophical work of the Scottish school that Jefferson certainly studied.

The young law student in Williamsburg devoured Kames’s earlier legal works, making copious notes both in his Legal Commonplace Book and his Equity Commonplace Book. Law and equity occupied different commonplace books and different chapters in Jefferson’s library catalogs (cf Gilreath and Wilson 1989, front endpaper). The distinction is English, not Scottish, and Kames was trained in Scots law which was closer to the ‘Roman’ or ‘civil’ codified system used in the Netherlands, where Scots lawyers trained, than was English law. But from his detached standpoint Kames produced classifications of both systems. Jefferson owned three copies of his *Principles of Equity* (Kames 1760) and his historical collections of both English cases and commentary (Kames 1758) and of Scottish cases (Kames 1766). (See Sowerby 1952: II, 192-3, 200, 320 for descriptions of Jefferson’s copies of all of these).

Jefferson picked up hints of the Scottish approach to moral philosophy from Kames’s law texts, but his deeper immersion came, still at a young age judging by his handwriting, when he read Kames’s main work of moral philosophy, viz. Kames 1751/2005. Of the Essays that make up the book, Kames writes:

The first ... is designed to illustrate the nature of man, as a social being. The next considers him as the subject of morality..... [In later essays] A plan is prosecuted, in support of the authority of our senses, external and internal; where it is occasionally shown, that our reasonings on some of the most important subjects, rest ultimately on sense and feeling (Kames 2005: 3).

This is the Scottish Enlightenment in a nutshell. The first essay criticizes Locke for grounding human nature in self-love, ignoring that man is a sociable being: “Sympathy is an illustrious principle, which connects persons in society by ties stronger than those of blood” (p. 20). In the second essay, he uses the device of an impartial spectator, which Adam Smith was to explore in far greater depth, to argue that “the beauty and deformity of human actions ... are termed *moral beauty* and *moral deformity*. Hence the *morality* and *immorality* of human actions; founded on a faculty termed the *moral sense* “ (p. 29). He goes on to distinguish his account from those of both Hutcheson and Hume in his view that the moral sense is innate, proceeding from sympathy but being more than sympathy. Justice is a product of innate moral sense, contrary to Hume’s argument in his *Treatise* that it is a convention (p. 46). Kames echoes Hutcheson closely in saying that it is vapid to claim that morality is the will of God (pp 66- 70). He argues that Hume’s view that ‘necessary consequences’ are a purely mental construct “wages war with the common sense of mankind” (p. 187). In his ‘Recapitulation’, Kames adds that “To the sense of beauty, is superadded a sense of obligation, a perception of *right* and *wrong*, which constitutes a law within us” (p. 230).

Kames appears (as ‘Kaims’) in Jefferson’s library catalogues more often than any other Scottish Enlightenment writer. Jefferson had a habit of writing didactic, rather Polonius-like letters to young men whose education he wished to improve. The ‘Skipwith list’ that I use extensively in

this book, comes from one such. Another, and the best known, was addressed from Paris to Jefferson's nephew Peter Carr in 1787. (The effect of the advice was rather weakened by Jefferson losing the letter for a year). Carr was a student at William & Mary under Principal James Madison (cousin of the politician) and George Wythe. Jefferson opens with an actually rather smart recommendation: don't learn Italian as well as French and Spanish because then your brain will get hopelessly confused between Romance languages. (Spoiler alert: mine does. One of Jefferson's best pieces of advice).

He goes on:

Man was destined for society. His morality therefore was to be formed to this object. He was endowed with a sense of right and wrong merely relative to this. This sense is as much a part of his nature as the sense of hearing, seeing, feeling; it is the true foundation of morality, and not the truth, &c., as fanciful writers have imagined. The moral sense, or conscience, is as much a part of man as his leg or arm. It is given to all human beings in a stronger or weaker degree, as force of members is given them in a greater or less degree. It may be strengthened by exercise, as may any particular limb of the body. This sense is submitted indeed in some degree to the guidance of reason; but it is a small stock which is required for this: even a less one than what we call Common sense. State a moral case to a ploughman and a professor. The former will decide it as well, and often better than the latter, because he has not been led astray by artificial rules. (TJ to P. Carr, *PTJ* 12: 15)

This exudes Scottish enlightenment. It reads like a paraphrase of Smith's *Theory of Moral Sentiments* or Reid's *Inquiry into the Human Mind*. But in his booklist for his nephew, Jefferson cites neither Smith nor Reid, but Kames.

