Journal of
Scottish Thought

1495 ABERDEEN UNIVERSITY PRESS

Thomas Jefferson, John Witherspoon, and the Problem of Slavery in the Declaration of Independence

Gideon Mailer
HISTORY, UNIVERSITY OF MINNESOTA
gamailer@d.umn.edu

Abstract

Scottish Enlightenment discussions of historical advancement influenced Thomas Jefferson. Ironically, they complemented his tendency to connect Scottishness with foreignness. That connection underscored the common cause of American independence, including with respect to institutions such as racial slavery. Slavery was said to have remained in the American union as an unfortunate but also unmovable historical legacy of earlier Anglo-Scottish corruption. As a regrettable remnant of their historical mistreatment, enslaved people had become akin to a foreign entity. Consequently, according to Jefferson, they could not necessarily be trusted to support American civic norms after their immediate emancipation. That characterization contributed to the broader intellectual context in which John Witherspoon lived and worked, including his role as a Scottish-born signatory to Jefferson's Declaration of Independence. Witherspoon promoted a greater degree of anti-slavery sentiment than Jefferson and was relatively progressive in his support for biracial higher education. Yet ambiguities and tensions remained in his approach to racial slavery, including his support for gradual rather than immediate emancipation. Witherspoon hoped that his signature on the Declaration of Independence would help uncouple Scottishness from Patriot discussions of historically rooted foreign danger. But it also appeared at the foot of a document that described immediate emancipation as a security threat to American civic life.

'Too much Scoticism! He wants to save his Countrymen, who have behaved most cruelly in this American conflict.'

Ezra Stiles, *The Literary Diary of Ezra Stiles*, 1776

https://doi.org/10.57132/jst.370

In *John Witherspoon's American Revolution* (2016), I traced the relationship between Scottish piety, Enlightenment thought, and political unionism from the 1603 Regal Union through the American Revolution. The book examined the impact of Scottish religious and constitutional ideas in America as Witherspoon moved from Scotland to New Jersey and eventually to the American Congress. It showed how the negotiation of Presbyterian institutional autonomy in the British imperial union is important to understand Witherspoon's eventual support for American independence. In documents such as the 1643 Solemn League and Covenant and the 1647 Westminster Confession of Faith, Scots had defined the unreliability of unregenerate moral perception and their right to preach about conversion. That confessional liberty, Witherspoon eventually concluded, could be guaranteed in an independent American union. He linked the viability of independence to the free promotion of the Westminster Confession of Faith — a similar conception of liberty to that which had once animated Presbyterian support for the new British state in the decades after the 1707 Act of Union.[1] Witherspoon reminded students, readers, and fellow members of Congress that the new American confederation remained composed of fallen individuals who required saving grace for moral action. If its constituents ignored that insight, he warned, it would disintegrate in the same way as the first British Empire in North America.[2]

Witherspoon's Patriot political theology, I have tried to show, also illuminates his contribution to American moral philosophy from the 1770s through the 1790s. Thanks to some statements in his *Lectures on Moral Philosophy*, as well as his role as a Patriot alongside Thomas Jefferson, there are scholars who have wondered if there might be a 'Witherspoon problem' in American intellectual history: a tension defined by the requirement to abandon God-centered Presbyterian evangelicalism in favor of the human-centered Scottish Enlightenment ideas that influenced Jefferson and other Founders. But Witherspoon was not required to abandon his Presbyterian evangelicalism to contribute to the political theology of the American Revolution. He followed Jonathan Edwards before him in using Hutchesonian conceptual terminology to define the moral illumination that was wrought by Divine Grace, including in the way independent Americans were required to mitigate their sin and give thanks to 'the Dominion of Providence over the Passions of Men' – all of which was necessary to validate and then stabilize their newly independent confederation.[3]

The legacy of Witherspoon's ethical philosophy can be traced among students such as Ashbel Green, Samuel Stanhope Smith, and even James Madison. Witherspoon's lectures to them used the moral sensory vocabulary of the Scottish Enlightenment to qualify or even question the notion of innate and common ethical perception; even though some of his students eventually drew human-centered ethical conclusions from the common sensory terminology to which they had been introduced.[4]

---

1 Gideon Mailer, *John Witherspoon's American Revolution* (Chapel Hill, 2016), Chap. 2.

2 Ibid., 222-30.

3 Ibid., 223-8.

4 On the legacy in students such as Smith, see also the essay by Paul K. Helseth in this volume; the essays in Kevin DeYoung, Paul Kjoss Helseth, David P. Smith, eds., *New Perspectives on Old Princeton, 1812–1929* (New York, 2025); and Charles Bradford Bow,

This essay considers how intellectual historians might approach the legacy of Witherspoon's political theology and ethical philosophy, as described above, in relation to the continuation of racial slavery in the new American Republic. *John Witherspoon's American Revolution* ended with the burning steeples of Presbyterian churches during the US Civil War. That vignette confirmed Witherspoon's bleak vision of the propensity for human faction and egoism, which he had delivered seven decades earlier in famous Patriot sermons such as *The Dominion of Providence over the Passions of Men* (May 1776). The vignette was preceded by a series of observations, which suggested that future historians might examine the confounding impact of racial slavery on the broader context in which Witherspoon's theological and philosophical legacy can be traced – including among students whom he mentored, such as James Madison, as well as in comparison with other Founders such as Thomas Jefferson.[5]

Since I published those tentative suggestions, a deeper popular and scholarly reckoning has begun to highlight the unresolved tension between liberty and racial slavery among slaveholders such as Jefferson, as well as the ties to slavery of so many institutional proponents of Enlightenment philosophy and public piety in Scotland and America.[6] As part of this public reckoning, naming committees have begun to consider the statues of Witherspoon that stand on both sides of the Atlantic, and how evidence of slaveholding in his estate during some periods of the early national era ought to correspond to those existing commemorative spaces.[7]

'Reforming Witherspoon's Legacy at Princeton: John Witherspoon, Samuel Stanhope Smith, and James McCosh on Didactic Enlightenment, 1768-1888', *History of European Ideas*, 39 (2013), 657-63.