## Thomas Reid

Thomas Reid was the leader of the Aberdeen Enlightenment, which took root in that isolated city around its two universities. Born near Aberdeen and educated there throughout, he was introduced as a student both to the English empiricists (including Bacon, Newton, and Locke; he was an accomplished mathematician) and to the ‘Cambridge Platonists’ and their successors who tried to base moral philosophy on deism without hellfire. He became minister of a parish in Aberdeenshire, presented by Kings College (as the Patronage Act allowed), against evangelical opposition. He may not have influenced his parishioners’ hearts and minds much, as he ‘insisted on reading them sermons published by other theologians’ (Wood 2006). In 1751 he became a regent at Kings College, in an obsolescent Scottish system where a regent taught everything to a year group as it moved through the college. In 1758 he founded the Aberdeen Philosophical Society (locally known as the Wise Club; ‘philosophical’ in 18<sup>th</sup>-century Scottish usage still including science, humanities and engineering). The Society was a forum for its members to find a Moderate religious response to the skepticism of David Hume, and to discuss what became Reid’s most important work, *An Inquiry into the Human Mind, on the Principles of Common Sense* (Reid 1764/1997). In the same year he moved to Glasgow, where he succeeded Adam Smith in the chair of moral philosophy. Smith had left in 1763 to tutor a nobleman on the Grand Tour of Europe, but had left behind lecture notes which will be important in our story. In Glasgow, Reid changed the emphasis of the moral philosophy class from Smith’s interest in ethics, law, and economics to a focus on the philosophy of mind (‘pneumatology’ in the language of the time). He remained active into his old age, being a co-founder with Adam Smith and others of the Royal Society of Edinburgh in 1783, and writing the account of Glasgow University which appeared posthumously in Sir John Sinclair’s *Statistical Account of Scotland*.

‘Common Sense’, which gave its name to the school of philosophy founded by Reid, meant much more than common sense. It arose from Reid’s philosophy of mind, which was formed by his long engagement with Hume’s shocking skepticism. Despite Hume’s claim in *My Own Life* that the *Treatise* did not ‘even excite a murmur among the zealots’, the Advertisement to his first *Enquiry* (Hume 1777/2007) reveals that the *Treatise* had actually excited a considerable murmur in Aberdeen and elsewhere. Hume was shocking not only for his (increasingly revealed) atheism, but for his belief that we cannot know anything about physical universe, only about our sensations of the physical universe. Reid worked long and hard on his rebuttal, generously sending his drafts to Hume who responded, also generously. At the heart of Reid’s position was this argument:

How or when I got such first principles, upon which I build all my reasoning, I know not; for I had them before I can remember: but I am sure they are parts of my constitution, and that I cannot throw them off. That our thoughts and sensations must have a subject, which we call ourself, is not therefore an opinion got by reasoning, but a natural principle. That our sensations of touch indicate something external, extended, figured, hard or soft, is not a deduction of reason, but a natural principle. The belief of it, and the very conception of it, are equally parts of our constitution. If we are deceived in it, we are deceived by Him that made us, and there is no remedy. (Reid 1764/1997: 72)

That God made us is also self-evident to Reid, as to many pre-Darwinian scientists including Jefferson. The below is a very clear exposition of what is now labelled the Argument from Design:

Who taught all the muscles that are concerned in sucking, in swallowing our food, in breathing, and in the several natural expulsions, to act their part in such regular order and

exact measure? It was not custom surely. It was that same powerful and wise Being who made the fabric of the human body, and fixed the laws by which the mind operates upon every part of it, so that they may answer the purposes intended by them (Reid 1764/1997: 113)

Common sense philosophy, then, appeals to things that everyone can perceive, and without which the world is unreal or incomprehensible. It is a reply to Hume. Is it connected with Jefferson's best-known text: *We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights?* This idea has appealed to historians of ideas since the possibility of Jefferson's links to the Scottish Enlightenment was first discussed. But we will see shortly that there are gaps in the argument.

#### Adam Smith

The youngest of the five philosophers actually preceded Reid in the Glasgow chair of moral philosophy. Born in Kirkcaldy, a town across the estuary of the Forth from Edinburgh, he led an outwardly uneventful life, although there was a family legend that he was briefly abducted by Gypsies as a toddler. Unusually for an east-coast boy, he went to Glasgow University, where he studied under Hutcheson in the *Vindication* era. He then went on a scholarship for Scottish students to Oxford, which he hated for its Tory and Jacobite tone, and lack of scholarly seriousness. But like Hume in the Advocates' Library, he had the opportunity to read widely in ancient philosophy, literature, and history.

From Oxford Smith returned to Edinburgh where he set up shop as a private lecturer in aesthetics and the philosophy of science. In 1751 he was appointed to the chair of logic in Glasgow, soon moving to that of moral philosophy, in which he stayed until 1763. Like his precursor Hutcheson

he was sponsored by the government manager in Scotland, the Earl of Ilay (who had by then become the 3<sup>rd</sup> duke of Argyll). He then resigned to attend a young Scots aristocrat (the Duke of Buccleuch) and his brother on a grand tour of Europe. In the interim between Smith's departure and Reid's arrival, a deputy continued to lecture from Smith's notes. During the grand tour, Smith met the leading French economists Quesnay and Turgot, and the great literary figure Voltaire.

The tour ended abruptly with the death of the Duke's younger brother. Smith returned to Kirkcaldy, where he spent six solitary years writing what became the *Wealth of Nations* published in 1776. He spent his last years in Edinburgh, with a couple of trips to London. He became Commissioner of Customs for Scotland (where he may have helped the struggling poet Robert Burns by procuring him a job as an exciseman – McLean 2006: 39-44), and advised five government ministers (Charles Townshend, Lord Shelburne, Alexander Wedderburn, William Pitt the Younger, and Henry Dundas) on tax policy and the American colonies (including tax policy *for* the American colonies).

Smith published two great books *The Theory of Moral Sentiments* (TMS 1759, final edition in Smith's lifetime 1790) and *An Inquiry into the Nature and Causes of the Wealth of Nations* (WN 1776). Late in life, he told one of Jefferson's Paris friends that he had

two other great works upon the anvil; the one is a sort of Philosophical History of all the different branches of Literature, of Philosophy, Poetry, and Eloquence; the other is a sort of theory and History of Law and Government' (Smith to La Rochefoucauld, Nov. 1 1785, in Smith (1987): 286-7).

Unfortunately neither ever left the anvil. Smith died in 1790 and his executors burnt his papers at his request, including, we must assume, whatever he had already completed of the two books. However, we know what the law and government book would have said. Two sets of student notes from Smith's last two years in Glasgow have turned up, one in 1895 and the other in 1958. They have been published as Smith 1982b.

Smith's influence on the American Revolution was profound, but not because of his ethical theory – which differed substantially from that of the other three philosophers considered here. Jefferson, for instance, owned no copy of *TMS*. He did own *WN* and commended Smith's work in letters. How could he have known about two sets of lecture notes not discovered until long after his death? Because the custom was that a diligent student would make notes and circulate (perhaps sell) it to his friends. The two extant sets, taken down in successive years, largely corroborate each other. Therefore we have a good idea what Smith actually said. We can be reasonably sure that numerous sets existed, other than the two that have been found. They had at least one careful reader among the American revolutionaries: James Wilson, whom we discuss shortly.

Smith was an active adviser to successive British government from 1767 till 1787. In his view, the 'French and Indian war' of 1756-63 was fought on the western frontier for the colonists' benefit, and it was right that the colonists should pay. As is well known, this advice did not go down well, in Boston or elsewhere. To the colonial cry of 'No taxation without representation', Smith offered some ingenious solutions in his private advice to British ministers (which Jefferson could not have seen), and in the section on the American colonies in *WN*, which Jefferson must have seen:



To propose that Great Britain should voluntarily give up all authority over her colonies, and leave them to elect their own magistrates, to enact their own laws, and to make peace and war as they might think proper, would be to propose such a measure as never was, and never will be adopted, by any nation in the world.... If it was adopted, however, Great Britain would not only be immediately freed from the whole annual expence of the peace establishment of the colonies, but might settle with them such a treaty of commerce as would effectively secure to her a free trade, more advantageous to the great body of the people, though less so to the merchants, than the monopoly which she at present enjoys. (*WN* IV.vii.c.66).

Smith is condescending about the colonists. If they really cared about taxation without representation, he wrote, then give them representation in proportion to the tax they paid:

Instead of piddling for the little prizes which are to be found in what may be called the paltry raffle of colony faction; they might then hope, from the presumption which men naturally have in their own ability and good fortune, to draw some of the great prizes which sometimes come from the wheel of the great state lottery of British politicks. (IV.vii.c.75).

Much of Smith's advice was already out of date when *WN* was published. But the following was not, and it is much more respectful.

Their manners are more republican, and their governments, those of three of the provinces of New England in particular, have hitherto been more republican too.... The colonies owe to the policy of Europe the education and great views of their active and

enterprising founders; and some of the greatest and most important of them owe to it scarce anything else (IV.vii.b.51 and 64).

Few British readers, then or since, seem to have noticed how radical this passage is. The Scot Smith uses 'republican' as a term of praise. Not many British writers apart from the few propagandists for the American Revolution would have done that.

Another section of *WN* discusses religious diversity. Directly arguing with Hume who had said in his *History* (tongue in cheek) that an established church where the state could suppress dangerous doctrines was the best guarantor of social peace, Smith made the exact opposite point.

Almost all religious sects have begun among the common people, from whom they have generally drawn their earliest as well as their most numerous proselytes. The austere system of morality has, accordingly, been adopted by those sects almost constantly, or with very few exceptions.... It was the system by which they could best recommend themselves to that order of people to whom they first proposed their plan of reformation upon what had been before established..... The morals of those little sects, indeed, have frequently been rather disagreeably rigorous and unsocial .... But that zeal must be altogether innocent where the society is divided into two or three hundred, or perhaps into as many thousand small sects, of which no one could be considerable enough to disturb the publick tranquillity. (WN V.i.g).

Smith's ideas on religious diversity had at least one very careful reader in Virginia. James Madison worked with Jefferson on disestablishment of the Anglican church and on the Virginia Declaration of Religious Freedom, a direct precursor of the Religion clauses of the First Amendment. He also reworked Smith's ideas on the free market in religion as a guarantor of

religious liberty into a broader context in what became his most influential writing, the Tenth Federalist Paper. With Jefferson, as usual, things are more elusive, as we will discuss in the final section of this chapter.