5 Mailer, *John Witherspoon's American Revolution*, 402.

6 See, for example, Historical Slavery Initiative, University of Glasgow: https://www.gla.ac.uk/explore/historicalslaveryinitiative/; Stephen Mullen, 'British Universities and transatlantic slavery: the University of Glasgow case' *History Workshop Journal*, 91(1), (2021): 210-233; Stephen Mullen, *It Wisnae Us: The Truth About Glasgow and Slavery* (Edinburgh, 2009); Stephen Mullen, 'Acknowledging the legacies of slavery in British universities: slavery, abolition, and the University of Glasgow', in R.R. Thomas (ed.), *Rhetoric, Public Memory, and Campus History* (Liverpool, 2022), 35-60; Martha A. Sandweiss, et al., *The Princeton & Slavery Project: An Exploration of Princeton University's Historical Ties to the Institution of Slavery*, https://slavery.princeton.edu/; Princeton Theological Seminary Announces Plan to Repent for Ties to Slavery, https://gather.ptsem.edu/princeton-theological-seminary-announces-plan-to-repent-for-ties-to-slavery/; https://slavery.ptsem.edu/; University of Virginia Presidents Commission on Slavery and the University, https://slavery.virginia.edu/; Edinburgh Slavery and Colonialism Legacy Review, https://consultationhub.edinburgh.gov.uk/sfc/edinburgh-slavery-and-colonialism-legacy-review-on/consultation/; Felix Waldmann, 'David Hume was a brilliant philosopher but also a racist involved in slavery', *The Scotsman*, 17 July, 2020, https://www.scotsman.com/news/opinion/columnists/david-hume-was-brilliant-philosopher-also-racist-involved-slavery-dr-felix-waldmann-2915908.

7 See, for example, Lesa Redmond, 'John Witherspoon', *Princeton and Slavery Project*, https://slavery.princeton.edu/stories/john-witherspoon; Lesa Redmond, 'Slavery in

Most recently, several scholars have written in opposition to the potential removal or altering of Witherspoon statues to suggest that the only clergyman to sign the Declaration of Independence was relatively forward-looking for his time, at least in comparison to other white men in his broader circle, with respect to the freedom struggles that were led by enslaved Africans and free black people; that he was less problematic than many other Founders, including Jefferson (though any slaveholding is slaveholding, others might counter); that his estate inventory may offer potentially unexamined mitigating evidence; and that his important theological legacy was directly impactful on the abolitionism of people such as John Newton and William Wilberforce.[8]

As these new debates and reckonings continue, the remaining part of this essay traces a line of thought that has developed since I wrote my suggestions at the end of *John Witherspoon's American Revolution*, to offer further speculative insight about how we might approach Witherspoon's association with slavery. It considers how Patriot discussions of Scottish identity from the late 1760s through the 1770s may illuminate the tension between the universal language of liberty in the Declaration of Independence and the continuation of racial slavery among the Founders who contributed to and signed that document.[9]

---

the Witherspoon Family', https://slavery.princeton.edu/stories/slavery-in-the-witherspoon-family; Simon P. Newman, 'John Witherspoon, Princeton University and Runaway Slaves', May 30, 2016: https://runaways.gla.ac.uk/blog/index.php/2016/05/30/john-witherspoon-princeton-university-and-jamie-montgomery/; 'Naming committee continues to evaluate Witherspoon statue proposal', June 22, 2023: https://www.princeton.edu/news/2023/06/22/naming-committee-continues-evaluate-witherspoon-statue-proposal; 'Are we about to tear down a Scottish icon?', *The Herald*, Nov. 20, 2022: https://www.heraldscotland.com/opinion/23137742.tear-scottish-icon/.

8 On the ongoing work to suggest that Witherspoon's inventory, estate, and overall legacy was more positive than many others of his time, see for example the following recent responses to the public reckoning and controversy over Witherspoon statues: Kevin DeYoung, ''John Witherspoon and Slavery', *Theology Today*, 80(4)4 (2024): 355-68; Kevin DeYoung, 'John Witherspoon and Slavery', February 1, 2023: https://clearlyreformed.org/john-witherspoon-president-and-patriot/; Jeffry Morrison, 'Damnatio Memoriae: Princeton's Witherspoon Statue Controversy', February 12, 2023: https://www.thepublicdiscourse.com/2023/02/87446/.

9 On that tension in historiography see for example, Trevor Burnard, 'Empires, the Age of Revolution and Plantation America,' in Robert Aldrich and Kirsten McKenzie (eds), *The Routledge History of Western Empires* (London, 2014), 46-58; Trevor Burnard, 'Slavery and the Causes of the American Revolution in Plantation British America,' in Andrew Shankman, (ed.), *The World of the Revolutionary American Republic: Expansion, Conflict, and the Struggle for a Continent* (New York, 2014), 81-111; Gary Nash, *The Forgotten Fifth: African Americans in the Age of Revolution* (Cambridge, MA, 2006); Robert G. Parkinson, *The Common Cause: Creating Race and Nation in the American Revolution* (Chapel Hill, 2016); Alfred F. Young, *Gregory Nobles, Whose American Revolution was It?: Historians*