### The Scottish Enlightenment and the American Revolution

Scholars have been writing about the Scottish influence on the American Revolution for a long time now. The pioneers were Douglass Adair (1998, 2000: but the contents of both books were written in the 1940s and 1950s) and Garry Wills (1978, 2018). A notable round-up is in Herman (2001). However, recent scholarship has taken Scottish links beyond where Adair or Wills left them.

Adair's *Intellectual Origins of Jeffersonian Democracy* was his Yale doctoral dissertation, written in 1943 but not published until 2000. His title is a deliberate rebuttal of Charles A. Beard's *Economic Interpretation of the Constitution of the United States* (Beard 1919). As a Marxian historian living in the Progressive era, Beard insisted that the Constitution reflected the economic interests of dominant social classes (especially New England merchants and Southern slaveholders). Against Beard, Adair insisted on intellectual origins. They are both right. The Constitution *was* shaped by economic interest (Madison says so, very plainly, in *Federalist* no. 10). But the founding fathers found intellectual justifications for their positions, and may, at least, have believed them. This is certainly true of both Jefferson and Madison. As we show in a later chapter, Jefferson adapted ideas from Condorcet in France to write in 1789 that *The Earth belongs in usufruct to the living*: a doctrine that was very convenient for somebody who was

perpetually in debt due in part to debts he had incurred on his father-in-law's estate (Sloan 1995). But that does not make his adaptation of Condorcet's ideas uninteresting.

Adair's own writings dealt especially, although not only, with Hume (Adair 1998: 132-151). But he also sponsored a special issue in 1954 of the *William & Mary Quarterly* on Scotland and America, which contains three seminal papers on the link (Price 1954; Clive and Bailyn 1954; Robbins 1954).

Wills (1978, 2018) is much more ambitious. He wants to displace John Locke entirely in favour of various Scottish Enlightenment figures, starting with Hutcheson, as the intellectual godfathers of the American Revolution. Unfortunately he goes much too far, entertaining and thought-provoking though his book remains. Comparing the plain text of Jefferson's draft Declaration with Locke's statement makes it hard to deny the link:

Locke: The state of nature has a law of nature to govern it, which obliges every one: and reason, which is that law, teaches all mankind, who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty, or possessions (Locke 1690/1988: 271).

Jefferson: WE hold these Truths to be self-evident: that all Men are created equal; that they are endowed by their creator with inherent and inalienable rights; that among these are life, liberty, & the pursuit of happiness: that to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or abolish it, & to institute new government, laying it's foundation on such

principles, & organizing it's powers in such form, as to them shall seem most likely to effect their safety & happiness .

Jefferson wrote of Locke, Francis Bacon and Sir Isaac Newton,: “I consider them as the three greatest men that have ever lived, without any exception, and as having laid the foundation of those superstructures which have been raised in the Physical and Moral Sciences” (TJ to John Trumbull, Feb. 15, 1789, in *PTJ* 14: 561). In a devastating take-down of Wills, Hamoway (1979) shows that the only Scottish thinker who shared Locke’s view on life, liberty, and property/happiness was Hutcheson. Jefferson frequently mentions Locke and never mentions Hutcheson in his voluminous letters. He could indeed have got some phrases in his draft from Hutcheson, but in this respect, Hutcheson was merely echoing Locke, and Jefferson does cite Locke directly. The Scottish influence on Jefferson was more diffuse.

Nevertheless, the Scottish influence on the American Revolution more generally – from Jefferson’s draft Declaration in 1776 until the ratification of the Constitution by the required nine states in 1790 – was immense. It flowed through multiple channels. For Jefferson it came directly from William Small, and from his reading of Hutcheson, Hume, Kames, and Smith. For Madison, it came from sitting at the feet of John Witherspoon at Princeton, where Madison studied from 1769 to 1772, and from his reading which was as omnivorous as Jefferson’s, and more focused. For another of the most important members of the Constitutional Convention, James Wilson, it came from his own education in St Andrews and (probably) Glasgow, before he emigrated to Philadelphia in 1765.

The collaboration of Jefferson and Madison on the disestablishment of the Anglican church in Virginia began a lifelong friendship. Later, there were some things on which they did not see eye to eye. The draft Constitution of 1787 was one of them. But on religion, I believe they were inseparable. In their writings they both pay homage to a creator God, but neither shows any sign of being religious in a serious sense, nor of deriving his ethical view from the Christian, or any other, religion. (In old age Jefferson claimed to derive it from Jesus Christ, but that is a quite different matter, discussed later). That is the most profound sense in which they were both children of the Scottish Enlightenment. Madison's argument for political pluralism in *Federalist* #10 began as an argument for religious pluralism in the *Memorial and Remonstrance against Religious Assessments*, which he published in 1785 as part of the campaign against church establishment in Virginia:

[E]xperience witnesseth that ecclesiastical establishments, instead of maintaining the purity and efficacy of Religion, have had a contrary operation. During almost fifteen centuries has the legal establishment of Christianity been on trial. What have been its fruits? More or less in all places, pride and indolence in the Clergy, ignorance and servility in the laity, in both, superstition, bigotry and persecution. Enquire of the Teachers of Christianity for the ages in which it appeared in its greatest lustre; those of every sect, point to the ages prior to its incorporation with Civil policy. Propose a restoration of this primitive State in which its Teachers depended on the voluntary rewards of their flocks, many of them predict its downfall. On which Side ought their testimony to have greatest weight, when for or when against their interest? (Madison 1785)

This argument, which is point 7 of Madison's *Memorial*, comes straight from the pages of Adam Smith (not from Hume as claimed by Adair 1957). It rewrites Smith's argument for religious pluralism against Hume's non-serious claim that an established church is necessary for social peace.

The most obvious and direct Scottish influences on the US Constitution and its interpretation come through James Wilson, a delegate from Pennsylvania, Associate Justice of the US Supreme Court, and first professor of constitutional law at the College of Philadelphia, later the University of Pennsylvania. Wilson was educated in Scotland, at St Andrews and probably in Glasgow, before emigrating in 1765, and his arguments throughout the Founding era have a powerful Scottish accent. His Penn law lectures bear a striking resemblance both to Adam Smith's lecture notes and to some of the writing of Thomas Reid. So closely does the structure of Wilson's lectures follow that of Adam Smith's *Lectures on Jurisprudence*, as captured by Smith's students, that it is between plausible and likely that Wilson heard them from Smith or got a copy circulating among his students (Clagett 2012, McLean 2015).

Jefferson, as so often, is more elusive. It would be nice to make a direct link from Reid's *How or when I got such first principles, upon which I build all my reasoning, I know not; for I had them before I can remember*: to Jefferson's *We hold these truths to be self-evident*. But that would be dangerous. Jefferson never owned Reid's book. Reid's concept of self-evidence is about perception of physical objects; Jefferson's is about perception of moral qualities. Jefferson's concept is closer to Smith's 'sympathy' from his *Theory of Moral Sentiments*; TMS) but Jefferson did not own that either, although he recommended it to Robert Skipwith in 1771. One certain link is through William Small, trained in Aberdeen while Reid was there, and likely to have been familiar with *TMS* and/or Smith's law lectures before he left Scotland. However, there

is another, previously overlooked, link through Lord Kames. Jefferson acquired and read his *Essays on Morality and Natural Religion* at a young age. He read and annotated them. Kames engages explicitly with Hutcheson and Hume, and he knew Smith well while Smith was writing the *Theory of Moral Sentiments*. His exposition of an impartial spectator (Kames 2005), although much less developed than Smith's, likely came from their Edinburgh conversations, which must have been quite interesting. . Home, not yet Lord Kames, sponsored the private lectures that Smith gave in Edinburgh before he was appointed to his chairs in Glasgow (Smith 1985: 8). We can be confident that the Declaration of Independence was indeed nurtured in Edinburgh, Glasgow, and Aberdeen.

#### Two seeds of Albion in Jefferson's Virginia

Like other works of great historical sweep, David Hackett Fischer's *Albion's Seed: Four British Folkways in America* (Fischer 1989) has been extravagantly praised and brutally criticised. (For criticism see, e.g., McKinney et al., 1992; for defense, Fischer 1991). Fischer claims that four 'folkways' derived from British migrations dominated socio-cultural life in most of the colonies and the early Republic. He identifies them as:

- 1 Puritans largely from eastern England, supportive of parliament against king Charles I in the War of Three Kingdoms (miscalled the English Civil War), who founded the Massachusetts Bay Colony and whose culture came to dominate the whole of New England;
- 2 'Cavaliers' in the early-settled part of Jefferson's Virginia, viz., the Tidewater of great estates with sea access, fertile lands, and mosquito infestations. They migrated



in a period from the 1640s to the 1670s, having been associated with the defeated royalist side in the War of Three Kingdoms. They were typically younger sons of landed families, forced from their English estates by the rules of primogeniture (which Jefferson opposed long and hard). But they formed the deeply interlocked and intermarried Anglican elite of the Virginia of Jefferson's youth. With them came a number many times larger of indentured servants, whom Fischer locates as being predominantly from central-southern and south-western England. He finds the linguistic origins of white Southern dialects of American English in Thomas Hardy's Wessex.

- 3 Quakers who migrated to their co-religionist William Penn's proprietary colony of Pennsylvania in the 17<sup>th</sup> and 18<sup>th</sup> century and spread around the Delaware Valley (eastern Pennsylvania plus Delaware, parts of Maryland and parts of New Jersey). Although Quakers were a minority of settlers in the area, for decades after the foundation of Pennsylvania they controlled government, culture, and later patterns of migration, e.g., of German speakers from religious traditions to which Quakers were sympathetic. The Amish of Lancaster County and elsewhere are by no means Quakers, but German-speaking Mennonites of which they are an offshoot were Quaker-adjacent.
- 4 People from northern England, lowland Scotland, and Ulster who migrated to the newly settled 'backcountry' from the 1740s to the 1770s. The backcountry –equally broadly but loosely 'Appalachia' - included the western parts of Jefferson's Virginia (including what are now West Virginia and Kentucky), together with what are now eastern Tennessee, western North Carolina, and upland Georgia. Their entry route to

Jefferson's Virginia came from initial landing in Quaker Philadelphia into the uplands (where pacifist Quakers found them useful buffers against hostile Native Americans – Fischer 1989: 633) via the broad Shenandoah Valley that splits Virginia between the Blue Ridge and the Allegheny ranges.