More specifically, the essay explores two interrelated themes. Firstly, it considers how Scottish Enlightenment discussions of historical advancement influenced Thomas Jefferson. Ironically, they complemented his tendency to reorient Scottishness as a signifier of foreignness. That definition underscored the 'common cause' of American independence, including with respect to institutions such as racial slavery. Slavery was said to have remained in the American union as an unfortunate but also unmovable historical legacy of earlier Anglo-Scottish corruption. Secondly, that characterization illuminates an often-overlooked aspect of John Witherspoon's contribution to the Declaration of Independence alongside Jefferson: his likely role in campaigning for the removal of the word 'Scotch' from the document. Witherspoon wished to uncouple Scottishness from Patriot discussions of historically rooted foreign danger. Having succeeded in that endeavor, he promoted a greater degree of anti-slavery sentiment than Jefferson and was relatively progressive in his support for biracial higher education. But ambiguities and tensions remained in Witherspoon's approach to racial slavery, including his support for gradual rather than immediate emancipation. They correlate with the broader context in which he lived and worked, including his role as a Scottish-born signatory to the Declaration of Independence.[10]

*****

Some intellectual historians would be comfortable attributing John Witherspoon's response to racial slavery to the wider cultural milieu in which he operated alongside Founders such as Thomas Jefferson. For those who believe that human choice is governed by broader cultural 'discourse', it is pertinent to note that Witherspoon would have conversed with the primary author of the Declaration of Independence before he chose to sign the document. Witherspoon had also previously been exposed to the writings of Jefferson and other Founders on the questions of liberty, slavery, and the British roots of civic corruption. For those who emphasize the discursive power of circulating ideas, these associations would provide sufficient explanatory context for Witherspoon's failure to adopt a radical abolitionist agenda, his support for gradual rather than immediate emancipation, and the enslaved labor of at least one individual that he is thought to have employed at some points on his farm at Tusculum, New Jersey.[11]

Interpret the Founding (New York, 2011), 144-208; Woody Holton, *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia* (Chapel Hill, 1999).

10 Parkinson, *The Common Cause*; Richard H. Lee, *Memoir of the Life of Richard Henry Lee, and His Correspondence with the Most Distinguished Men in America and Europe, Illustrative of Their Characters, and of the Events of the American Revolution* (Philadelphia, 1825), I, 176.

11 Mailer, *John Witherspoon's American Revolution*, 363; Elias Jose Palti, 'The 'Theoretical Revolution' in Intellectual History: From the History of Political Ideas to the History of Political Languages', *History and Theory* 53(3) (2014): 387–405. R. Keith Sawyer, 'A Discourse on Discourse: An Archaeological History of an Intellectual Concept', *Cultural Studies*, 16(3) (2002): 433-56.

The cultural framework that Witherspoon shared with Jefferson and other Founders helps to explain other ambiguities with respect to race and slavery during his tenure as Princeton President. On the one hand, Witherspoon was one of only a few educators to encourage black students to study in bi-racial settings. He personally coordinated the education of two formerly enslaved Africans, John Quamine and Bristol Yamma in 1774, who studied privately under him.[12] On the other hand, the private context for their education suggested their lack of full integration in the College of New Jersey, potentially because of the risk of inspiring rancor from southern trustees of the college as well as its more local population. The two student debating societies in Princeton, the Cliosophic Society formed in 1769 and the American Whig Society formed in 1765, failed to support the immediate abolition of slavery even in principle. In 1793, the Cliosophic Society debated the issue of immediate emancipation and concluded that such an occurrence would not be 'politic'. A 1795 debate defined slavery in America as 'disadvantageous' without offering more formal support for emancipation even in the medium to long term.[13]

These discussions are congruent with another aspect of Witherspoon's intellectual legacy, which was hinted at the end of *John Witherspoon's American Revolution:* its impact on the constitutional theories of his students, most notably James Madison; and how those theories were confounded or even undermined in part by slaveholding in their personal lives and in the American Republic more generally. During a formative period in his life, Madison had lived under Witherspoon's influence. But by the late 1780s, Witherspoon made intellectual decisions about social matters within a constitutional framework that had been devised by his own Princeton student.[14]

In the decades after he had studied Hebrew and divinity under Witherspoon as America's first grad student, Madison gravitated towards a Calvinistic account of subjective moral perception. That moral philosophical development in his thinking, I have suggested, contributed to his conception of the 'genius of the people' in the US Constitution that he helped to draft: a notion that individuals were likely to understand the outside world in differing ways according to their subjective interests and egoism, but that such a human state could become a virtue rather than a defect if it were correctly channeled in a constitutional mechanism. The voice of the 'people' - rather than any sole individual or faction - could be heard if subjective and even selfish interests could be balanced against each other; a multitude of competing identities to allow an overall neutral balance where no identity group held sway.[15]

---

12 See Lolita Buckner Inniss, '"A southern college slipped from its geographical moorings": slavery at Princeton', *Slavery & Abolition*, 39(2) (2019): 236-7.

13 Ibid., 238. See also Alfred L. Brophy, *University, Court, and Slave: Pro-Slavery Thought in Southern Colleges and Courts and the Coming of Civil War* (New York, 2016), 206–8; Charles Richard Williams, *The Cliosophic Society, Princeton University: A Study of Its History in Commemoration of Its Sesquicentennial Anniversary* (Princeton, 1916), 35; Bruce R. Dane, *A Hideous Monster of the Mind*, (Cambridge, MA, 2009), 68–9.

14 Mailer, *John Witherspoon's American Revolution*, 358-61.

15 Ibid.

But as I have also noted: 'Madison forged compromises on the enslavement of men and the representation of slaveholders--what he referred to as "the great division of interests"'. Following the relative silence of the founding generation on the ethics of American slavery, and constitutional compromises such as the three-fifths clause, Madison, and those who followed him into government, would witness conflicts over the expansion of the institution that transcended mere factionalism. The model of a myriad of competing factions was undermined by one faction – supporters of slavery who used racist ideology to maintain the institution – that became outsized in its effect on the constitutional development of the American Republic. The resulting Civil War, we might add, was rooted in the contradictions of those who promoted gradual abolition in theory while maintaining slavery in practice, including in their own estates.[16]

As Witherspoon's former student Madison made deals with southern delegates at the US Constitutional Convention, his mentor also briefly considered the role of slavery in the union. Like many in the northern states, Witherspoon often defined the evolution of universal liberty in the narrow legal sense rather than suggesting an evolving freedom of the ethical will in more general philosophical terms. Witherspoon hinted at his support for the gradual decline of slavery. As a member of a New Jersey legislative committee from late-1789, he shared the vision of gradualists who favored the eventual diminishment of slavery in America without setting out any immediate program of abolition. A generalized fear of immediate emancipation, which he shared with Jefferson, helps to explain these activities and statements. It may also explain why Witherspoon usually followed his earlier Scottish trajectory by focusing on spiritual emancipation from sin rather than civic freedom as a key motif in his sermons and lectures through the 1770s and 1780s. In his public statements away from Princeton during his congressional career, Witherspoon was less supportive of the continuation of slavery in the medium to long term than Jefferson and others. But he was most comfortable accompanying his general moral condemnation of slavery with a gradualist account of its intended abolition.[17]

*****

Yet it is worth considering a different connection between Witherspoon and Jefferson, which illuminates Witherspoon's approach to American identity and racial slavery. Over the last few decades, intellectual historians have noted the influence of the Scottish Enlightenment on the way Jefferson wrote about racial slavery from the 1760s through the 1780s – particularly his conception that slavery stemmed from a corrupt British imposition, but that it could not subsequently be removed without disrupting advanced civic frameworks. That

16 Ibid., 363. For Madison's conception of the 'great division of interests' see Lewis, 'The Three-Fifths Clause', in Finkelman and Kennon, (eds), *Congress and the Emergence of Sectionalism* (Athens, 2008), 19. For Witherspoon at the New Jersey Committee that considered the role of slavery, see L. Gordon Tait, *The Piety of John Witherspoon: Pew, Pulpit, and Public Forum* (Louisville, 2001), 46-7.

17 Mailer, *John Witherspoon's American Revolution*, 363.

conception is also important to understand Witherspoon's role as a Scottish-born signatory to the Declaration of Independence.[18]

Jefferson began to consider the historical development of civil freedom in his *Legal Commonplace Book*, a document that illuminates his later intellectual arguments and *apologia* during the 1770s and 1780s. The compendium of philosophical and legal readings produced during the 1760s illustrates Jefferson's engagement with Lord Kames, the judge, philosopher, writer, founder member of the Philosophical Society of Edinburgh, and much-cited influence on American Founders.[19] Formally known as Henry Home, Kames exemplified a historicist turn in the Scottish Enlightenment. Francis Hutcheson's foundational definition of innate ethical sensibility influenced Kames as he sought to describe the historical development of civil freedom in particular contexts. Those discussions informed Jefferson as he assessed the relationship between Lockean and Scottish moral philosophy during the 1760s.[20]

---

[18] See, for example, Peter S. Onuf and Ari Helo, 'Jefferson, Morality, and the Problem of Slavery', in Peter S. Onuf, *The Mind of Thomas Jefferson* (Charlottesville, 2007), 243-4; Maurizio Valsania, *Nature's Man: Thomas Jefferson's Philosophical Anthropology* (Charlottesville, 2013), 611-12.

[19] In sum, as Ari Helo notes, 'Kames's moral sense distinguished three kinds of qualities of deliberate human action. The qualities comprised first, the agent's intention being right (just); second, the agent's deliberation being fit (morally acceptable); and third, the agent's particular choice of action being meet (effective) in terms of sheer utility.' All the conditions of just motivation, moral acceptability of the chosen means, and their effectiveness had to apply simultaneously. Writing in his *Legal Commonplace Book*, Jefferson followed Kames by noting the error of jurisprudence in Locke's discussion of perpetual servitude, which had failed to note how advanced societal contexts might allow people to cultivate their natural impulses and become more deserving of legal freedom after a time. That intellectual precedent makes it less tendentious to consider Jefferson's discussion of slavery in these drafts and during the era of the Declaration of Independence from the perspective of moral epistemology. See Ari Helo, *Thomas Jefferson's Ethics and the Politics of Human Progress: The Morality of a Slaveholder* (Cambridge, 2014), 67; Lord Kames (Henry Home), *Essays on the Principles of Morality and Natural Religion* (Edinburgh, 1779), 49-52, 57; Valsania, *Nature's Man*, 105; Thomas Jefferson, *Jefferson's Legal Commonplace Book*, eds. David Thomas Konig, Michael P. Zuckert, Les Harris, and W. Bland Whitley (Princeton, 2019), 240; Henry Home (Lord Kames), *Historical Law-Tracts*, 2 vols. (London, 1758-9). Tract 3, 'History of Property'; Jean Yarbrough, *American Virtues: Thomas Jefferson and the Character of a Free People* (Lawrence, 1998), 36-8, 91-3; 'Marginal Note from Thomas Jefferson', in E. Millicent Sowerby, comp., *Catalogue of the Library of Thomas Jefferson*, 5 *vols.* (Charlottesville, 1983), 2:11–12.