The relevant folkways for this book are nos 2 and 4. No 1 is highly relevant for American history, and it nurtured the Federalist Party, the bitter enemies of Jefferson's Democratic-Republicans between the elections of 1796 and 1808. Folkway #3 is relevant only in so far as the Quakers found the borderlanders a useful buffer to their west.

Using Fischer's typology in this way sidesteps some of the points on which it is most controversial. It has nothing to say about New York City, and little about the southern Carolinas or coastal Georgia. On the other hand, it has a great deal to say about Jefferson's Virginia. Its relevance to this day is obvious to anyone who drives west on US Highway 250 (the historic Three Notch'd Road) from Charlottesville over the Blue Ridge across the Shenandoah. This is true even for readers who might find some of Fischer's claims a bit of a stretch (for instance, he likens the preference of early backcountry settlers for log cabins to their descendants' preference for mobile homes – Fischer 1989: 662). His descriptions of Appalachian clans and clan warfare are nevertheless strikingly echoed by J.D. Vance in his *Hillbilly Elegy* (Vance 2016). Vance credits one of his ancestors, Jim Vance, with starting the feud of the Hatfields and McCoys along the Kentucky – West Virginia border (Vance 2016: 24).

Although some have disputed Fischer's categorization of the Tidewater elite as 'Cavaliers', the claim is solidly based. In the matter most relevant to Jefferson the young politician, the families who dominated the plantations and the legislature believed in the establishment of the Anglican church in Virginia, even though it lacked a colonial bishop. As the settler population further west grew, the Anglican ascendancy formed a smaller and smaller part of the white population, but retained its hold on the levers of power.

Fischer's backcountry people did not wholly hail from Ulster or lowland Scotland, and so the terms 'Scots-Irish' and 'Ulster-Scots', common in US discussion (though much less so in Ulster and not at all in Scotland), do not map perfectly on to the origin of the settlers. But these areas provided the cultural and religious background to the Statute of Virginia for Religious Freedom (Ragosta 2010; McDonnell 2012).

The established church in Scotland after 1689 was Presbyterian. Presbyterianism was one of the two largest denominations in Ulster, although the established church there, as in Virginia, was the Anglican Church of Ireland. As discussed above, the Scottish establishment accepted by William and Mary as a contractual term of ascending the throne of Scotland was embedded in the 1707 Act of Union. But that same Act gave power to the Church of Scotland with one hand and withdrew it with the other. The state moved south and took away the monopoly of force. Church courts could still try to discipline Francis Hutcheson for heresy and Robert Burns for fornication. The first trial failed; the second succeeded; but neither could lead to state punishment. Therefore the philosophers and poets of the Scottish Enlightenment were free to write unhindered.

As noted above, Hutcheson was an Ulsterman, and his first main book, which Jefferson owned from an early date, was published in Dublin. He had noble allies, and his radical views did not seem to trouble the Church of Ireland. (One of their own, Jonathan Swift, was much more savage than Hutcheson: Swift 1729). When he moved to become Professor of Moral Philosophy at his *alma mater* Glasgow University in 1730, he had under the terms of the Act of 1707 to swear his adhesion to the ‘true Protestant Religion’ of the Presbyterian church. Members of the Presbytery of Glasgow accused him of teaching ‘doctrines contrary to religion and morality’ (quoted in Moore 2008). Hutcheson described this as “some whimsical Buffoonery about my Heresy” (to T. Drennan, 1739, in Moore 2008). In the *Vindication of Mr Hutcheson* his students state:

We leave it to all who have heard Mr. Hutcheson’s lectures, to judge whether he is any confederate with Deists, or any Way serves their Cause....

and

He also pleaded for universal Toleration by the State, toward all peaceable Subjects of whatever Religion, Let the Church censure their Opinions as it pleases: and shewed how this is reconcilable with the Magistrate’s Care of religion (*Vindication* 1738).

That this comes not directly from Hutcheson’s writing, but from his students’ defense of his lectures, makes it all the more striking a summary of what the Scottish Enlightenment was about. All of its main thinkers rejected theology as a basis of morality. All of them agreed with Hutcheson that ‘God is good’ is either a meaningless tautology, or a statement that judgment of what is good is independent of whether or not it is ordained by God. None of them supports an

established church or an official theology. All of them worked under a weak church and a weak state (in Hutcheson's case, both in Dublin where he wrote his early philosophical work, then in Glasgow from 1730 until his death in 1746). Hutcheson's students defended him from the charge of deism, but his reasoning is undoubtedly deistic in seeking a source of morality independent of God. David Hume, went much further and rejected religion altogether (only a few decades after the execution of Thomas Aikenhead). However, Jefferson's perception of Hume was distorted by misunderstanding the point of Hume's *History of England*, as we will discuss below (and see Wilson 1989).