[20] To be sure, there were other natural law theorists than Kames who characterized the historicist turn in the Scottish Enlightenment, including William Robertson, Adam Ferguson, Adam Smith, and John Millar. They too were indebted to Hutchesonian moral epistemology. Others, most notably David Hume, critiques aspects of that epistemology while also maintaining an interest in historicism. But I focus on Kames in this essay because he was the Scottish historical theorist who was most influential on Thomas Jefferson and who has

The historical turn in Scottish moral philosophy, particularly the work of Kames, was useful for mainland Scots who wished to define racial slavery as a specifically *English* imposition in the imperial realm, distinct from the more recent influence they had introduced. But it also provided an intellectual framework for those such as Jefferson who distinguished between the virtue of American Patriots and the earlier corruption of English *and* Scottish slave traders. It supplied Jefferson with conceptual terminology to condemn slavery as an immoral British burden in several essays during the early 1770s as well as in early drafts of the Declaration of Independence, which other framers eventually convinced him to remove.[21]

---

in turn received the most attentions from scholars of the American Founding. Kamesian historicism provides the most appropriate influence to consider the fear that foreign elements might undermine developmental civic progress – including as expressed by other Founders including Witherspoon. On Kames's epistemological debt to Hutcheson see Amy M. Schmitter, 'Passions, Affections, Sentiments: Taxonomy and Terminology', in James A. Harris, (ed.), *The Oxford Handbook of British Philosophy in the Eighteenth Century* (New York and Oxford, 2013), 218. On Ferguson, Robertson, and Hume, in addition to Kames, and the Scottish historical approach to understanding the development of human virtue, which adapted Hutchesonian precepts about the cultivation of the moral sense in the optimal historical context, see Iain McDaniel, *Adam Ferguson in the Scottish Enlightenment: The Roman Past and Europe's Future* (Cambridge MA, 2013), 7-8; Tom Pye, 'The Scottish Enlightenment and the Remaking of Modern History', *The Historical Journal*, 66(4) (2023): 746–72 and Tom Pye, *Feudal Mirror: the Scottish Enlightenment and the Reinvention of Modern History* (Cambridge, forthcoming); Stewart J. Brown, 'William Robertson and the Scottish Enlightenment', in Stewart. J. Brown (ed.), *William Robertson and the Expansion of Empire* (Cambridge, 1997), 7–36; K. O'Brien, 'Between Enlightenment and stadial history: William Robertson on the history of Europe', *British Journal for Eighteenth-Century Studies*, 16 (1993): 53-63; Nicholas Phillipson, 'Providence and progress: an introduction to the historical thought of William Robertson', in S. Brown (ed.) *William Robertson and the Expansion of Empire* (Cambridge, 1997), 55-73; Duncan Forbes, *Hume's Philosophical Politics* (Cambridge, 1975); Karen O'Brien, *Narratives of Enlightenment: Cosmopolitan History from Voltaire to Gibbon* (Cambridge, 1997); J. G. A. Pocock, *Barbarism and Religion. Volume Two: Narratives of Civil Government* (Cambridge, 1999), 1– 6; 163–329; Pocock, *Barbarism and Religion. Volume Four: Barbarians, Savages and Empires* (Cambridge, 2005), 229–339; Pocock, 'Perceptions of Modernity in Early Modern Historical Thinking', *Intellectual History Review* 17 (2007): 79–92. For American intellectual historians and the gravitation towards the historicism of Kames, see Alan Gibson, *Interpreting the Founding: Guide to the Enduring Debates Over the Origins and Foundations of the American Republic* (Lawrence, 2006), 100; Ari Helo, *Thomas Jefferson's Ethics and the Politics of Human Progress: The Morality of a Slaveholder* (Cambridge, 2014), 67-8; Onuf and Helo, 'Jefferson, Morality, and the Problem of Slavery', 242-259; Yarbrough, *American Virtues*, xvii; 3, 22-23, 29-34, 36, 46; Allen Jayne, *Jefferson's Declaration of Independence: Origins, Philosophy, and Theology* (Lexington, 1998),44, 62-67; Morton White, *The Philosophy of the American Revolution* (New York, 1978), 61-127.

[21] Jefferson's *A Summary View of the Rights of British America* (1774) and *Declaration of the Causes and Necessity of Taking up Arms* (1775) emphasized the corrupt and foreign

Yet the moral focus of Scottish historicism could also provide an intellectual template to warn against the consequences of immediate emancipation in the United States, counteracting and contradicting inchoate anti-slavery statements. Culturally advanced populations could *gradually* ameliorate the condition of enslaved people thanks to the benevolent sensibility they had developed as free citizens, and which was distinct from the harsh cultural matrix that had earlier been imposed by British slave traders. If enslaved people were suddenly liberated, according to such a reading, they would become a security threat to advanced cultural systems. This was the case because they had not yet been trained to orient their pre-rational sensory moral response to support the highest civic values. The historical constraint of inborn instincts would affect communities long after their legal freedom and unsettle the body politic. Racial slavery, according to Jefferson, stemmed from an unfortunate but also intractable British imposition in America. It could not immediately be removed without undermining more positive aspects of American civic development. The moral sense, and the communitarian duty it could inspire, was only as good as the external framework in which it had been cultivated.[22]

British framework that had introduced slavery to North America. Such a suggestion also appeared in the sections on slavery that Jefferson included in the draft sections of the Declaration of Independence, which were eventually jettisoned in favor of the final document. Whether it was condemned in abstract terms or as an example of English or British imperial corruption, the imposition of racial slavery veered away from the more advanced ethical sensibility of independent Americans – what Onuf and Helo have summarized as a classically Kamesian approach in Jefferson's critique of the impetus for slavery as 'an unfortunate human error in moral reasoning.... a British error of natural jurisprudence'. See Thomas Jefferson, *A Summary View of the Rights of British America* (Williamsburg, 1774), 29; *Declaration of the Causes and Necessity of Taking up Arms*, cited in Parkinson, *The Common Cause*, 124; Appendix C, 'A Declaration', in Maier, *American Scripture*, 237–9; Parkinson, *The Common Cause*, 154, 182, 186; Onuf and Helo, 'Jefferson, Morality, and the Problem of Slavery', 243-4; Valsania, *Nature's Man*, 611-12; Yarbrough, *American Virtues*, 36-8. On Lockean approaches to property as inheritable, including the state of enslaved people as property whose rights had been forfeited in specifically valid contexts, see Jan Ellen Lewis, 'The Problem of Slavery in Southern Discourse', in David Thomas Konig (ed.), *Devising Liberty: Preserving and Creating Freedom in the New American Republic* (Stanford, 1995), 265–97. On the removal of the draft sections that condemned Britain for its immoral introduction of slavery to North America see Onuf and Helo, 'Jefferson, Morality, and the Problem of Slavery', 239; Peter S. Onuf, *Jefferson's Empire: The Language of American Nationhood* (Charlottesville, 2000), 154-6; Garry Wills, *Inventing America: Jefferson's Declaration of Independence* (Garden City, 1978), 66–7; Maier, *American Scripture*, 146–7, 155; Dennis C. Rasmussen, *Fears of a Setting Sun: The Disillusionment of America's Founders* (Princeton, 2022), 163-4; Parkinson, *The Common Cause*, 253; Tyler Stoval, *White Freedom: The Racial History of an Idea* (Princeton, 2021) 5-6, 117-9.

22 Valsania, *Nature's Man*, 611-12; Onuf and Helo, 'Jefferson, Morality, and the Problem of Slavery', 241, 249; Michael P. Zuckert, *The Natural Rights Republic: Studies in the Foundation of the American Political Tradition* (Notre Dame IN, 1996.), 41–55.

Such an intellectual association corroborates what scholars such as Robert Parkinson have more recently shown about the American Revolutionary era: the definition of Britishness as foreign and the increasing tendency to define enslaved people as a dangerous legacy of that external influence. During the 1770s, indeed, Jefferson and others regularly critiqued Scottish-born colonists as Loyalist outliers - the most foreign British elements in America. Moreover, a dual definition of Scots and enslaved people as disruptive and foreign to Patriot culture contributed to the suggestion that the 'Scotch' supported the infamous Dunmore Proclamation. The 1775 edict saw the British Governor of Virginia offer freedom to enslaved people who opposed the Patriot cause. Loyal to the commercial interests of the British Empire, Scots were said to be eager to punish white Virginians for their opposition to Westminster authority.[23] Through the early 1780s, however, anti-Scottish sentiment gradually diminished as Jefferson and other Founders focused solely on the foreignness of enslaved African Americans who remained in the new United States.[24]

But what of Witherspoon, who was always wary that his Scottishness might be associated with foreignness, or at least Loyalism? As he attempted to include Scots in the American body politic during the same critical period, how, if at all, did the redefinition of enslaved people as foreign help that cause?[25]

---

[23] On November 29, 1775, Richard Henry Lee wrote from Philadelphia: 'Lord Dunmore's unparallelled conduct in Virginia has, a few Scotch excepted, united every Man in that large Colony'. An anonymous author wrote from London to the *Pennsylvania Journal* of the danger of 'submission to be slaves to Scotchmen' in the wake of the mischievous British intervention. The dual definition of Scots and enslaved people as disruptive and even foreign to Patriot culture contributed to the suggestion that the 'Scotch' supported the Dunmore Proclamation. See Richard Henry Lee to Catherine Macauley, Philadelphia, Nov. 29, 1775, *LDC*, II, 406, cited in Parkinson, *The Common Cause*, 154; TJ to John Randolph, Nov. 29, TJ to Randolph, November 29, 1775, *PTJ* 1:269. 3; *Pennsylvania Journal*, May 24, 1776, *Pennsylvania Evening Post*, May 25, 1776, *Pennsylvania Gazette*, May 22, 1776, all cited in Parkinson, *The Common Cause*, 230. See also Janet Schaw, *Journal of a Lady of Quality: Being the Narrative of a Journey from Scotland to the West Indies, North Carolina and Portugal, in the Years 1774 to 1776*, (eds) Evangeline Walker Andrews and Charles McLean Andrews (Lincoln, 2005), 199; Parkinson, *The Common Cause*, 106, 154, 182, 186, 230; Robert G. Parkinson, 'Friends and Enemies in the Declaration of Independence', in Johann Neem and Joanne Freeman, eds. *Jeffersonians in Power: The Rhetoric of Opposition Meets the Realities of Governing* (Charlottesville, 2019), Chap. 1.

[24] Parkinson, *The Common Cause*, 240-8; Sidney Kaplan, 'The 'Domestic Insurrections' of the Declaration of Independence', *Journal of Negro History*, 61 (1976), 243–55; Pauline Maier, *American Scripture: Making the Declaration of Independence* (New York, 1997), 69–75. As enslaved African Americans came to replace metropolitan British authority as a dangerous signifier of disruption, Loyalism was more likely to appear among Glasgow traders who visited the South periodically than planters of Scottish descent who lived in the region more permanently.

[25] Witherspoon remained opposed to the Hutchesonian moral philosophy that underlay Kamesian historicism. He was unlikely to have been aware that Jefferson employed a

Unlike the earlier period of the Great Awakening, moral philosophical differences no longer defined overt institutional tensions within American Presbyterian circles, not least because of their broader unity in support of the Patriot cause. Thus, Witherspoon maintained a focus on ministerial guidance and higher education congruent with the culture of the Scottish Enlightenment even as he avoided human-centered claims about individual ethical agency. He became comfortable among Patriot leaders such as Thomas Jefferson even if he did not entirely share their theological or moral philosophical assumptions – including their Kamesian focus on the historical framework needed for the common moral sense to flourish.[26]

Of greater concern to Witherspoon as he entered Jefferson's circle, rather, was the perception that his Scottishness, and that of thousands of others in the American colonies, might be perceived as somehow foreign or disruptive to the cause of American independence. Rather than looking to Kamesian frameworks, Witherspoon was concerned to show the providential role of Scots in the British Union: they increased its virtue through their pietistic duty to Divine Grace, alongside their educational and commercial prowess. By 1776, he accused the mainland British establishment of eschewing those ideals and suggested that Scots living in America could thus transfer their allegiance to the Patriot cause. Rather than representing foreign remnants of British corruption, Scots in America could manifest previous positive aspects of the Anglo-Scottish union, which had subsequently been curtailed on the eastern side of the Atlantic.[27]