Jefferson had two access routes to the Scottish enlightenment. The first, more obvious one, was through his work with William Small and his introduction to Hutcheson, Lord Kames, Thomas Reid, Adam Smith, and David Hume. The more indirect route was through the seed of Albion that dropped in the Shenandoah Valley and further west in Virginia, and led to one of Jefferson's first, and on his own account toughest, political campaigns. He recalled:

The first settlers of this colony [Virginia] were Englishmen, loyal subjects to their king and church, and the grant to Sr. Walter Raleigh contained an express Proviso that their laws "should not be against the true Christian faith, now professed in the church of England." As soon as the state of the colony admitted, it was divided into parishes, in each of which was established a minister of the Anglican church, endowed with a fixed salary, in tobacco, a glebe house and land with the other necessary appendages. To meet these expenses all the inhabitants of the parishes were assessed, whether they were or not, members of the established church. Towards Quakers who came here they were most

cruelly intolerant, driving them from the colony by the severest penalties. In process of time however, other sectarisms were introduced, chiefly of the Presbyterian family; and the established clergy, secure for life in their glebes and salaries, adding to these generally the emoluments of a classical school, found employment enough, in their farms and schoolrooms for the rest of the week, and devoted Sunday only to the edification of their flock, by service, and a sermon at their parish church. Their other pastoral functions were little attended to. Against this inactivity the zeal and industry of sectarian preachers had an open and undisputed field; and by the time of the revolution, a majority of the inhabitants had become dissenters from the established church, but were still obliged to pay contributions to support the Pastors of the minority. This unrighteous compulsion to maintain teachers of what they deemed religious errors was grievously felt during the regal government, and without a hope of relief. But the first republican legislature which met in 76. was crowded with petitions to abolish this spiritual tyranny. (*PTJ: RS 217: 319-20*)

This led to the “severest contests” already mentioned. The ‘sectarisms ... of the Presbyterian family’ were in large part the Scots-Irish in the western part of the state. They came from Scotland, which had an established but not state-supported church, by way of Ireland which, like Virginia, had a minority Anglican church.

There is an odd, but convincing, cultural link between Jefferson and the Ulster-Scots of Appalachia. Jefferson was fascinated by music and enjoyed playing dance tunes on the violin. His youngest son by Sally Hemings, (Thomas) Eston Hemings (Jefferson) (1808-1856), was also

a musician who enjoyed playing dance tunes on the violin. After he settled in Ohio, he played the fiddle for local dances. One of his favorite tunes was remembered as follows:

When he [Eston] with his violin, Graham Bell with his clarionet and Wambaw with the bass viol cut loose, there was only one thing to do, and that was – dance. When they struck up ‘Money Musk’, or ‘Wesson’s Slaughter House,’ he was a chump indeed who could sit by and look on without clinching onto a pretty girl and joining the merry throng. And there was no chance for a mistake in the girl, either, for they were all pretty – at least they looked so then.... Eston Hemings, the Ben Hunter of that day, was a fine looking man, very slightly colored, of large size and said to have been a natural son of Thomas Jefferson, but I never went very much on that story... (Angus Waddle in *Chillicothe Leader* Jan. 26, 1887, reproduced at <https://gettingword.monticello.org/people/eston-hemings-jefferson/#>, accessed Apr 29 2024).

‘Money Musk’ was also one of his father’s favorite tunes, one of the few he copied out (Stanton and Wright 1999: 164; Gordon-Reed 2008: 602-3). But the name got corrupted somewhere in mid-Atlantic. The tune is actually a Strathspey dance tune called *Monymusk*, and it was first published in Scotland in 1775 (see [https://www.scottish-country-dancing-dictionary.com/dance-crib/monymusk.html#google\\_vignette](https://www.scottish-country-dancing-dictionary.com/dance-crib/monymusk.html#google_vignette), accessed Apr 29 2024). Monymusk is a village near Aberdeen, in Protestant north-east Scotland. Like much other Appalachian music, it crossed the Atlantic and came to the ears of Thomas and Eston Jefferson.

In the *Notes on Virginia*, Jefferson calculated its 1782 population to be 567,614, and rapidly increasing. His previous data point was a 'census of tythes' in 1772, recording only 153,000 names. Jefferson accepts that there is, as we would now say, a series break between numbers calculated on incompatible bases. But he also calculates that the population was doubling every 27.5 years (*Notes*, Query VIII.) Jefferson's calculations and trend line were confirmed by the first US census of 1790, which he supervised in his role as Secretary of State. The 1790 census gives the population of Virginia as 747,610 and that of the now-separate Kentucky as 73,677 (US Government 1793). As Jefferson knew, most of the population increase came from immigration, not natural increase; and, since the state had banned slave imports, the immigration was overwhelmingly of white people, mostly to the west of the state. (Hofstra 2004). Of the main towns in the Valley, Winchester was incorporated in 1744; Staunton in 1747; Lexington in 1778. What is now Washington & Lee University in Lexington began life as a Presbyterian academy in 1749, moving to Lexington in 1780 under the title of Liberty Hall.