As soon as he became President of the College of New Jersey in the late 1760s, Witherspoon worried that his Scottish identity, and Scottishness more generally, would obscure the contribution of Presbyterians to the definition of liberty that had become popular in critiques of British misrule. At first, he tried to show how Scottish American settlers were important members of the British Empire, whose liberties should be respected along with those of other colonists. But by the mid-1770s, he became concerned to show that colonists with Scottish ancestry did not maintain dual loyalty and that they supported the Patriot call for separation from Britain – even while he was also at pains to suggest that independent Americans would share the same universal sin as British subjects when all was said and done.[28]

Thus, in his famous May 1776 sermon on *The Dominion of Providence Over the Passions of Men*, Witherspoon produced a capacious vision of Protestant piety to encompass Patriots of different denominations while also warning them against moral triumphalism in their legitimate grievance with the British state. He also attached another text as an appendix to the

---

Kamesian framework to discuss the evolution of racial slavery in America. But, thanks to their discursive power, such frameworks might still be said to have influenced Witherspoon as he aligned with Jefferson and others in their circle.

26 See William Harrison Taylor, *Unity in Christ and Country: American Presbyterians in the Revolutionary Era, 1758–1801* (Tuscaloosa, 2018); Mailer, *John Witherspoon's American Revolution*, chaps. 6-8.

27 Mailer, *John Witherspoon's American Revolution*, 239–42.

28 Ibid, Chap 6.

sermon in its published form, an 'Address to the Natives of Scotland Residing in America.' By doing so, he underlined his attempt to reconcile Scottish-born colonists with the Patriot movement.[29] But even that maneuver was not enough for other colonists. Ezra Stiles, who would become president of Yale in 1778, wrote in his August 1776 diary entry:

> Dr. Witherspoon . . . published a Sermon preached at Continental Fast in May last: and subjoyned an Address to his Countrymen the Scotch in America to reconcile them to Independency. This he says will be best for G. Britain; and that at the Peace we shall trade with G. Britain as formerly. I doubt. Too much Scoticism! He wants to save his Countrymen, who have behaved most cruelly in this American conflict.[30]

Exposed to such sentiment, it is likely that Witherspoon contributed to the decision to excise the word 'Scotch' from the phrase 'Scotch and foreign mercenaries' in the original draft of the Declaration of Independence. According to R. H. Lee's autobiography, published in Philadelphia in 1825, 'Dr. Witherspoon, the learned president of Nassau Hall College, who was a *Scotchman* by birth, moved to strike out the word '*Scotch*', which was accordingly done'. Unfortunately, there is not much more source material to show us the logistics behind Witherspoon's negotiations at the meetings to draft the Declaration of Independence. It is likely that Witherspoon's personal correspondence on this issue, along with other related material, was destroyed with the rest of his papers as the Battle of Princeton entered his own college offices. Yet Lee's recollection seems more likely in light of Witherspoon's May 1776 *Address to the Natives of Scotland Residing in America*, in which he stated: 'It has given me no little uneasiness to hear the word *Scotch* used as a term of reproach in the American controversy'. Witherspoon's resentment of the use of the term 'Scotch' as a synonym for clannishness or even loyalism was well founded because Scottish-born Presbyterians, many of them devout, often dominated Patriot forces.[31]

---

29 John Witherspoon, 'Address to the Natives of Scotland Residing in America,' in [Green, ed.], *Works of Witherspoon*, III, 48-50

30 Ezra Stiles, *The Literary Diary of Ezra Stiles, D.D., LL.D., President of Yale College*, (ed.) Franklin Bowditch Dexter (New York, 1901), II, 184-5

31 Richard H. Lee, *Memoir of the Life of Richard Henry Lee, and His Correspondence with the Most Distinguished Men in America and Europe, Illustrative of Their Characters, and of the Events of the American Revolution* (Philadelphia, 1825), I, 176; Witherspoon, *Address to the Natives of Scotland Residing in America*, in Green, ed., *Works of Witherspoon*,III, 47. On the destruction of Witherspoon's papers, see *John Witherspoon's American Revolution*, 1-2. On the notion of 'Scotch Butchery' in the British army in America, see Vincent Carretta, *George III and the Satirists from Hogarth to Byron* (Athens GA, 2007), 200-202. On the 'Scottophobic' strand of Patriot ideology, which was influenced by 'Wilkite' English radicalism, see Adam Rounce, '"Stuarts without End": Wilkes, Churchill, and Anti-Scottishness', *Eighteenth-Century Life*, 29(3) (Fall 2005), 20-43; John Brewer, 'The Misfortunes of Lord Bute: A Case-Study in Eighteenth-Century Political Argument and

Witherspoon's anxiety about 'Scotch' identity provides another entry to speculate about his ambiguous response to American slavery. We have noted the early definition of Scots alongside enslaved people as disruptive and even foreign to the Patriot coalition. Witherspoon continually opposed the suggestion that Scottishness was synonymous with Loyalism, whether in relation to the Dunmore Proclamation or any other agenda in the recent history of the Imperial Crisis. Through the revolutionary era, the relatively common conception of Scottish foreignness threatened to repudiate Witherspoon's role as a Patriot, and that of other Scottish Americans. It risked discouraging potential students across the new United States from attending the institution that he presided over, and which had largely been founded by Scottish and Ulster-Scottish Presbyterians.

But even more specifically, it is worth recalling Princeton's special role as an institution with a large southern catchment of students – a catchment that included slaveholding families. As president of the College of New Jersey between 1768 and 1794, Witherspoon was positioned as a minister and an educator in an institution that was unique in its inter-regional appeal: a large minority of students, including the young Madison, came from southern states, and so Witherspoon was able to mentor a generation of Revolutionary statesmen beyond his local New Jersey context on the most politicized and pro-Patriot campus through the 1770s. At the crossroads of civic education, public piety, and Patriot sentiment, it is easy to understand why a Scottish born Presbyterian who had arrived in America less than a decade earlier became the only clergyman to sign the Declaration of Independence. But that inter-regional appeal also shows the sectional pressures on Witherspoon, as he presided over a proportion of a student body with a southern slaveholding background.[32]

Shortly after he moved from Scotland to take up the presidency of Princeton, Witherspoon had set about recruiting students from southern colonies such as Virginia. In 1772, he published an 'Address' to attract Scottish settlers from Jamaica and the West Indies, some of whom had already moved to the institution during previous decades. In both cases, students and personnel with ties to racial slavery were incorporated into the moral philosophical and religious culture of Princeton. Owing to its connection to southern and even Caribbean settlements, the Presbyterian-founded institution thus became associated with the socio-economic interests of slavery.[33]

Despite those southern headwinds, as we have seen, Witherspoon could be relatively progressive in his approach to race, slavery, and biracial education at Princeton. But, having likely helped to convince authors to strike out the word 'Scotch' from the Declaration of

Public Opinion', *Historical Journal*, 16 (1973), 3-43; Colin Kidd, 'North Britishness and the Nature of Eighteenth-Century British Patriotisms,' *ibid.*, 39 (1996), 361-82; Mailer, *John Witherspoon's American Revolution*, 239-42.

32 Ibid., 225-8

33 Witherspoon, 'Address to the Inhabitants of Jamaica, and Other West-India Islands, in Behalf of the College of New Jersey', in Green, ed., *Works of Witherspoon*, IV, 186-7 (originally printed in Philadelphia by William and Thomas Bradford, and then in Pennsylvania Gazette, Oct. 28, 1772 and New-York Gazette, Nov. 16, 1772)

Independence's discussion of foreign danger, Witherspoon was required to sign off on another aspect of what Parkinson describes as its 'common cause': its sharpened focus on the insurrectionary danger of enslaved African Americans as a foreign entity, as distinct to Scottish Americans who were to be considered as loyal independent citizens. Before drafting the Declaration, Jefferson had criticized the historical imposition of slavery as unjust. But the final draft of the document condemned Britain for offering freedom to enslaved people. As an ongoing security threat to American historical advancement, enslaved people remained akin to a foreign entity - a precept that Witherspoon had been required to support as he promoted white Scottish settlers as free Patriots. Witherspoon signed the Declaration of Independence as the Scottish-born leader of Princeton. Many of his college's founders were Scottish and Ulster-Scottish Americans. While proclaiming their Patriot identity, college trustees did not want to lose its southern catchment of students and funders, many of whom were slaveholders.[34]

It will be the task of future historians to consider further details about the association between Scottish identity, Scottish philosophy, and racial slavery during the American Founding, and in the constitutional framework that ultimately came undone during the US Civil War. They might consider how far signing the Declaration of Independence required Witherspoon and others to tacitly – or explicitly – define enslaved populations as an ongoing security threat and as foreign to the US constitution. They might look further to understand the trajectory of Kamesian historicism in the early American Republic; and whether later generations continued to suggest the unfortunate danger of immediate emancipation to American societal development. And, of course, they may also look to other relatively more progressive aspects of Witherspoon's approach to slavery and race, which may allow us to position his legacy with more grace than that which has been afforded to other Founders of his time.

These future avenues of research, by new generations of scholars, might also illuminate moral philosophical and theological tensions that were hinted towards the end of *John Witherspoon's American Revolution*: How it may be fruitful for historians of intellectual and religious history to consider the expansion of slavery during Witherspoon's lifetime; its eventual contribution to the disintegration of the American Union; and how that constitutional collapse was seen to confirm the message that Witherspoon had delivered more than half a century earlier in sermons such as the *Dominion of Providence over the Passions of Men*. The eventual disintegration of the United States due to slavery, after all, can only have confirmed other aspects of Witherspoon's political theology, which focused on the universalism of depravity and the propensity for mutual destruction.

Such moral philosophical tensions, I noted at the end of the book, were hinted when in 1863 New School Presbyterians tried to claim Witherspoon as a moderate rather than an

[34] On Witherspoon's suggestion that the Dunmore Proclamation represented British mischief and perfidy, see Randy J. Sparks, *Where the Negroes are Masters* (Cambridge, 2014), 194; Lolita Buckner Inniss, '"A southern college slipped from its geographical moorings": slavery at Princeton', 238.

evangelical, leading Lyman Atwater to write a long treatise for the *Biblical Repertory* and *Princeton Review* about the man who had died seventy years earlier. Witherspoon, according to Atwater, defined the 'universal corruption and degradation of our race, inasmuch as it is the penalty and effect of Adam's first sin'. Atwater and other Princeton theologians considered Witherspoon's legacy as a proponent of subjective moral perception and of the need for conversion before trustworthy ethical action. That legacy seemed to have been confirmed by the descent of the United States into a second 'Cousin's War' among Christians, which followed the first such event during the American Revolution. Two members of the same union slaughtered each other, supporting Witherspoon's earlier message that he delivered in May 1776, as he watched men begin to butcher one another 'with unrelenting rage' while glorying 'in the deed' - seeming, again, as I noted in my earlier book, to undermine the idea of a commonly benevolent moral sensibility, which had been proposed by Scottish Enlightenment philosophers.[35]

[35] Lyman Atwater, 'Witherspoon's Theology', *Biblical Repertory and Princeton Review*, 25 (1863), 596-610; Mailer, *John Witherspoon's American Revolution*, 402. On the disputed legacy of Witherspoon in this affair, see Mark A. Noll, *America's God* (New York, 2005), 125.