The Ulster-Scots influence percolated south as well as west of Monticello. Hampden-Sydney College was founded in 1776 about 50 miles south of Charlottesville, its website stating that it:

began as the southernmost representative of the "Log College" form of higher education established by the Scotch-Irish Presbyterians in America, whose academic ideal was the University of Edinburgh, seat of the Scottish Enlightenment.

The first president, at the suggestion of Dr. John Witherspoon, the Scottish president of the College of New Jersey (now Princeton University), chose the name Hampden-Sydney to symbolize devotion to the principles of representative government and full civil and religious freedom which John Hampden (1594-1643) and Algernon Sydney (1622-1683)



had outspokenly supported (Accessible from <https://www.hsc.edu/about-h-sc/history>, accessed Dec. 18 2023).

This was probably a reverse migration. Jefferson's forebears had moved west from the Tidewater to the Piedmont, in which Shadwell and Monticello sit. Acting Governor William Gooch allowed Presbyterians to settle in the Shenandoah Valley in 1738, seeing them as a buffer against Native American rebels further west (Ragosta 2010: 21). After the Presbyterian clergyman Samuel Davies first got a license to preach in Virginia in 1747 (Ragosta 2010: 3, 22-3), Ulster-Scots disciples of Witherspoon could more safely migrate *east* across the Blue Ridge to places like Hampden-Sydney, where new ministers could be trained.

Thus the parts of Virginia whose population was growing fastest were the parts most remote from the state government and state elites. Here is a geographical marker of the starkness of the gap. Jefferson's route to the Shenandoah Valley crosses the Blue Ridge at Rockfish Gap, at an altitude of about 1900 feet. The route had been surveyed in the 1730s and 1740s, partly by Peter Jefferson, and was known as the Three Notch'd Road. The mile markings ran from west to east (Pawlett and Newlon 1976). It was primarily a way for Shenandoah settlers to get to Richmond rather than the reverse. Valley people knew Richmond better than *vice versa*. Perhaps the Virginia elite discovered it for the first time when the Assembly fled from the British in 1781 along the Three Notch'd Road, retreating first from Richmond to Charlottesville, then over Rockfish Gap to Staunton, where they stayed for long enough to begin the censure proceedings against ex-Governor Jefferson. Symbolically, the initial meeting of the trustees for the future University of Virginia was held in 1818 in the Rockfish Gap Tavern (now, alas, gone). It was Jefferson's longest journey from Monticello after his retirement. He went there to press the

claims of Charlottesville against Staunton and Lexington in the Shenandoah Valley – the latter already had a university. He won the argument (Burstein 2012: 227).

So the Anglican elite, including Patrick Henry, did not see Jefferson's and Madison's campaign coming. Virginia was malapportioned, as the back country had far fewer representatives per head of population than the Tidewater. In the late colonial period, the legislators in Williamsburg could safely regard Presbyterians and, even more so, Baptists, as lower-class disturbers of the peace. The Baptist movement emerged from earlier Anabaptists in the Protestant Reformation, but in its English-speaking form was crystallized under John Bunyan (1628-88). Like his contemporary George Fox (1624-91), the best-known founder of the Quakers, Bunyan's nonconformity could flourish after the Parliamentary victory in the War of Three Kingdoms, but was suppressed at the restoration of the monarchy in 1660. His wildly popular book *The Pilgrim's Progress* (Bunyan 2003) was often said to be the second-most commonly found, after the Bible, in people's houses; however, Jefferson does not seem to have owned it. Both Bunyan and Fox endured long spells in jail for unlicensed preaching, as did numerous Baptists in 18<sup>th</sup>-century Virginia. Baptists and Quakers read their bible in their native language, and discarded the parts of Anglicanism for which they could see no biblical authority, such as bishops, and infant baptism. Jefferson would go much further than that, but did not reveal this until much later in life.

Baptists, Quakers, and Presbyterians all believed in the Reformation concept of "the priesthood of all believers". Although Baptists and Presbyterians, unlike Quakers, have ordained ministers, all three denominations believed, and still do, that spiritual and ethical guidance is directly available to any believer without the mediation of a hierarchy of clergy. This idea has inherently

democratic implications, although they were mostly not realized until Jefferson's time and beyond.

However, the immediate springboard for religious freedom in Virginia was the Revolutionary War. To present a united front, and raise an army, the Anglican elite realized that they must make concessions to the Presbyterians and Baptists. This was Jefferson's 'severest contest', and it succeeded in that the Anglican Church was disestablished. In other colonies, the British were able to drive a wedge between Anglicans and dissenters, and ensure that the former became Loyalists (who moved either (back) to Britain or to Canada after the British defeat). In Virginia, the last royal governor, the Scottish earl Lord Dunmore, either failed or did not try. The positions were flipped from those in New England, with the Anglicans the most rebellious Virginians. Dunmore could not handle the Virginia Assembly and made no known overtures to the Presbyterians or Baptists. He did raise a regiment from slaves he promised to emancipate; but many of them died of smallpox (Ragosta 2010; David 2013).

After the British surrender at Yorktown, the need for the Tidewater-dominated legislature to placate the backcountry subsided.